

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

NOHORA RIVERO, et al.,

Plaintiffs,

v.

MONTGOMERY COUNTY,  
MARYLAND, et al.,

Defendants.

Case No.: \_\_\_\_\_

**AFFIDAVIT OF NOHORA RIVERO**

I, Nohora Rivero, a plaintiff in this case, state the following in support of Plaintiffs' Motion for Preliminary Injunction:

1. My name is Nohora Rivero. I am a plaintiff in this case.
2. I was born in Colombia and am a native Spanish speaker. Before moving to the United States, I obtained a law degree from the Universidad de San Buenaventura in Cali, Colombia.
3. I am an employee of Legal Aid Bureau, Inc., a/k/a Maryland Legal Aid ("Legal Aid"), the other plaintiff in this case. I have worked for Legal Aid since 1993. My job title is Law Graduate. I work almost exclusively with Legal Aid's Farmworkers Program.
4. In my work with the Farmworkers Program, I routinely visit migrant and seasonal agricultural workers who live in employer-controlled housing on employer-owned land. I visit in the evenings, after the workers' day has ended. The purpose of these visits is to inform migrant farmworkers of their rights under state and federal wage and hour, housing, and workplace health and safety laws; to

inform and advise workers regarding available social services; to distribute literature on common topics of concern to migrant farmworkers; and to listen to any concerns workers may raise. Each year I attempt to make at least one routine visit to each migrant labor camp in Maryland and Delaware.

5. On August 18, 2015, Spencer Evans, a summer clerk with Maryland Legal Aid-, and I attempted to visit migrant farmworkers employed by Defendant Fruits and Vegetables by Lewis Orchard LLC, d/b/a Lewis Orchards (“Lewis Orchards”). The workers lived on a camp located on Lewis Orchards property at 18900 Peach Tree Road in Dickerson, Maryland. I intended to conduct a routine visit for the purposes described in ¶ 4 above.

6. Lewis Orchards employs 12 guest workers from Mexico who are in the United States on H-2A visas. The workers live in two separate camps on Lewis Orchards property.

7. Around 7:00 pm on August 18, 2015, Evans and I traveled to the Lewis Orchards property. I spoke with five workers at the first labor camp. The workers told me that they had not been paid as agreed for their transportation from Mexico, and that they routinely worked more than 60 hours a week but were not paid appropriate time-and-a-half overtime as required by Maryland law. When I had finished my conversation, I asked the workers for directions to the second worker camp at Lewis Orchards.

8. I had difficulty finding the second camp and returned to the first for more specific directions. I went inside the first camp while Evans waited in the car. As I spoke with workers in the first camp, I observed a vehicle entering the camp and two people, a man and a woman, speaking with Evans. I finished speaking with the workers and went outside. I learned that the couple speaking with Evans were Linda and Robert Lewis, owners of Lewis Orchards.

9. When she learned that Evans and I represented Legal Aid, Linda Lewis became very upset. She said that I was trespassing on her property and that she would call the police and have us prosecuted. I told her that we had a right to visit the workers on Lewis Orchards property, and that the workers had a right to receive us as guests. Lewis responded that the workers were not tenants because their housing was provided by contract, and that they had no right to receive visitors. At some point during this exchange, either Linda or Robert Lewis called the Montgomery County Police Department.

10. Montgomery County Police Officer Alexander Kettering responded to the scene. He spoke with the Lewises for about ten minutes, then told Evans and I that we were trespassing and would have to leave. I insisted that the Lewis Orchards workers had a right to receive guests, and showed him a copy of an attorney general opinion supporting my right to visit. In my alarm, I gave Kettering a copy of the wrong opinion—one that applied to Virginia rather than Maryland. After conferring with the Lewises for about fifteen minutes, Kettering returned and said that he would give Evans and me a warning. He demanded our identification. I showed Kettering a copy of the correct Maryland Attorney General's opinion, but Kettering responded that he "didn't have time" to read it. He then spent another fifteen minutes filling out official no-trespassing orders, which he issued to both Evans and me.

11. The no-trespass order issued by Kettering prohibits me from returning to the Lewis Orchards property for one year, warning that if I return I can be prosecuted for criminal trespass.

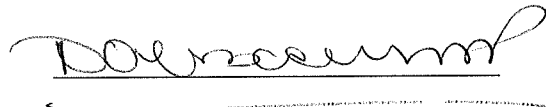
12. While we waited for the police, I overheard Linda Evans talking on a cell phone with an unknown person. She instructed the other person to "call everybody" for a "big meeting" the next day.

13. After leaving the property, I later attempted to contact Lewis Orchards workers by phone. They were much less willing to talk than they had been earlier. They insisted that they had not seen any

confrontation and refused to talk further. Because the workers refused to talk, I could not help them remedy the alleged wage and hour violations they described to me.

14. I still wish to visit migrant farmworkers on Lewis Orchards property for the purposes described in ¶ 4. However, because of the evident risk of criminal prosecution, I have not returned since August 18, 2015. If the Court grants Plaintiffs' Motion for Preliminary Injunction, I will return to Lewis Orchards as soon as reasonably practicable to speak with workers about their rights.

I, Nohora Rivero, solemnly swear or affirm under criminal penalties for the making of false statements that I have read the foregoing affidavit and that the factual statements made in it are true to the best of my knowledge, information, and belief.



Nohora Rivero

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Marion J. P. G.  
My Commission expires  
03/31/17