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## Migrant Workers Seek Class Status In Suit Over Ga. Housing

By **Rosie Manins**

Law360 (February 2, 2021, 8:44 PM EST) -- A group of migrant construction workers asked a Georgia federal court Tuesday to conditionally certify their proposed class action against their former employers so they could attempt to settle a dispute over allegedly squalid housing and unfairly docked wages.

The five Mexican workers said Atlanta-based construction company Precision 2000 Inc. and its affiliate Casa Properties LLC agreed to the conditional certification of class members for the purpose of notification. The Georgia companies are **accused** by the workers of increasing four-fold the agreed-upon rent of the Atlanta-area housing the workers were allegedly forced to live in, which they say was overcrowded and unbearably hot during summer.

Conditional certification would allow the workers to notify all migrant Precision 2000 staff subject to the same treatment over the past three years, and that would pave the way for settlement discussions between parties, the workers said. They also asked for a 90-day stay in formal discovery and other case deadlines to preserve resources during negotiations.

"The parties intend to engage in resolution discussions regarding plaintiffs and any individuals who join to this action," the workers said in their motion. "The parties intend to continue resolution discussions throughout the notice period and hope to reach a resolution to present to the court for approval following the end of the notice period and before the end of the requested stay of discovery."

The five workers — Juan Servando Garcia-Robelo, Eduardo Garcia-Zavala, Gilberto Garcia-Zavala, Hugo Perez-Zavala and Salvador Martinez-Barrera — sued Precision 2000 and Casa Properties in July, claiming violations of the Fair Labor Standards Act. They also brought claims against Precision 2000's co-founders, Guiomar Obregon and Carlos Francisco Sanchez, and accounting manager Mauricio Lancheros, who allegedly supervised the workers and enforced the companies' policies against them.

The defendants publicly denied the allegations.

The workers were hired by Precision 2000 under the H-2B temporary visa program and arrived in Georgia from Mexico in April and May 2019, per the complaint. They claim they were fired in retaliation when they complained about their living conditions in homes owned and managed by Casa Properties, after monthly rent was increased from \$112.50 to \$450.

Precision 2000 unfairly docked wages for housing costs and refused to reimburse the workers for their travel expenses to and from Georgia, they said. A company executive allegedly told workers they could go back to Mexico if they didn't like the requirement to live in company housing.

The workers said the housing facilities about 20 miles northeast of Atlanta held up to 14 people at a time, with single rooms shared by 4-5 people. The too-small homes lacked fans and air conditioning systems and overheated in the Georgia summer, they said.

Precision 2000 allegedly fired 10 migrant workers in September 2019, citing their lack of productivity. The plaintiffs said the move was in retaliation of workers' repeated complaints and that those who

protested the loudest were singled out.

Rachel Berlin Benjamin of Buckley Beal LLP, an attorney for the workers, told Law360 they are hopeful the court will quickly grant conditional certification, so they can notify all class members of their right to opt into the case.

"We will work tirelessly to ensure all employees whose wages were taken in exchange for substandard employer housing receive what they are owed," she said Tuesday.

Precision 2000 CEO Guiomar Obregon provided Law360 with a statement Tuesday, confirming the company's acceptance of conditional certification for what she expected to be a "very small" class.

"Defendants will evaluate whether to oppose final class certification if we cannot settle and after conditional class discovery," Obregon said. "Generally speaking, and as shown in their pleadings, defendants vehemently deny the allegations in the lawsuit."

The migrant workers are represented by Benjamin R. Botts and Julie Pittman of Centro de los Derechos del Migrante Inc., and Rachel Berlin Benjamin and Ashley E. Wilson Clark of Buckley Beal LLP.

Precision 2000, Obregon, Sanchez and Lancheros are represented by Sean Keenan and Sunshine R. Nasworthy of Cruser Mitchell Novitz Sanchez Gaston & Zimet LLP.

Casa Properties is represented by Glianny Fagundo-Toro and Natalie N. Mark of Taylor English Duma LLP.

The case is Garcia-Robelo et al. v. Precision 2000 Inc. et al., case number 1:20-cv-02841, in the U.S. District Court for the Northern District of Georgia.

--Additional reporting by Alyssa Aquino. Editing by Gemma Horowitz.

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