DISTRICT COURT, SAGUACHE COUNTY STATE OF COLORADO 501 4th St. Saguache, CO 81149	DATE FILED December 9, 2025 2:29 PM FILING ID: E276A6F8B4F8A CASE NUMBER: 2025CV30033
Plaintiff: COLORADO LEGAL SERVICES, INC., a Colorado nonprofit corporation v. **Defendants:** SOUTHERN COLORADO FARMS, LLC; and JVKS HARVEST SOLUTIONS, LLC d/b/a AGSOCIO	FOR COURT USE ONLY
Attorneys for Colorado Legal Services, Inc.: Jenifer Rodriguez (Atty. No. 28953) Deanna Tamborelli (Atty. No. 55315) Farm Worker Rights Division Colorado Legal Services, 1560 Broadway, Suite 1100 Denver, CO 80202 (303) 866-9366 jrodriguez@colegalserv.org dtamborelli@colegalserv.org Kelsey Eberly, *PHV application forthcoming* Nathan Leys, *PHV application forthcoming* 712 H St. NE, Suite 2534 Washington, D.C. 20002 (202) 595-8816 kelsey@farmstand.org nathan@farmstand.org	Case No.: 2025CV_____ Division: _____ Courtroom: _____
COMPLAINT	

1. This lawsuit seeks to uphold the rights of Colorado Legal Services, Inc. ("CLS") to meet with agricultural workers at their employer-provided housing without employer interference or retaliation.

2. CLS seeks to serve the otherwise unmet legal needs of vulnerable agricultural workers, including the hundreds of foreign workers who are brought to Colorado on temporary agricultural visas for several months each year to tend and harvest vegetables for Defendant Southern Colorado Farms, LLC, and its farm labor contractor, Defendant JVKS Harvest Solutions d/b/a AgSocio ("AgSocio").

3. Defendants house the migrant agricultural workers they recruit in a labor camp Defendants operate in or near Center, Colorado, which consists of four buildings in a dirt yard behind a razor-wire fence (the "Camp").

4. For years, CLS has visited the workers living at this labor camp each growing season. CLS visits the workers after working hours. During these visits, CLS informs workers about the services CLS provides and shares with them information about their legal rights and protections. CLS also, upon request, refers agricultural workers to key services for basic and essential needs that have historically gone unmet.

5. Meeting with Colorado's agricultural workers at their housing is essential to CLS's mission to provide meaningful access to high-quality civil legal services in the pursuit of justice for as many low-income persons and members of vulnerable populations throughout Colorado as possible. Colorado's agricultural workers are often economically, culturally, and geographically isolated. Most speak Spanish, but reside in rural areas where it is difficult to find services in a language other than English. Many are in the area for short periods of time, thousands of miles from home, and are reliant on their employers for transportation and access to necessary services.

6. CLS provides these workers specialized legal services. Due to the nature of those services, protecting the privacy and confidentiality of those who seek these services is vital. For this reason, CLS usually visits with agricultural workers after their workday, at their place of residence.

7. Colorado law recognizes agricultural workers' right to receive visitors at their housing and prohibits employers from interfering with that access or retaliating against workers or their advocates. Yet, for years, CLS has faced interference and retaliation by Southern Colorado Farms and its labor contractors when attempting to meet and speak with workers at Defendants' labor camp.

8. Defendants' obstruction has taken various forms: camp bosses following CLS staff around as they speak with workers; bosses running CLS interns off the property or refusing access to CLS staff and interns; bosses erroneously insisting CLS staff need permission to visit, thereby consuming CLS staff's time and attention during the visits; bosses using their physical presence to intimidate workers from speaking freely with CLS staff; posting cameras throughout the camp and either audiorecording inside the camp or leading workers to believe their conversations with CLS staff are being listened to; and taking pictures and videos of CLS staff and their vehicles as they go about their visits.

9. Under a landmark agricultural worker rights bill passed in 2021, Colorado law provides remedies for these kinds of interference and retaliation. CLS seeks declaratory relief affirming its rights to visit workers at the Camp free from interference and retaliation by the employer, statutory damages to be returned to affected workers, and an order enjoining Defendants from continuing to violate the housing access and anti-retaliation provisions of the 2021 law.

JURISDICTION AND VENUE

10. This action arises under C.R.S. §§ 8-13.5-202, 8-13.5-204(1)(a), and 8-2-206(3). This Court has subject-matter jurisdiction under C.R.S. §§ 8-13.5-204(1)(a), 8-13.5-204(2), and 8-2-206(3)(c)(I).

11. This Court has personal jurisdiction over the Defendants under C.R.S. § 13-1-124(1)(a) and (c).

12. Venue is proper in this Court because one or more of the Defendants resides within Saguache County. *See* Colo. R. Civ. P. 98(c)(1).

PARTIES

13. Plaintiff CLS is a nonprofit legal services organization that provides free legal services to vulnerable Coloradans. CLS's primary address is 1905 N. Sherman St., Suite 400, Denver, CO 80203.[1]

14. Since approximately 1969, CLS's Farm Worker Rights Division ("FWRD")—previously referred to as the Migrant Farm Worker Division—has served agricultural workers who work in Colorado's fields, orchards, dairies, ranches, and farms, and on the range, including in the San Luis Valley.[2]

15. The FWRD provides comprehensive legal services to agricultural workers on a variety of legal issues, including addressing wage theft, workplace safety, civil rights (including human trafficking and sexual harassment), and certain immigration issues (humanitarian visas and naturalization). CLS also provides, upon request, referrals for agricultural workers to service providers who can assist them with basic needs including healthcare; childcare; education services; and assistance in obtaining critical documents such as social security cards, drivers' licenses, and replacement identification documents.

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[1] As of December 19, 2025, CLS's primary address will be 1560 Broadway, Suite 1100, Denver, CO 80202.

[2] In 1999, Colorado Legal Services was formed as a result of a merger between Colorado Rural Legal Services, Legal Aid Society of Metropolitan Denver, and Pikes Peak Arkansas River Legal Aid. Prior to the merger, the Migrant Farm Worker Division was associated with Colorado Rural Legal Services.

16. CLS serves these agricultural workers through a specialized program funded by Congress specifically to meet the legal needs of this vulnerable population. Nearly 50 years ago, the Legal Services Corporation completed a study that identified special barriers to access to justice for migrant and seasonal farm workers, among other groups. Congress thus established specialized programs including targeted outreach designed to provide migrant agricultural workers access to justice.

17. CLS's FWRD is the specialized program Congress funds to meet the legal needs of migrant agricultural workers in Colorado. CLS staff travel throughout the State each growing season visiting and serving agricultural workers.

18. Defendant Southern Colorado Farms, LLC ("Southern Colorado Farms") is a division of JV Smith Companies, a produce company based in Yuma, Arizona. Defendant Southern Colorado Farms's principal office address is 55 N. Torres St., Center, CO 81125. Defendant Southern Colorado Farms, LLC's general manager is Amy Kunugi.

19. Defendant Southern Colorado Farms operates a farm in Center, Colorado and employs individuals directly and contracts for employees who perform agricultural labor at its farm and reside at its labor camp located at 1075 S. Wills St., Center, CO 81125.

20. Defendant AgSocio is a Salinas, California-based company. AgSocio is a farm-labor contractor, or FLC, that performs much of the day-to-day oversight of the laborers at Southern Colorado Farms, including the operations of the labor camp where the laborers reside throughout their employment.[3]

21. AgSocio has operated as the FLC of Southern Colorado Farms since the 2023 growing season. At all times relevant during the 2023, 2024, and 2025 growing seasons, AgSocio was acting as an agent of Southern Colorado Farms.

22. Upon information and belief, Defendant AgSocio has not filed a statement of foreign entity authority with the Secretary of State's office pursuant to C.R.S. § 7-90-801(1).

23. Defendant AgSocio is an FLC registered with the State of Colorado pursuant to C.R.S. §§ 8-4-115 to -119 and related statutes.

24. Defendant AgSocio's principal address is 440 Airport Blvd., Salinas, CA 93905. Its registered agent in California is Matthew Rogers, at the same address.

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[3] Federal law generally refers to "Farm Labor Contractors." *See, e.g.*, 29 U.S.C. § 1811; 29 C.F.R. § 500.60. Colorado law refers to "Field Labor Contractors." *See, e.g.*, C.R.S. § 8-4-115. This minor difference in wording and the different application processes for federal and state regulatory purposes have no significance to this case, and Plaintiff herein uses the acronym "FLC" to refer to both terms.

FACTUAL BACKGROUND

25. Defendant Southern Colorado Farms's labor camp has housed agricultural workers since at least 2000. In the years prior to contracting with Defendant AgSocio in 2023, Defendant Southern Colorado Farms hired various other FLCs who would bring agricultural laborers to work the fields and reside at the Camp.

26. The following is a satellite photograph indicating the layout of the Camp at all relevant times. The Camp is outlined in red. The two parallel buildings labeled as (A) and (B) are used for worker housing. Building A contains toilet and shower facilities; building (B) also contains a mess hall. The building labeled as (C) includes additional worker housing and bathroom facilities. The building containing clothes-washing facilities is labeled as (D). The gate is marked (E).

27. A chain-link fence topped with razor wire surrounds the Camp. The entrance and exit to the Camp are via the gate at its northeast corner, which is also topped with razor wire, as shown in the following July 2022 photograph:

28. The Camp is seasonal; during the growing season (which lasts approximately from mid-May to mid-October), hundreds of workers reside there while they grow and tend labor-intensive vegetables including carrots and beets.

29. Since approximately 2017, most, if not all, of the workers residing at the Camp have been Mexican nationals, present in the United States on visas for temporary or seasonal agricultural employment through the H-2A program. Defendant Southern Colorado Farms and the various FLCs it has hired in recent years have utilized this program to acquire a steady supply of agricultural workers.

30. Workers on H-2A visas, like those residing at the Camp, are vulnerable to employer exploitation. Not only do they live in the Camp without transportation of their own, but most have few, if any, ties to the surrounding community, and most do not speak English.

31. Employers like Southern Colorado Farms may bring in temporary foreign workers under the H-2A program only if they prove to the U.S. Department of Labor that there are not enough U.S. workers to fill the jobs and that employing the temporary workers will not adversely affect the wages and working conditions of U.S. workers who are similarly employed. *See* 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1188(a)(1). If the Department of Labor finds these criteria met, the employer can recruit foreign workers.

32. However, these workers are only authorized to work for the specific employer who petitioned for their visas. And, once in the United States, their lawful presence in the country is tied to the specific contract for that specific employer. This precarity and dependence on a single employer have made temporary foreign agricultural workers particularly susceptible to abusive and unfair treatment by unscrupulous employers and FLCs, heightening the need for outreach by CLS and other service providers.

The Camp's History

33. The labor camps in Center, Colorado have played a storied role in the agricultural labor movement.

34. During the historic Salad Bowl strikes in the 1970s, lettuce-picker and -packer employees of the Mel Finerman Company—then operating a labor camp near the site Defendants run today—eventually won a wage increase and other gains. As part of these efforts, the United Farm Workers fought to gain access to the camp to meet with workers, filing a federal lawsuit that resulted in an order recognizing the group's First Amendment right to speak with migrant farm workers at the camp and barring the grower from blocking access. *See UFW v. Mel Finerman Co.*, 364 F. Supp. 326 (D. Colo. 1973).

35. In more recent years, Defendants' Camp has exemplified the need for improved protections for farm workers.

36. As detailed further below, in 2021, the Legislature passed S.B. 21-87, a bill with the explicit goal of ensuring agricultural workers receive the same basic protections as other workers in Colorado, including the right to unionize and receive overtime pay, mandated rest and meal breaks, protections from heat illness, and, as relevant here, the right to receive visitors at workers' housing free from interference by their employer and protections against employer retaliation.

37. During legislative testimony on S.B. 21-87, a service provider recounted receiving a call from an agricultural worker residing at the Camp who was covered in hives and had swollen wrists. The worker told the testifying service provider that he wanted medical attention, but that he was unable to leave because of his employer's restrictions on how and when workers could leave the Camp. The service provider testified that the man was afraid to leave the Camp to seek medical care, but that she was able to drive him to an urgent care clinic in a town 30 miles away.

38. The service provider testified that this worker feared leaving the Camp to seek medical attention because, like fellow workers there, he was afraid of losing his job and, with it, his permission to work in the United States and his ability to support his family.

39. That same service provider also testified she learned that the Camp was not providing the workers enough food and that the employer's rules restricted their ability to leave the Camp to buy more food to bring back to their housing. She testified that the few workers who were allowed to leave each day were only allowed to bring in one backpack of food each.

40. After hearing this and other testimony about agricultural workers' vulnerability to employer mistreatment, the General Assembly passed the landmark protections found in S.B. 21-87.

41. Over the years it has been visiting the Camp, CLS has received persistent complaints about the amount of food at the Camp. For example, in recent years, CLS learned that some community members were tossing bags of food over the razor-wire fence surrounding the Camp so that workers could have enough to eat.

42. CLS also received reports of workers' movement in and out of the Camp being tightly controlled through the use of designated pieces of clothing—green hats. Specifically, at the height of the COVID-19 pandemic, CLS learned that Southern Colorado Farms and its then-FLC provided the hundreds of workers in the Camp two or three green hats, and allowed them to leave the Camp only if they were wearing one of the hats. As a result of this infantilizing and degrading policy, CLS received reports that children in area schools were being mocked by peers if they wore a green hat.

43. Finally, in the recent past, CLS received reports that when mobile health clinics visited the Camp to provide medical care to the workers after working hours, representatives of Defendant Southern Colorado Farms insisted on being stationed inside the mobile clinic while the workers received medical treatment.

CLS Has Long Sought to Provide Services to the Workers at the Camp

44. Because of the foregoing history of reported issues at the Camp, CLS tries to visit with agricultural workers living there several times per growing season. This includes visits each year since the passage of S.B. 21-87.

45. During CLS's long history visiting workers at the Camp, Defendants' employees or agents have interrupted CLS's conversations with workers, stood near and eavesdropped on these conversations, demanded that CLS request preclearance to meet with workers, photographed CLS staff and their vehicles, and forced CLS interns to leave the camp before completing their visits with farm workers living there.

46. CLS's female staff members have faced particular hostility; on at least two occasions, Southern Colorado Farms's agents or representatives have suggested female CLS staff members are sex workers rather than legal professionals.

47. This interference continued even after the Legislature passed S.B. 21-87. The next growing season, in 2022, two CLS staff along with three representatives from the Colorado Department of Labor and Employment ("CDLE") and a service provider prepared to visit workers at the Camp to provide information about the new protections under the law and to share resources. Prior to entering the Camp, another service provider informed CLS staff that she had been denied access to the Camp to speak with workers several times already that year.

48. When the group entered the Camp and began speaking to workers, agents of Southern Colorado Farms and its then-FLC almost immediately interrupted and attempted to make the CLS staff, CDLE representatives, and the other service provider leave the property.

49. Specifically, an FLC agent approached, interrupted a conversation between a CLS staff member and workers, demanded the CLS staff member identify themselves, and told the staff member that they were supposed to have checked in or called ahead of time.

50. As CLS staff continued to attempt to speak with workers, the CLS staff member was then interrupted by a different FLC agent, named Mr. Pacheco, who began repeating the same legally incorrect position—that CLS is required to seek and receive preclearance from an employer before attempting to meet with workers.

51. Mr. Pacheco held firm in his position, despite a CLS staff member showing him a print-out of the state statute which prohibits employer interference with visitors' reasonable access to employee housing, and despite CDLE representatives standing within earshot.

52. Rather than speak with workers at the Camp, that CLS staff member was then compelled to speak on the phone with Mr. Pacheco's supervisor in California. The supervisor reiterated that CLS needed permission to speak with workers at their housing, notwithstanding the plain text of the law to the contrary.

53. After this phone call with Mr. Pacheco's supervisor ended, the CLS staff member went back to speak with workers. But having witnessed these interactions, the workers were reluctant to speak with CLS staff.

54. The other CLS staff member present on this trip observed that workers were afraid to speak with CLS while Mr. Pacheco was in sight, and were willing to do so only after he walked away. One of the workers told this CLS staff member, in Spanish, that the FLC representatives would "probably run you off" the property.

55. Throughout the rest of the visit, the FLC agents continued to watch CLS staff as they attempted to speak with workers. As the CLS staff were leaving, the FLC representatives photographed them and their cars.

56. Similar interference occurred the following year. In July 2023, a CLS intern visited Defendants' Camp, together with a representative from the Mexican Consulate.

57. During this visit, as before, Defendants' agent (incorrectly) informed the CLS intern that CLS needed to make an appointment with management prior to meeting with workers.

58. As the CLS intern sought to converse with workers, Defendants' representatives stood alongside and eavesdropped on the conversations, which made open, frank, and confidential conversation with the workers impossible.

The 2024 Visit

59. In June 2024, two CLS staff again visited Defendants' Camp.

60. As CLS staff were speaking with workers near the housing, several workers pointed out cameras attached to the housing and indicated that the bosses were listening.

61. CLS staff observed that the workers' belief that Defendants were listening to their conversations through these cameras made the workers reluctant to speak with CLS staff.

62. Upon information and belief, the only reason Defendants' representatives did not personally confront CLS staff during the 2024 visit is that CLS staff happened to arrive during the exact time when Defendants' representatives were eating, showering, or were otherwise occupied.

63. Shortly after that visit, a representative of AgSocio attempted to contact CLS through an intermediary to stress to CLS that Defendants require visitors to check in before meeting with workers at their housing.

The June 2025 Visit

64. In June 2025, three CLS staff (two attorneys and a paralegal) and one of CLS's outside counsel visited Defendants' Camp.

65. Like clockwork, within 15 minutes of CLS staff arriving, a white Chevrolet vehicle appeared at the Camp gate, entered the Camp, and pulled up to CLS staff while they were conversing with workers at the doorway of the workers' housing. The woman driving the vehicle, who is an employee of AgSocio, incorrectly told the CLS staff they were not permitted to be there because the workers' housing was private property.

66. A CLS staff member was forced to take time to explain to the AgSocio representative that CLS is permitted by law to visit with workers at their housing and that it is unlawful for the employer to interfere with the workers' visitors. This interruption interfered with that staff member's ability to visit with workers at their housing.

67. Once that CLS staff member explained to the AgSocio representative that state law allows the workers, not the employers, to choose their visitors at their housing, the AgSocio representative then called her supervisor, Jose Vasquez, an employee of AgSocio, and put him on speakerphone.

68. Vasquez demanded to know whom he was speaking with, and, unprompted, asked if the CLS staff member was "Kiara," the name of a different CLS employee. Thus, Vasquez was aware of CLS's identity when he chose to interfere with CLS's access to workers at their housing.

69. Vasquez told the CLS staff member that CLS must "check in" and that AgSocio would permit CLS to meet with workers at a designated time in the Camp's cafeteria, but not at the workers' housing. The CLS staff member explained that because CLS provides legal services, they must be able to have conversations with workers outside the employer's control. The CLS staff member explained that a company-controlled environment like a cafeteria would not permit the kinds of conversations necessary for CLS's work, and that state law specifically prohibits employers from interfering with workers and their visitors at the workers' housing.

70. Vasquez stated that Defendants required CLS to meet with workers only in the cafeteria, rather than at workers' housing, for the "safety" of CLS staff. When the CLS staff member inquired who might be a danger to their safety, Vasquez did not answer. Vasquez's allusions to "safety" were at best a pretext to exert unlawful control over CLS's access to workers and interfere with CLS's ability to meet with workers at their housing, and at worst an implicit threat to CLS staff exercising their statutory rights to visit worker housing.

71. Eventually, when it became clear to Vasquez that CLS would not accede to his unlawful demands to allow Defendants to control CLS's access to workers at their housing, Vasquez stated he would be calling someone higher up in the company and terminated the call with CLS. After this call ended, the CLS staff member who had been forced to engage with AgSocio resumed visiting with workers at their housing.

72. Workers who witnessed this exchange thereafter appeared visibly nervous and unwilling to engage with CLS staff in view of the AgSocio representative who had initially confronted CLS staff, who remained on-site for the remainder of CLS's visit. In contrast, workers who did not directly witness this exchange and were not within the AgSocio representative's line-of-sight appeared more open and eager to speak with CLS staff. Defendants' decision to publicly confront visitors exercising their statutory rights to access worker housing thus further impeded CLS's reasonable access to workers at their housing.

The July 2025 Visit

73. In July 2025, two CLS attorneys and a CLS legal intern visited the Camp.

74. Upon arriving, the CLS attorneys began speaking with three workers at the workers' housing.

75. Almost immediately, a representative of AgSocio arrived and interrupted CLS's conversation with the workers.

76. The AgSocio representative demanded that CLS staff sign in with AgSocio upon entering the camp, claiming that it is necessary to do so in case of an emergency, like an earthquake.

77. Defendants' Camp is not located in an especially seismically active area, and dangerous earthquakes in the San Luis Valley are rare. Upon information and belief, the "earthquake" rationale was a pretext intended to allow Defendants unlawfully to monitor and control visits to worker housing.

78. The CLS attorneys informed the AgSocio representative that under state law, they did not have to sign in with an employer or employer's representative prior to visiting workers at their housing. Upon being so informed, the AgSocio representative left.

79. The three workers with whom the CLS attorneys had been conversing witnessed the AgSocio representative confronting the CLS attorneys. After the representative left, the workers froze up and were reluctant to continue speaking with the CLS attorneys. Defendants' tactics of interfering with visits to workers at their housing thus chilled the kind of communication which state law exists to protect.

Future Visits

80. CLS intends to continue meeting with workers at their employer-provided housing at Defendants' Camp in future years. Given CLS's long history of experience with Defendants' interference with its efforts to meet with workers at the Camp and Defendants' longstanding policy and practice of requiring visitors to seek management approval and make appointments before coming to the Camp and meeting with workers at their housing, Defendants are likely to interfere unlawfully with CLS's future outreach trips.

81. That Defendants' future interference may be more subtle does not make it any less violative of CLS's and the workers' rights. As CLS has seen, using technology or physical proximity to monitor workers who converse with CLS staff and make workers feel they are being watched can limit workers' autonomy and ability to meaningfully receive visitors and access services as effectively as razor-wire fences and threatening signs.

82. CLS is also aware that Defendants have thwarted or limited other service providers' efforts to meet with workers at the Camp, which demonstrates the likelihood that absent judicial intervention, CLS (and these other service providers) will suffer future interference with their outreach to workers at the Camp. Indeed, to minimize conflict and confrontation with Defendants' agents, CLS has seen other service providers adjust their practices and comply with

Defendants' unlawful rules about when and how they can visit workers at the Camp to avoid retaliatory acts against their agencies and the workers they seek to serve.

83. CLS refuses to accede to Defendants' unlawful policies and practices interfering with employees' right to receive guests at their housing, not only because doing so could compromise the confidentiality of privileged attorney-client communications, but also because allowing Defendants—or any other employer—to control when and how workers meet with visitors and access basic services is unlawful, invades agricultural workers' privacy, and impairs workers' autonomy and dignity.

LEGAL BACKGROUND

84. As noted above, Colorado's farm workers and range workers have long been among the State's most vulnerable and exploited laborers. Responding to these concerns, in 2021, the Colorado Legislature passed and the Governor signed into law S.B. 21-87. *See* 2021 Colo. Legis. Serv. Ch. 337 (S.B. 21-087) (West). The following are among its provisions.

A. *Access to Worker Housing*

85. Many of Colorado's agricultural workers live in housing on large tracts of employer property in remote, rural areas. Workers living in such housing are often dependent on their employer for the necessities of life, including access to food and medical care.

86. People trying to provide services to agricultural workers—such as promotoras,[4] clergy, government officials, and legal service providers like CLS—have long sought to meet with workers at their housing, outside of work hours and away from the worksite. But over the years, agricultural employers have frequently interfered with such efforts. In CLS's experience, such interference can range from locked gates to direct confrontations with armed representatives of the employer.

87. To prevent these kinds of interference with agricultural workers' right to receive guests at their housing and the reciprocal right of these guests to travel to worker housing and request to speak with workers, S.B. 21-87 established the following protections:

88. C.R.S. § 8-13.5-202(1)(a) provides: "An employer shall not interfere with an agricultural worker's reasonable access to visitors at the agricultural worker's employer-provided housing during any time when the agricultural worker is present at such housing."

[4] Promotores de salud, or promotoras, are community health workers who work in collaboration with agencies and others to provide vital support and services to people in Colorado's agricultural and rural areas. Promotoras live in the geographic region in which they work and have strong connections to the agricultural workers there. *See Project Protect Promotora Network*, Project Protect Food Systems Workers, https://perma.cc/KVJ6-KTAU (last visited Dec. 2, 2025).

89. C.R.S. § 8-13.5-202(2) provides: "No person other than the agricultural worker may prohibit, bar, or interfere with, or attempt to prohibit, bar, or interfere with, the access to or egress from the residence of any agricultural worker by any person, either by the erection or maintenance of any physical barrier, by physical force or violence or by the threat of physical force or violence, or by any order or notice given in any manner."

90. S.B. 21-87 establishes a private right of action for violations of C.R.S. § 8-13.5-202;

a. C.R.S. § 8-13.5-204 provides, in relevant part: "(1) An aggrieved agricultural worker, a whistleblower, or a key service provider who was unable to access an agricultural worker due to a violation of this part [C.R.S. §§ 8-13.5-201 to -205] may: (a) Commence an action in district court against an agricultural employer for a violation of this part [C.R.S. §§ 8-13.5-201 to -205] . . . ."

b. In a case brought pursuant to C.R.S. § 8-13.5-204(1)(a), "[a] court may: (I) Order injunctive relief to enjoin the continuance of the violation of this part [C.R.S. §§ 8-13.5-201 to -205]; (II) Award the plaintiff actual damages or ten thousand dollars, whichever is greater; and (III) Award the plaintiff attorney fees." C.R.S. § 8-13.5-204(2)(a).

c. In a case brought pursuant to C.R.S. § 8-13.5-204, "[a]ny amounts recovered by a whistleblower or key service provider . . . must be distributed to agricultural workers affected by the violation who can be located, insofar as such disbursement is economically feasible." C.R.S. § 8-13.5-204(2)(b).

91. The workers who reside at Defendants' Camp are "agricultural worker[s]" for purposes of C.R.S. §§ 8-13.5-202(1)(a) and (2). *See* C.R.S. § 8-13.5-201(3). Each Defendant is an "agricultural employer" for purposes of C.R.S. §§ 8-13.5-202(1)(a) and (2). *See* C.R.S. §§ 8-13.5-201(1), 8-3-104(1)(a). CLS is a "key service provider" for purposes of C.R.S. § 8-13.5-204(1) and (2)(b). *See* C.R.S. § 8-13.5-201(7).

B. *Anti-Retaliation*

92. During the legislative process leading to the enactment of S.B. 21-87, witnesses testified before the General Assembly that workers often are too afraid of retaliation from their employers to assert their rights and advocate for better working or living conditions. The bill's sponsor stated that in her experience, "[t]he fear of retribution is so extreme . . . some of the folks that we worked with . . . described a level of literal terror that they've never seen in any other kind of workplace." Another witness relayed an example of an agricultural worker who was afraid to

request better wages because a coworker who made a similar request was forced to leave his housing within 24 hours.

93. In drafting S.B. 21-87, the General Assembly recognized that some agricultural employers not only retaliate against workers, but also retaliate against non-employees who support or advocate for workers.

94. To prevent employers from retaliating against both agricultural workers and those who support them, the General Assembly included in S.B. 21-87 the provision now codified at C.R.S. § 8-2-206, which provides in relevant part: "An agricultural employer shall not retaliate against any person, including an agricultural employee, asserting or seeking rights protected under article 3 or 6 of this title 8, part 2 of article 13.5 of this title 8, article 14.4 of this title 8, including complaining publicly or supporting an agricultural employee seeking or asserting rights, remedies, or penalties under those provisions of this title 8, or any other remedies available pursuant to law." C.R.S. § 8-2-206(3)(a).

95. S.B. 21-87 creates a private right of action for violations of the anti-retaliation provisions found in C.R.S. § 8-2-206. In relevant part, C.R.S. § 8-2-206(3)(c) provides: "An agricultural employee, a person who has a familial or workplace relationship with the agricultural employee, or a person with whom the agricultural employee exchanges care or support who has been aggrieved by retaliation by a person may assert a claim: (I) In district court for injunctive and equitable remedies, a penalty in the amount of the greater of the actual damages or ten thousand dollars for each violation, and attorney fees and costs . . . ."

96. The workers residing at Defendants' Camp are "agricultural employee[s]" for purposes of C.R.S. § 8-2-206. *See* C.R.S. § 8-2-206(1)(b). Each Defendant is an "agricultural employer" for purposes of C.R.S. § 8-2-206. *See* C.R.S. §§ 8-2-206(1)(c), 8-3-104(1). CLS is "a person with whom the agricultural employee exchanges care or support who has been aggrieved by retaliation" for purposes of C.R.S. § 8-2-206(3)(c).

FIRST CAUSE OF ACTION

Violations of C.R.S. § 8-13.5-202(1)(a)
Interference with Reasonable Access to Visitors at Employer-Provided Housing
Against All Defendants

97. The allegations in all preceding paragraphs are realleged and incorporated by reference herein.

98. C.R.S. § 8-13.5-202(1)(a) provides: "An employer shall not interfere with an agricultural worker's reasonable access to visitors at the agricultural worker's employer-provided housing during any time when the agricultural worker is present at such housing."

99. During CLS's 2024 visit to the Camp, Defendants violated C.R.S. § 8-13.5-202(1)(a) by installing and operating video cameras at worker housing that also either record audio at worker

housing, or which workers believe record audio because of Defendants' acts or omissions. The workers' belief that Defendants were audiorecording their conversations at their housing interfered with CLS's reasonable access to workers at their housing.

100. During CLS's June 2025 visit to the Camp, Defendants violated C.R.S. § 8-13.5-202(1)(a) by telling CLS staff they were not permitted to be there, by attempting to require CLS staff to meet with workers in the company-controlled environment of a cafeteria rather than at worker housing (as the statute explicitly permits), and by confronting CLS staff in view of workers who were subsequently deterred from conversing with CLS staff because of Defendants' actions.

101. During CLS's July 2025 visit to the Camp, Defendants violated C.R.S. § 8-13.5-202(1)(a) by telling CLS staff they had to sign in before visiting workers at their housing, and by confronting CLS staff in view of workers who were subsequently deterred from conversing with CLS staff because of Defendants' actions.

102. CLS requests declaratory relief pursuant to C.R.S. § 13-51-105 to -106; statutory damages in the amount of $10,000 for each violation of C.R.S. § 8-13.5-202(1)(a) described herein, to be distributed to affected workers who can be located insofar as doing so is economically feasible, pursuant to C.R.S. § 8-13.5-204(2)(b); injunctive relief to prevent Defendants from violating C.R.S. § 8-13.5-202(1)(a) during future visits; attorney's fees and costs, pursuant to C.R.S. § 8-13.5-204(1)(a) and (2); and any other and further relief this Court deems appropriate.

SECOND CAUSE OF ACTION

Violations of C.R.S. § 8-13.5-202(2)
Interference and Attempted Interference with Access to Agricultural Worker Housing by Order or Notice
Against all Defendants

103. The allegations in all preceding paragraphs are realleged and incorporated by reference herein.

104. C.R.S. § 8-13.5-202(2) provides: "No person other than the agricultural worker may prohibit, bar, or interfere with, or attempt to prohibit, bar, or interfere with, the access to or egress from the residence of any agricultural worker by any person, either by the erection or maintenance of any physical barrier, by physical force or violence or by the threat of physical force or violence, or by any order or notice given in any manner."

105. During CLS's 2024 visit to the Camp, Defendants violated C.R.S. § 8-13.5-202(2) by installing and operating video cameras at worker housing that either record audio at worker housing, or which workers believe record audio because of Defendants' acts or omissions, which interfered with CLS's reasonable access to workers at their housing.

106. During the June 2025 trip, Defendants violated C.R.S. § 8-13.5-202(2) by telling CLS staff they were not permitted to be there, by attempting to require CLS staff to meet with workers in the company-controlled environment of a cafeteria rather than at worker housing (as the statute explicitly permits), by implicitly threatening CLS's "safety," and by confronting CLS staff in view of workers who were subsequently deterred from conversing with CLS staff because of Defendants' actions.

107. During the July 2025 trip, Defendants violated C.R.S. § 8-13.5-202(2) by telling CLS staff they had to sign in before visiting workers at their housing, and by confronting CLS staff in view of workers who were subsequently deterred from conversing with CLS staff because of Defendants' actions.

108. CLS requests declaratory relief pursuant to C.R.S. § 13-51-105 to -106; statutory damages in the amount of $10,000 for each violation of C.R.S. § 8-13.5-202(2) described herein, to be distributed to affected workers who can be located insofar as doing so is economically feasible, pursuant to C.R.S. § 8-13.5-204(2)(b); injunctive relief to prevent Defendants from violating C.R.S. § 8-13.5-202(2) during future visits; attorney's fees and costs, pursuant to C.R.S. § 8-13.5-204(1)(a) and (2); and any other and further relief this Court deems appropriate.

THIRD CAUSE OF ACTION

Violations of C.R.S. § 8-2-206(3)(a)
Retaliation
Against All Defendants

109. The allegations in all preceding paragraphs are realleged and incorporated by reference herein.

110. C.R.S. § 8-2-206(3)(a) provides: "An agricultural employer shall not retaliate against any person, including an agricultural employee, asserting or seeking rights protected under article 3 or 6 of this title 8, part 2 of article 13.5 of this title 8, article 14.4 of this title 8, including complaining publicly or supporting an agricultural employee seeking or asserting rights, remedies, or penalties under those provisions of this title 8, or any other remedies available pursuant to law."

111. During the June and July 2025 trips, CLS was "asserting or seeking rights protected under . . . part 2 of article 13.5 of . . . title 8," and was "supporting . . . agricultural employee[s] seeking or asserting rights, remedies, or penalties under those provisions of [title 8]." C.R.S. § 8-2-206(3)(a).

112. During the June 2025 trip, Defendants retaliated against CLS when, knowing who CLS staff were and what they were doing at worker housing, Defendants confronted CLS staff in view of workers and demanded CLS staff meet with workers only in the company-controlled environment of a cafeteria rather than at worker housing. Defendants' actions were likely and intended to chill workers' willingness to communicate with CLS staff, and in fact did so.

113. During the July 2025 trip, Defendants retaliated against CLS by confronting CLS staff in view of workers and demanding that CLS staff sign in with Defendants prior to meeting with workers at their housing. Defendants' actions were likely and intended to chill workers' willingness to communicate with CLS staff, and in fact did so.

114. CLS requests declaratory relief pursuant to C.R.S. § 13-51-105 to -106; and statutory damages in the amount of $10,000 for each violation of C.R.S. § 8-2-206(3)(a) described herein, injunctive relief to prevent Defendants from violating C.R.S. § 8-2-206(3)(a) during future visits, and attorney's fees and costs, pursuant to C.R.S. § 8-2-206(3)(c)(I) and (2), in addition to any other and further relief this Court deems appropriate.

REQUESTS FOR RELIEF

Wherefore, Plaintiff respectfully requests that this Court:

115. Issue a declaration that Defendants' actions during the 2024 and 2025 visits violated C.R.S. § 8-13.5-202(1)(a) and (2), pursuant to C.R.S. §§ 8-13.5-204 and 13-51-105 to -106;

116. Award damages in the amount of the greater of $10,000 per violation or actual damages per violation of C.R.S. §§ 8-13.5-202(1)(a) and (2) during the 2024 and 2025 visits, pursuant to C.R.S. § 8-13.5-204(2)(a)(II), to be distributed to affected workers to the extent doing so is economically feasible;

117. Issue a declaration that Defendants' actions during the June and July 2025 visits violated C.R.S. § 8-2-206(3)(a), pursuant to C.R.S. §§ 8-2-206(3)(c)(I) and 13-51-105 to -106;

118. Award damages in the amount of the greater of $10,000 per violation or actual damages per violation of C.R.S. § 8-2-206(3)(a) during the June and July 2025 visits, pursuant to C.R.S. § 8-2-206(3)(c)(I), to be distributed to affected workers to the extent doing so is economically feasible[5];

119. Enjoin Defendants and their officers, agents, servants, employees, and successors, and those person in active concert or participation with Defendants, from further violating C.R.S. §§ 8-13.5-202(1)(a), 8-13.5-202(2), and 8-2-206(3)(a), pursuant to C.R.S. §§ 8-13.5-204(2)(a)(I), 8-2-206(3)(c)(I), and Colo. R. Civ. P. 65;

120. Award CLS attorney's fees and costs, pursuant to C.R.S. §§ 8-13.5-204(2)(a)(III) and 8-2-206(3)(C)(I); and

[5] Unlike C.R.S. § 8-13.5-204(2)(b), there is no requirement that damages awarded pursuant to C.R.S. § 8-2-206(3)(c)(I) be disbursed to affected workers. However, if CLS is awarded damages in this case, it intends to disburse that money to affected workers (if doing so is economically feasible) regardless of the statute under which those damages are awarded.

121. Award such other and further relief as this Court deems just and proper.

December 9, 2025

Respectfully Submitted,

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