

DISTRICT COURT, SAGUACHE COUNTY STATE OF COLORADO 501 4th St. Saguache, CO 81149	DATE FILED April 27, 2026 4:57 PM FILING ID: CB4C518D3CEA0 CASE NUMBER: 2025CV30033 FOR COURT USE ONLY
Plaintiff: COLORADO LEGAL SERVICES, INC., a Colorado nonprofit corporation v. Defendants: SOUTHERN COLORADO FARMS, LLC; and JVKS HARVEST SOLUTIONS, LLC d/b/a AGSOCIO	
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, #23PHV7621 Nathan Leys, #23PHV7622 FarmSTAND 712 H St. NE, Suite 2534 Washington, D.C. 20002 (202) 595-8816 kelsey@farmstand.org nathan@farmstand.org	Case No.: 2025CV30033 Division: C Courtroom: _____
MOTION FOR PRELIMINARY INJUNCTION AND SUPPORTING MEMORANDUM OF LAW	

Plaintiff Colorado Legal Services, Inc. (“CLS” or “Plaintiff”), by and through its undersigned counsel, hereby moves this Court for an order preliminarily enjoining Defendants

Southern Colorado Farms, LLC and JVKS Harvest Solutions, LLC d/b/a AgSocio from violating Colorado’s agricultural worker access laws, C.R.S. §§ 8-13.5-202(1)(a) and 8-13.5-202(2). Such relief is necessary to ensure that in the coming months, CLS can meet with workers at Defendants’ Center, Colorado labor camp (the “Camp”) free from the unlawful interference CLS has faced in the past and which, absent judicial intervention, is likely to recur.

I. CERTIFICATE OF CONFERRAL

Pursuant to C.R.C.P. 121, Section 1-15(8), the undersigned certifies that counsel for the parties conferred several times to attempt to resolve this matter, but were unable to reach a mutually acceptable resolution. Defendants do not consent to the relief Plaintiff here seeks.

II. STATEMENT OF FACTS

This matter concerns a Colorado farm’s compliance with basic workplace protections and fundamental rights for Colorado agricultural workers, which the legislature codified into law in 2021. Historically, Colorado agricultural workers have faced deeply imbalanced power dynamics, resulting in isolation, lack of privacy, and virtually no control over their day-to-day lives. Decl. of Jenifer Rodriguez (“Rodriguez Decl.”) ¶¶ 3–6. The control modern farm owners exercise over workers’ basic necessities—including housing, food, transportation, and medical care—stems from a deeply entrenched legacy of injustice in the United States, and has created systemic vulnerabilities for agricultural workers as well as barriers to legal and social services. *Id.* ¶¶ 6–7, 11.

Many migrant agricultural workers are present in the United States on H-2A visas, which provide temporary immigration status to work only for the employer named on their H-2A visas (“H-2A workers”). *Id.* ¶¶ 4, 12, 27. Like other migrant farm workers, these H-2A workers

generally reside in employer-provided housing, located on employer property in remote, rural areas. *Id.* ¶ 5. Not only are many of these workers in a foreign country without transportation of their own, but most have few, if any, ties to the surrounding community, and do not speak English. *Id.* ¶¶ 5–6. That leaves them vulnerable to exploitation and abuse. *Id.* ¶¶ 3, 11.

The Farm Worker Rights Division (FWRD) of CLS is the State’s congressionally funded program to provide legal services to migrant farm workers. *Id.* ¶ 2. Each growing season, FWRD staff and interns visit labor camps to inform agricultural workers of their rights. *Id.* ¶¶ 15–17. Visiting these workers at their housing, outside of work hours and away from the worksite, is a crucial component of FWRD’s mission to provide access to justice for agricultural workers in Colorado. *Id.* ¶¶ 15, 18. Because of the nature of the services FWRD provides and given the power imbalance between agricultural workers and their employers, FWRD prioritizes face-to-face outreach to workers at their housing and takes care to protect the privacy and confidentiality of the workers who seek its services. *Id.* ¶¶ 15, 18–20.

For decades, legal advocates and health care providers have faced significant, often systemic, obstacles when trying to reach agricultural workers residing in employer-provided housing. *Id.* ¶¶ 7, 11. Farm owners and their agents, including Defendants, routinely interfere with FWRD’s visits to agricultural worker housing. *Id.* ¶¶ 22, 30–32. Such interference can be extreme, such as locked gates and confrontations with armed representatives of the employer. *Id.* ¶ 22. Or it can take other forms, as FWRD experienced when visiting Defendants’ Camp in 2024 and 2025: demands to make appointments before visiting, to sign in before speaking to workers, or to speak with workers only in areas designated by the employer away from the workers’ housing, as well as interruptions in ongoing conversations with workers. *Id.* ¶¶ 43–55; Decl. of

David Valleau (“Valleau Decl.”) ¶¶ 4–14. Predictably, when the employer’s agents insert themselves between the workers and FWRD, this interference impedes workers’ ability to freely and privately interact with FWRD and learn about their rights free from fear of retaliation.

Rodriguez Decl. ¶¶ 45, 56; Valleau Decl. ¶¶ 16–18.

Before the legislature clarified agricultural workers’ and their visitors’ access rights in 2021, whether and how agricultural workers could receive visits from service providers like FWRD was often treated as a matter of employers’ whims. Rodriguez Decl. ¶¶ 10, 22. Employers, not workers, would decide whether, when, from whom, and how workers would receive visitors. *Id.* This denial of workers’ control over their housing and the ability to receive visitors was one of several exclusions of agricultural workers from protections afforded to other workers, including exclusion from the right to unionize, overtime benefits, and OSHA protections—exclusions rooted in a legacy of systemic racism and injustice. *Id.* ¶¶ 8–9. The legislature specifically intended the access provisions of the 2021 bill, SB 21-87, to rectify workers’ historic lack of control over their housing and ability to receive visitors. *Id.* ¶¶ 9–10. The law thus codified agricultural workers’ right, *at their sole discretion*, to receive or refuse visitors at their employer-provided housing. C.R.S. § 8-13.5-202(2). And it clarified that *all* forms of employer interference with access, whether it be visitors’ access to workers’ residences, or workers’ reasonable access to visitors at their housing, are unlawful. *Id.*; C.R.S. § 8-13.5-202(1)(a).

This summer, staff and interns from FWRD will again visit agricultural workers throughout Colorado as they have for many years. Rodriguez Decl. ¶¶ 15–17. FWRD plans to visit Defendants’ Camp, but reasonably believes that it will encounter the same kinds of

obstruction and unlawful interference it has faced from Defendants and their agents for years. *Id.* ¶¶ 30–55, 57, 59; Valleau Decl. ¶¶ 20–21. This interference is detailed further below.

III. ARGUMENT

A. Through a comprehensive enforcement scheme, the legislature has directed courts to enjoin violations of the agricultural worker access laws.

CLS is entitled to a preliminary injunction to ensure that the agricultural workers Defendants employ may receive visitors, including CLS’s FWRD, free from employer interference. Under C.R.C.P. 65 and Colorado caselaw, a party seeking preliminary injunctive relief typically must establish the *Rathke* factors: “(1) a reasonable probability of success on the merits; (2) a danger of real, immediate, and irreparable injury exists which may be prevented by injunctive relief; (3) there is no plain, speedy, and adequate remedy at law; (4) there is no disservice to the public interest; (5) the balance of equities favors the injunction; and (6) the injunction preserves the status quo pending a trial on the merits.” *Ulshoffer v. Johnson*, No. 24CA1506, 2025 WL 2078954, at *2 (Colo. App. July 24, 2025) (citing *Rathke v. MacFarlane*, 648 P.2d 648, 653–54 (Colo. 1982)).

However, while “[t]he test usually applicable for injunctions under Rule 65 is set forth in *Rathke*,” the Colorado Supreme Court has explained that “a comprehensive enactment which includes . . . [an] injunction provision as an essential feature of the enforcement design” can displace and obviate a party’s need to establish the *Rathke* factors. *Kourlis v. Dist. Ct., El Paso Cnty.*, 930 P.2d 1329, 1333, 1335 (Colo. 1997). When a statute allows a plaintiff, “upon showing that a person has engaged in or is about to engage in violation of the Act,” to seek injunctive relief without being “required to plead or prove irreparable injury or inadequacy of a remedy at law,” such “[s]pecial statutory procedures . . . may supersede or control the more general

application of” Rule 65 and the *Rathke* factors. *Id.* at 1334–35 (cleaned up); *see also People ex rel. Rein v. Meagher*, 465 P.3d 554, 562–63 (Colo. 2020) (finding “similar special statutory procedures . . . establish[ing] a comprehensive enforcement process” for water court proceedings “disclose a legislative intent that a court will issue an injunction”).

The 2021 agricultural workers’ rights law contains precisely the same types of special statutory procedures which made the *Rathke* factors inapplicable in *Kourlis* and *Meagher*. Through enacting a comprehensive enforcement scheme, the legislature made clear that agricultural workers and their advocates can obtain injunctive relief to stop continuing violations of these laws, in addition to statutory or actual damages, without showing irreparable harm, and regardless of other equities. The statute provides that any “service provider”—like CLS— “who was unable to access an agricultural worker due to a violation” of the access statutes may sue, and the “court may (I) Order injunctive relief to enjoin the continuance of the violation . . . ; (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(1), (2)(a).¹

Thus, if CLS establishes, as it has here, that it has a reasonable probability of success on the merits of its claims and that it faces a threat of continued violations pending final resolution of this case, the legislature has indicated those violations should be enjoined without further

¹ The law likewise empowers agricultural workers and their supporters who have experienced retaliation for exercising statutory rights, *id.* § 8-2-206(3)(a), to bring an action “(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” *Id.* § 8-2-206(3)(c). Although CLS brings a retaliation claim under § 8-2-206, *see* Compl. ¶¶ 109–14, it seeks preliminary relief only on its access claims.

inquiry. *Kourlis*, 930 P.2d at 1334–37. But even if *Kourlis* did not apply, CLS would still be entitled to preliminary injunctive relief because it can establish the remaining *Rathke* factors.

B. CLS is entitled to preliminary relief because it has a reasonable probability of success on its claims under C.R.S. §§ 8-13.5-202(1)(a) and 8-13.5-202(2).

CLS can show a reasonable probability of succeeding on its claims that Defendants have unlawfully interfered with workers’ ability to receive visitors at their employer-provided housing and are likely to continue doing so. “[R]esolving a preliminary injunction request requires the court to determine not whether the plaintiff has succeeded in demonstrating harm but, rather, whether the plaintiff has demonstrated a reasonable likelihood that they *will* succeed in doing so.” *Coomer v. Salem Media of Colo., Inc.*, 565 P.3d 1133, 1158 (Colo. App. 2025) (Tow, J., specially concurring). CLS has done so.

C.R.S. § 8-13.5-202(1)(a) prohibits an employer and its agents from “interfer[ing] 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.” And C.R.S. § 8-13.5-202(2) states: “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 . . . by any order or notice given in any manner.” Implementing regulations define prohibited “[i]nterference” as “any act (whether an affirmative act, an omission, or a statement) that, regardless of intent, interferes with any protected activity or any right under these Rules or any statute or rule to which these Rules apply, including any act that deters any protected activity.” 7 Colo. Code Regs. § 1103-11:2(2.11.3).

Colorado courts’ “primary goal in interpreting a statute is to determine and give effect to the General Assembly’s intent.” *Am. Heritage Rys., Inc. v. Bd. of Cnty. Comm’rs of La Plata Cnty.*, No. 21CA1798, 2023 WL 12057271, at *3 (Colo. App. Jan. 12, 2023) (internal quotations and citations omitted). Courts “start with the statutory text, applying its plain and ordinary meaning while ensuring that we are giving consistent, harmonious, and sensible effect to every part of the statutory scheme.” *Id.* (cleaned up). “If the text is unambiguous, [the court] appl[ies] it as written.” *Id.*

Although this case is, to the best of Plaintiff’s knowledge, the first to ask a court to interpret and apply the relevant statutory provisions, the legislative text is unambiguous and prohibits Defendants’ conduct. *Anderson v. Applewood Water Assocs.*, 409 P.3d 611, 617 (Colo. App. 2016) (fact that “no Colorado case ha[d] interpreted” statutes did not bar preliminary injunctive relief, as “plain language . . . gives a court the authority to enjoin the violation . . . where a movant can show noncompliance and harm”).

The statutory text prohibits *any* form of employer “interfere[nce]” with visits to agricultural workers at their housing, C.R.S. § 8-13.5-202(1)(a), (2), and Defendants’ actions are the textbook definition of interference.² In addition to the interference FWRD faced during its

² Although “interfere” is not ambiguous, dictionary definitions make clear Defendants have interfered in FWRD’s visits to workers at the Camp. *See, e.g., Interfere*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/interfere> (last visited Apr. 27, 2026) (“to enter into or take a part in the concerns of others” or “to interpose in a way that hinders or impedes”); *Interfere*, Dictionary.com, <https://www.dictionary.com/browse/interfere> (last visited Apr. 27, 2026) (“to take part in the affairs of others; meddle (often followed by *with* or *in*),” or “interpose or intervene for a particular purpose”); *Interfere*, Justia Legal Dictionary, <https://dictionary.justia.com/interfere> (last visited Apr. 27, 2026) (“[t]he act of impeding or hindering others through certain activities or actions” or “[i]nvolvement in the concerns or affairs of others”).

2022 and 2023 visits, *see* Rodriguez Decl. ¶¶ 33–42; 2022 Decl. of Jenifer Rodriguez, CLS0796–99, during three visits FWRD made to the Camp in June 2024, June 2025, and July 2025, Defendants’ agents³: (1) stopped FWRD staff when they entered the Camp and told them they were on private property and had to sign in before proceeding to visit with workers, Rodriguez Decl. ¶¶ 43, 46–48, 53; Valleau Decl. ¶ 9; (2) attempted to control how and where FWRD could meet with workers—in the cafeteria rather than outside the workers’ housing, Rodriguez Decl. ¶¶ 53–54; (3) waylaid FWRD staff and forced them to take time away from speaking with workers to attempt to explain the relevant state law to Defendants’ representatives, *id.* ¶¶ 49–50, 55; Valleau Decl. ¶¶ 9–11; and (4) confronted FWRD staff in view of workers who, having witnessed the confrontation, were thereafter deterred from speaking with FWRD, Rodriguez Decl. ¶ 56; Valleau Decl. ¶¶ 16–18.

Defendants’ own accounts of the June 2025 visit confirm this. SCF_000039–40. When FWRD staff entered the Camp, Yesenia Cepeda, whom AgSocio identified as its Human Resources Coordinator, states that she approached the visitors in her car and told them they were on private property. SCF_000039. When FWRD staff asserted their right to be there and identified themselves as legal service providers, Ms. Cepeda “explained that although visits from outside organizations are permitted, prior authorization is required in accordance with our protocols.” *Id.* When FWRD explained that it did not need the employer’s prior authorization—because the relevant statutes prohibit such interference with access to worker housing—Ms. Cepeda says she asked them to wait and called AgSocio Human Resources Manager Jose Vazquez; both she and Mr. Vazquez state they asked the visitors “to sign the visitor log and read

³ At all relevant times, AgSocio was acting as SCF’s agent. AgSocio Answer, ¶¶ 19–20.

the visitor policy and protocol.” SCF_000039–40. Mr. Vazquez states that he explained “our standard approach for visits”: that AgSocio “send[s] a message to all farm workers in housing, inviting them—on a voluntary basis—to visit the cafeteria if they wished to receive legal services information.” SCF_000040. When FWRD explained why this approach was not acceptable (in part because the statute protects access to worker housing and does not allow employers to designate other areas as alternatives), Mr. Vazquez states he then “gave them permission to proceed.” *Id.* As Ms. Cepeda confirms, Mr. Vazquez then “allowed them to proceed onto the property.” SCF_000039. After this, Ms. Cepeda states, she “did not *interfere further*.” SCF_000039 (emphasis added).

In other words, both CLS’s and AgSocio’s accounts confirm that Defendants: (1) made clear to FWRD that Defendants (not the workers) would control whether FWRD had a right to be on the property and could proceed to the worker housing; (2) attempted to interpose themselves between FWRD and the workers, stating that AgSocio would issue the invitation for workers to meet with FWRD in Defendants’ preferred location (away from worker housing); (3) purported to grant FWRD “permission” to proceed to speak with workers; and (4) ceased “interfer[ing]” only after it became clear that FWRD would not accede to their unlawful demands. Defendants thus “interfere[d]” in violation of C.R.S. §§ 8-13.5-202(1)(a) and 8-13.5-202(2)—or at the very least, “attempt[ed] to . . . interfere,” contrary to C.R.S. § 8-13.5-202(2). And such violations are likely to recur, given that Defendants maintain a “policy and protocol” of such interference—requiring “prior authorization” for visitors, SCF_000039–40, even though C.R.S. § 8-13.5-202(2) makes clear that *only* agricultural workers can decide whether to accept or refuse visitors to their residences.

While Defendants may deny that they *intended* to interfere, the implementing regulations make clear that intent is irrelevant. 7 Colo. Code Regs. § 1103-11:2(2.11.3) (“regardless of intent”). The effect is what matters: Defendants have waylaid and prevented FWRD from speaking with workers living at the Camp. Rodriguez Decl. ¶¶ 49–50, 55; Valleau Decl. ¶¶ 9–11. And the workers, having witnessed AgSocio interpose themselves between FWRD and workers’ housing, have been deterred from speaking with FWRD by that interference. Rodriguez Decl. ¶ 56; Valleau Decl. ¶¶ 16–18; *see also* 7 Colo. Code Regs. § 1103-11:2(2.11.3) (making clear that “any act that deters any protected activity” constitutes “interference”).

Defendants will likely also claim, as Ms. Cepeda and Mr. Vazquez state, that their visitor policy is “in place to protect the privacy and safety of the farm workers.” SCF_000039–40. First, it is unclear how AgSocio (the employer) screening its workers’ visitors could protect the workers’ privacy.⁴ It does the opposite, invading their privacy by requiring workers’ guests to identify themselves to the employer. Given the obvious need for confidentiality in the provision of legal services, this policy is especially invasive for workers who seek out the services FWRD provides—which is why forcing FWRD staff to identify themselves to Defendants either before or during visits to the Camp is so problematic. Rodriguez Decl. ¶¶ 20, 53, 57.

As to the safety rationale, Defendants have not substantiated any threats to the safety of workers from visitors, let alone ones that would justify a policy and practice of interrupting *every* visit to worker housing and requiring *every* visitor to get Defendants’ permission before meeting

⁴ In this litigation, Defendants also produced pictures that Defendants represent as showing workers at the Camp receiving medical care from service providers. SCF_000006. Taking pictures of workers receiving healthcare services also invades workers’ privacy. However, so as not to exacerbate the invasion, CLS does not attach these pictures to this filing.

with workers. This is especially true given that Defendants already also maintain Camp-wide video surveillance and a razor wire perimeter fence, allegedly for security purposes. *Id.* ¶¶ 25–26; AgSocio Answer, ¶¶ 26, 59. In this case, purported safety concerns are a fig leaf for the kind of employer paternalism and control that the legislature aimed to counter in enacting S.B. 21-87. Rodriguez Decl. ¶¶ 9–11.

Moreover, neither the statutory text nor the legislative intent, *id.* ¶¶ 7–10, hints that an employer can short-circuit C.R.S. §§ 8-13.5-202(1)(a) or (2) by invoking nonspecific safety concerns. That absence is telling, given that the legislature showed that it knew how to provide employers authority to implement safety restrictions for “visitors accessing a *work site*,” but declined to include such language in the statutory provisions protecting access to *worker housing*. C.R.S. § 8-13.5-202(d) (emphasis added).⁵ It is a core principle of statutory interpretation that when the legislature “includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that [the legislature] acts intentionally and purposely in the disparate inclusion or exclusion.” *Russello v. United States*, 464 U.S. 16, 23 (1983) (citation omitted). Thus, the legislature’s disparate treatment of safety-based restrictions for work sites and worker housing indicates that putative safety rationales provide no basis for restricting access to worker housing.

Although employers may not invoke safety concerns to escape C.R.S. §§ 8-13.5-202(1)(a) and (2), Plaintiff agrees that the safety of workers and FWRD staff is of paramount importance. Rodriguez Decl. ¶ 21. But it is difficult to understand what possible safety threat two

⁵ This section primarily applied to a since-repealed section of the law not at issue in this case, which had allowed certain service providers to visit with workers at their worksites. *See* 2025 Colo. Legis. Serv. Ch. 280 (S.B. 25-128).

or three individuals passing out pamphlets and speaking to workers could pose to the safety of the hundreds of workers present at the camp. The professed need to ensure workers' or visitors' safety from unspecified threats cannot justify a policy of interference with access.

Finally, even if the statutory text were vague (which it is not), these provisions should be interpreted broadly in light of their remedial purpose of protecting agricultural workers' autonomy, privacy, and right to receive or refuse visitors at their housing free from their employer's interference. *Mishkin v. Young*, 198 P.3d 1269, 1273 (Colo. App. 2008) (“[R]emedial legislation must be liberally construed to accomplish its object.” (cleaned up)). CLS has demonstrated a reasonable probability of success on its claims.

C. CLS and the workers residing in Defendants' housing face the imminent prospect of visits being interrupted, necessitating an injunction to prevent continued violations.

CLS's experiences and Defendants' own documents indicate that when FWRD visits the Camp again, Defendants are likely to interpose themselves between FWRD and the workers and demand that FWRD sign in and agree to Defendants' visitor policy. Indeed, Defendants have given every indication they intend to continue that practice, in violation of C.R.S. § 8-13.5-202(2). *Id.* (prohibiting a “person other than the agricultural worker” from “interfer[ing] with . . . or attempt[ing] to . . . interfere with . . . access to . . . the residence of any agricultural worker . . . by any order or notice”); *see also* AgSocio Answer, ¶ 68 (admitting “it has a standard visitor check-in process, which it asked that CLS follow”); Defs.' Aff. Defense No. 11 (asserting validity of “restrictions requiring visitors to identify themselves or sign in,” which are “applied uniformly to all visitors”). As FWRD and the workers face the “imminent harm” of having their visits unlawfully interfered with during the coming growing season, *Gitlitz v. Bellock*, 171 P.3d

1274, 1279 (Colo. App. 2007) (citation omitted), the Court should grant preliminary injunctive relief to halt “the continuance of the violation[s].” C.R.S. § 8-13.5-204(2)(a)(I).

D. While CLS need not do so, it also establishes the remaining *Rathke* factors.

Even if the legislature had not adopted special statutory procedures enabling agricultural workers and their visitors to obtain equitable relief to stop continuing violations, *Kourlis*, 930 P.2d at 1334–37, the remaining *Rathke* factors would nevertheless warrant such relief. Damages would provide a delayed and incomplete remedy for the harms to CLS and the workers from having visits stymied. *Ulshoffer*, 2025 WL 2078954, at *2. The public interest and balance of equities favor restraining Defendants’ interference, and doing so would preserve the status quo pending trial in December. *Id.*

i. Monetary relief would not fully redress the harm to CLS and the workers.

Irreparable injury is “certain and imminent harm for which a monetary award does not adequately compensate.” *Gitlitz*, 171 P.3d at 1279 (cleaned up). The “corollary” to this principle is that “an injunction is available” when “there is no legal remedy that provides full, complete, and adequate relief.” *Id.* “An injury may be irreparable, therefore, where monetary damages are difficult to ascertain or where there exists no certain pecuniary standard for the measurement of the damages.” *Id.*

CLS and the workers at the Camp face such an injury. The loss of even one conversation with a worker whom FWRD staff could not reach because of Defendants’ interruptions, or the intimidation and silencing of even one worker by Defendants’ policy of confrontation and insistence that FWRD must identify themselves, would be irreparable harm analogous to the deprivation of the constitutional right to convey or receive information—a classic irreparable

injury. *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) (citation omitted) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”); *see also Sanger v. Dennis*, 148 P.3d 404, 419 (Colo. App. 2006) (affirming preliminary injunction when threatened enforcement “substantially impair[ed] the right of . . . organizations and their members to participate in the 2006 election,” a right that, “once . . . lost, [wa]s not recoverable”).

Moreover, although the statute provides for statutory damages, any money recovered for such violations generally must be returned to workers, C.R.S. § 8-13.5-204(2)(b), and therefore damages could not compensate CLS for the harm to its core activities. Rodriguez Decl. ¶¶ 15, 18. Neither would statutory damages fully allay the harms to workers, *Roman Cath. Diocese*, 592 U.S. at 19, particularly as there is “no certain pecuniary standard for the measurement of the damages” workers suffer. *Gitlitz*, 171 P.3d at 1279; *Westpac Aspen Invs., LLC v. Residences at Little Nell Dev., LLC*, 284 P.3d 131, 138 (Colo. App. 2011) (affirming preliminary injunction based on “trial court’s findings that the denial of access to . . . residential property would constitute real, immediate, and irreparable injury”).

ii. An injunction would serve the public interest, and the balance of the equities favors stopping continued violations.

As to the fourth and fifth *Rathke* factors, even if the Colorado legislature had not already expressly declared that enjoining violations of the agricultural worker access laws furthers the public interest, curbing violations of a remedial statute to redress these workers’ isolation would not disserve the public interest. No equity favors allowing continued interference, and any speculative harm Defendants may assert would not justify such violations.

iii. *An injunction would preserve the status quo.*

Finally, CLS can also establish the final *Rathke* factor. “A preliminary injunction is designed to preserve the status quo or protect a party’s rights pending the final determination of a cause. Its purpose is to prevent irreparable harm prior to a decision on the merits of a case.”

Gitlitz, 171 P.3d at 1278 (citation omitted). “It is well established in Colorado case law that the ‘status quo’ refers to the practice in place prior to any interference with a party’s” right of access. *Ulshoffer*, 2025 WL 2078954, at *5 (status quo preserved party’s access to an easement). Thus, a preliminary injunction “order[ing Defendants] to keep the [Camp] open allowing [visitors] to continue accessing [worker housing] during the pendency of the proceedings” would preserve the status quo. *Id.*

IV. CONCLUSION

For the foregoing reasons, CLS respectfully requests that the Court grant preliminary injunctive relief as set forth in the enclosed Proposed Order.

April 27, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

This is to certify that on April 27, 2026, the undersigned duly served the foregoing Motion for a Preliminary Injunction and associated declarations upon all counsel of record who have entered their appearances on behalf of the parties to Case No. 2025CV30033 via the Colorado Courts e-Filing System.

/s/ *Nathan Leys*
Nathan Leys