

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

NOHORA RIVERO,
509 Sharps Point Rd.
Fruitland, MD 21826
County of Residence: Wicomico

LEGAL AID BUREAU, INC., a/k/a
MARYLAND LEGAL AID
500 E. Lexington St.
Baltimore, MD 21202
County of Residence: City of Baltimore

Plaintiffs,

v.

MONTGOMERY COUNTY,
MARYLAND,
101 Monroe St.
2nd Fl.
Rockville, MD 20850
County of Residence: Montgomery
 Serve on: Isiah Leggett
 County Executive
 101 Monroe St.
 2nd Fl.
 Rockville, MD 20850

J. THOMAS MANGER,
in his official capacity
100 Edison Park Dr.
Gaithersburg, MD 20878
County of Residence: Montgomery

ALEXANDER KETTERING,
in his official and individual capacities
100 Edison Park Dr.
Gaithersburg, MD 20878
County of Residence: Montgomery

Case No.:

COMPLAINT

JURY TRIAL DEMAND

FRUITS AND VEGETABLES BY LEWIS
ORCHARD, LLC, d/b/a LEWIS
ORCHARDS,
19100 Peach Tree Rd.
Dickerson, MD 20842
County of Residence: Montgomery

LINDA LEWIS,
19100 Peach Tree Rd.
Dickerson, MD 20842
County of Residence: Montgomery

and ROBERT LEWIS,
19100 Peach Tree Rd.
Dickerson, MD 20842
County of Residence: Montgomery

Defendants.

Plaintiffs Nohora Rivero and Legal Aid Bureau, Inc., by and through their counsel, allege as follows:

NATURE OF THE ACTION

1. This is a suit for damages, declaratory and injunctive relief challenging as unconstitutional a no-trespass notice issued by Montgomery County police to Legal Aid workers who sought to visit, speak with, and deliver literature to migrant farmworkers living on-site on the farms at which they were employed.

2. On the evening of August 18, 2015, Plaintiff Nohora Rivero and non-party Spencer Evans, employees of Plaintiff Legal Aid Bureau, Inc., a/k/a Maryland Legal Aid (“Legal Aid”), attempted to visit migrant farmworkers employed by Defendant Fruits and Vegetables by Lewis Orchard, LLC (“Lewis Orchards”). The farmworkers live on-site in housing provided by their employer

at 18900 Peach Tree Road in Dickerson, Maryland (the “Farm”). Rivero routinely visits such “camps” to educate migrant farmworkers about their rights and refer them to legal and other social services providers. Indeed, Legal Aid receives grants from the Legal Services Corporation (“LSC”) and the Maryland Legal Services Corporation (“MLSC”) to conduct its work. Those corporations were created by Congress and the Maryland legislature, respectively, to fund civil legal aid programs throughout the U.S. and Maryland. The Maryland Attorney General has specifically opined that Legal Aid workers and other social service providers may not be prevented from visiting migrant workers, even against the wishes of private landowners. *See Owners of Migrant Labor Camps May Not Prevent Access By Others To Migrants Residing In Camps*, 67 Md. Op. Att’y Gen. 4, 1982 WL 187845 (July 19, 1982).

3. When Rivero and Evans visited the Farm on August 18, however, Defendants Linda and Robert Lewis, the owners of Lewis Orchards, confronted Evans and ordered the Legal Aid employees to leave. Linda Lewis immediately called the Montgomery County Police Department (“MCPD”), which dispatched Officer Alexander Kettering to the scene. Rather than informing the Lewises of Legal Aid’s right to visit the workers, and even after being provided a copy of the opinion affirming this right, Kettering instructed Rivero and Evans to leave. Kettering issued no-trespass warnings to both Rivero and Evans, making both Legal Aid employees immediately subject to criminal trespass prosecutions if they returned to the Farm within one year of the notice’s issuance.

4. Migrant farmworkers are among the most vulnerable populations in American society. They are overwhelmingly poor and undereducated, and often speak limited English. Most workers are non-citizens, and even those in the country legally on work visas fear employers’ threats to have them deported or arrested.¹ They are often isolated in small encampments and dependent on their employer

¹ Legal Aid is generally prohibited by law from representing undocumented workers.

for housing, transportation, and access to basic services like health care. These conditions make it easy for employers to exploit migrant workers, denying even the scant protections the law provides; employers' violations of wage and hour, occupational health and safety, and housing laws are widespread.

5. Legal Aid attorneys and staff fight these abuses by ensuring that migrant workers are informed of their rights and know whom to call if and when their employers violate the law. Their presence in work camps is vital to ensuring the health, safety, and welfare of migrant workers.

6. Legal Aid organizations, attorneys and staff have a right under the First Amendment to the Constitution of the United States and state law to speak with migrant workers who wish to receive them. They need not secure a landowner's consent nor comply with unreasonable restrictions. They may not be subject to legal action for trespassing on the basis of their lawful presence on the property, and they may not be prevented from seeing workers or distributing literature. This suit seeks damages, declaratory and injunctive relief vindicating these rights, as well as attorneys' fees and court costs.

JURISDICTION AND VENUE

7. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1343 over claims made under 42 U.S.C. § 1983 as well as supplemental jurisdiction over state-law questions under 28 U.S.C. §§ 2201 and 1367.

8. Venue is appropriate under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this district. Venue is also appropriate under 28 U.S.C. § 1391(b) because all defendants reside within this district.

PARTIES

I. PLAINTIFFS

9. Nohora Rivero is a resident of Wicomico County, Maryland. She holds a full-time position as a Law Graduate with Legal Aid, where she has worked since 1993. She graduated from the Universidad de San Buenaventura in Cali, Colombia, earning a degree in Law in 1983. Much of her time is spent visiting migrant farmworker camps in Maryland and Delaware, pursuant to Legal Aid's contract with LSC. Rivero was born in Colombia and is a native Spanish speaker. Her language skills allow her to communicate easily with migrant farmworkers, making her essential to Legal Aid's Farmworkers Program.

10. Legal Aid Bureau, Inc. is a private, non-profit law firm organized under § 501(c)(3) of the Internal Revenue Code that provides free legal services to low-income people in Maryland.² It is funded through contracts and grants from public sources such as LSC and MLSC, private foundations, and charitable contributions from individuals. Eighty-five percent of its annual budget is spent on program services, provided by attorneys and staff employed by Legal Aid. As part of its Farmworkers Program, Legal Aid employees visit migrant and seasonal agricultural workers who live in employer-controlled housing on employer-owned land. These visits occur in the evenings, after the workers' workday has ended. The purpose of these visits is to inform workers of their rights under state and federal law to minimum wage, overtime, safe housing, and workplace health and safety; to inform them of available social services, to distribute literature on common topics of concern to migrant farmworkers, and to listen to any concerns the workers may have. Legal Aid tries to visit each migrant

² Legal Aid also receives funding from LSC to represent migrant farmworkers in Delaware.

labor camp in Maryland and Delaware at least once each year, and pays more frequent visits to camps at which labor concerns surface.

II. DEFENDANTS

11. Montgomery County, Maryland (“Montgomery County” or “the County”), is a political subdivision of the State of Maryland, with the capacity to sue and be sued. It is the authority ultimately responsible for the MCPD.

12. J. Thomas Manger is the Chief of Police of the MCPD. He has policymaking authority for the MCPD and is responsible for overseeing effective implementation of MCPD policies. Chief Manger is sued in his official capacity only.

13. Alexander Kettering is an Officer with the MCPD. He responded to a call at Lewis Orchards on August 18, 2015, where Rivero and Evans were attempting to exercise their constitutional and state-law rights to speak with vulnerable and isolated migrant farmworkers. Rather than enforcing the law as established by the constitution, the state, and Maryland’s own Attorney General, Kettering falsely and unlawfully told the Legal Aid employees that they were trespassing and ordered them to stay away from Lewis Orchards for one year. Kettering is sued in both his official and individual capacities.

14. Defendants Montgomery County, Manger, and Kettering are referred to collectively in this Complaint as the “County Defendants.”

15. Fruits and Vegetables by Lewis Orchard, LLC, d/b/a Lewis Orchards is a limited liability company organized under the laws of Maryland. Its principal place of business is 19100 Peach Tree Road, Dickerson, MD 20842. Lewis Orchards grows and sells produce on-site in Dickerson. For the 2016 growing season, Lewis Orchards has contracted to employ 12 non-citizen migrant workers on H-2A visas who reside in employer-provided housing.

16. Linda Lewis, an individual, is an owner of Lewis Orchards. She resides on the Farm at 19100 Peach Tree Road, Dickerson, MD 20842 with her husband, Robert Lewis.

17. Robert Lewis, an individual, is an owner of Lewis Orchards. He resides on the Farm at 19100 Peach Tree Road, Dickerson, MD 20842 with his wife, Linda Lewis.

18. Linda and Robert Lewis are referred to collectively in this Complaint as “the Lewises.” Lewis Orchards, Robert Lewis, and Linda Lewis are referred to collectively as the “Lewis Defendants.”

FACTUAL ALLEGATIONS

I. BACKGROUND ON MIGRANT FARMWORKERS³

19. Between two and three million migrant farmworkers work farms in all 50 states. Though accurate, up-to-date information on migrant farmworkers is sparse, it is clear that a large portion of the U.S. agricultural workforce—some 42 percent as of the last major government report—consists of workers who routinely move their residences from job to job. A large majority of these workers are foreign-born, and identify as Hispanic or Latino. A majority (58%) speak “a little” English or no English at all; only one-third speak English “well.” Roughly three-quarters lack a complete high school education. Nearly 60 percent of farmworkers are married and more than half have children; but one-third of all parents live apart from their children—nearly all of whom continue to reside outside the United States.

³ Factual matter alleged in this section is largely drawn from the following helpful reports: Nat’l Ctr. for Farmworker Health, *Farmworker Health Fact Sheet: Demographics* (2012); U.S. Dep’t of Labor, *Findings of the National Agricultural Workers Survey (NAWS) 2001-2002: A Demographic and Employment Profile of United States Farmworkers* (2005); Christine Ahn, Melissa Moore, & Nick Parker, *Migrant Farmworkers: America’s New Plantation Workers*, (2004); Oxfam Am., *Like Machines in the Fields: Workers Without Rights in American Agriculture* (2004).

20. Farmworkers are among the lowest-paid laborers in the United States. Hourly wages for seasonal farm work hover around \$7; and though at peak seasons, workers may labor 12 hours a day, seven days a week, work is rarely steady enough to make a stable living. Individual farmworkers earn, on average, below \$17,500 annually; the average farmworker family income is less than \$20,000—below federal poverty guidelines for a family of three. Fewer than half are covered by unemployment insurance or workers' compensation, and only 22 percent receive employer-provided health insurance.

21. Agricultural labor is some of the most dangerous work in the country. The disability rate for agricultural workers is three times higher than that for the general population. Farmworkers develop chronic musculoskeletal conditions from labor that is literally back-breaking; they travel to work in unsafe, overcrowded buses and trucks; they handle and spray toxic pesticides. The EPA estimates that physicians diagnose 10,000-20,000 pesticide poisonings each year among farmworkers. Many more go unreported.

22. On-site conditions are harsh. Only four percent of farmworkers have access to drinking water, toilet, and handwashing facilities in the fields. Lack of drinking water can lead to dehydration and heatstroke. Some farm supervisors restrict access to water in order to sell workers sodas or beer.

23. One third of migrant farmworkers live in housing provided by or rented from their employers. Roughly two-thirds of these live on the farm where they work. Often this housing is dangerous and overcrowded. One study of farmworker housing found that 15 percent of housing units lacked access to functioning toilets; one third had structural problems or holes in the roof. Migrant workers are often dependent on their employers for transportation from these on-farm camps to towns and cities, leaving workers isolated, vulnerable, and effectively cut off from available social services.

24. Because of the vulnerabilities of poverty, isolation, language and legal status outlined above, migrant workers living in employer-provided on-farm camps are often subjected to illegal and unconscionable working and living conditions. One study found that 77 percent of inspected California vineyards violated at least one provision of the Agricultural Worker Protection Act or the Fair Labor Standards Act. More than half underpaid their workers. Another study found that almost 70 percent of all field inspections revealed violations of workplace health and safety standards. Workers and their families are abused, exploited, neglected, and isolated as a matter of routine.

25. Because migrant farmworkers are so vulnerable, and so isolated from what paltry social, medical, legal, and religious services are available to them, it is vitally important that service providers like Legal Aid reach out to workers directly—to visit them where they live.

II. FARM OWNERS' ATTEMPTS TO STIFLE LEGAL AID WORKERS

26. There exists an overextended, underpaid, under-resourced, underappreciated, but ultimately effective network of doctors, nurses, social workers, labor advocates, and lawyers who provide vital services to communities of migrant workers. Plaintiff Legal Aid, its attorneys and staff are a part of this critically important network.

27. Because of the special vulnerabilities of the migrant worker population and the abuses that permeate the agricultural industry, it is particularly important that these dedicated providers be able to access the communities they seek to serve.

28. These providers are viewed with suspicion by many farm employers; this is at least in part because service providers can connect farmworkers with the resources needed to expose and remedy employers' illegal and exploitative practices.

29. Farm employers frequently deny access to outreach workers, such as Rivero, who try to contact farmworkers. They tell outreach workers to leave their property; demand prior notice before visiting the property; and threaten them with violence or arrest. They pressure outreach workers to name prospective clients who are seeking assistance, intruding on farmworkers' rights to privacy and sometimes violating service providers' ethical confidentiality obligations. They also pressure workers not to speak with outreach staff, especially when staff contact employers before a visit. Legal Aid and its staff have experienced all of these practices in conducting outreach to farmworkers in Maryland and Delaware.

30. Almost all courts and attorneys general who have addressed the issue have confirmed that employers may not legally interfere with outreach workers' attempts to contact farmworkers who wish to speak with them. Nonetheless, as happened here, state and local police often disregard these authorities, siding instead with farm owners and employers, who are generally better connected with local power structures.

31. For example: the Maryland Attorney General issued an opinion in 1982 affirming that outreach workers may visit migrant farmworkers, even on privately-owned land. Legal Aid outreach workers carry a copy of this opinion because they are routinely subjected to abuse from farm employers and local police. One local police officer, presented with a copy of this opinion, refused to acknowledge its authority, dismissing it as "not original and too old."

32. Abuses such as these are so common that coalitions of legal aid groups, advocacy groups, health care organizations, and legal clinics have petitioned Human Rights officials for both the United Nations and the Organization of American States for investigation into the widespread denial of access for outreach workers to migrant worker camps in the United States. Legal Aid, in concert with

coalitions of other concerned organizations, has composed reports detailing the experiences of legal aid and social service workers across the country.⁴

33. These reports have prompted the United Nations Special Rapporteurs on Extreme Poverty and Human Rights, on the Situation of Human Rights Defenders, and on the Human Rights of Migrants to send an official communication to the United States Government expressing concern and requesting a response to the coalitions' allegations.⁵ The United States's response does not deny the coalitions' allegations.⁶

III. DEFENDANTS' UNLAWFUL TREATMENT OF LEGAL AID EMPLOYEES

34. Lewis Orchards operates a farm and market at 19100 Peach Tree Road in Dickerson, MD. It employs 12 migrant guest workers from Mexico who are in the country legally on H-2A visas. These visas, which are tied to particular employers, allow foreign workers to enter the country temporarily for seasonal agricultural work. Employers agree to pay for transportation to and from the workers' country of residence. Thus, H-2A workers are dependent on their employers not only for their livelihoods, but for their legal status in the United States and their transportation back to their home country. They cannot quit or seek other employment without leaving the country—something they can rarely afford to do on their own. They often borrow money to pay illegal fees to recruiters, which they

⁴ See Report to U.N. Special Rapporteur on Extreme Poverty and Human Rights (Dec. 13, 2012), <https://www.wcl.american.edu/humright/center/documents/campaccess.pdf>; Report to Exec. Sec'y of the Inter-American Comm'n on Human Rights (Jan. 20, 2014), <http://www.wjcnny.org/wp-content/uploads/2014/01/Denial-of-Migrant-Labor-Camp-Access-in-the-US-20Jan2014.pdf>

⁵ See Letter from the U.N. Special Rapporteur on Extreme Poverty and Human Rights, Special Rapporteur on the Situation of Human Rights Defenders, and Special Rapporteur on the Human Rights of Migrants (Dec. 27, 2012), https://spdb.ohchr.org/hrdb/23rd/public_-_AL_USA_27.12.12_%2825.2012%29.pdf.

⁶ See Letter from the U.S. Mission to the U.N. and Other Int'l Orgs. in Geneva (May. 2, 2014), [https://spdb.ohchr.org/hrdb/27th/USA_02.05.14_\(25.2012\).pdf](https://spdb.ohchr.org/hrdb/27th/USA_02.05.14_(25.2012).pdf).

must pay on their return or face black-market consequences. H-2A status thus increases the already substantial leverage employers have over their workers.

35. The Farm has two separate migrant worker camps on site.

36. Around 7:00 pm on the evening of August 18, 2015, Rivero and Evans (a summer clerk with Legal Aid) traveled to the migrant labor camp at Lewis Orchards for a routine outreach visit. They planned to speak with the workers there about the legal services available to them and to distribute brochures about workers' rights, the Affordable Care Act, and complying with U.S. tax laws.

37. When Rivero and Evans arrived at the Farm, they spoke with five workers at the most obvious migrant worker camp. They were well received; workers told Rivero about potential wage and hour violations at Lewis Orchards. The workers told Rivero that they had not been reimbursed as promised for their transportation from Mexico, and that the Lewises had been routinely forcing them to work overtime (more than 60 hours per week) at their standard hourly rate, rather than at time-and-a-half as required by law. Rivero knew about the second camp and asked the workers for directions, because she had had trouble finding the camp in the past. The workers happily provided directions.

38. Nonetheless, Rivero and Evans had difficulty finding the second camp, and returned to the first to get more specific directions. As Rivero asked workers in the first camp for directions, Linda and Robert Lewis arrived in a vehicle and began talking with Evans, who was waiting in the car. Rivero finished talking with the workers in the first camp and walked over to the car.

39. When the Lewises learned that Rivero and Evans worked for Legal Aid, Linda Lewis flew into a rage. She screamed at Evans, saying he and Rivero were trespassing on her property. She called the police. Rivero calmly told Lewis that she had a right to visit the migrant farmworkers, and that the workers had a right to receive them as tenants on the property. Lewis responded that the workers

were not tenants because their housing was provided by contract, and that they had no right to receive visitors.

40. The MCPD dispatched Officer Alexander Kettering to the scene. After speaking with the Lewises for about ten minutes while the Legal Aid employees waited, Kettering told the Legal Aid employees that they were trespassing and instructed them to leave the Farm. Rivero insisted that the workers have the right to receive visitors, and noted that there were no “No Trespassing” signs posted. Kettering said that he wanted to be fair to both parties, but that he knew the Lewises—that they were prominent in the community, did good things, and were good and reasonable people. He said he would give Rivero and Evans a warning and demanded to see their identification.

41. Rivero presented Kettering with what she thought was the opinion of the Maryland Attorney General, clearly affirming Rivero’s right to visit the Lewis Orchards workers. In the haste and stress of the moment, she in fact gave him a Virginia Attorney General opinion. Kettering took the opinion and conferred with the Lewises. After about fifteen minutes, he returned, telling Rivero and Spencer that the opinion didn’t apply because it was from Virginia. Evans found the correct Maryland AG opinion on his smartphone and showed it to Kettering. Despite having talked with the Lewises for, at this point, roughly half an hour, Kettering responded that he didn’t have time to read the opinion. He spent roughly fifteen more minutes filling out an official no-trespassing order and instructed Rivero and Evans to leave. The Legal Aid employees reluctantly complied with Kettering’s orders.

42. The Maryland Attorney General’s opinion is four pages long (six with footnotes). Its second sentence reads: “For the reasons given below, we have concluded that migrant workers have the legal right to receive guests in their living quarters and be visited there by clergy, medical and other

service personnel, lawyers, and the press” 67 Md. Op. Att’y Gen. 4, 1982 WL 187845 (July 19, 1982).

43. The no-trespass order purports to bar Rivero and Evans from the property for one year. It subjects Rivero and Evans to prosecution if they exercise their First Amendment rights to visit workers, speak with them about their services, and distribute literature.

44. As they waited for the police, Rivero overheard Linda Lewis on her cell phone with an unknown party. Lewis instructed the party on the other end to “call everybody” for a “big meeting” the next day.

45. On information and belief, the migrant farmworkers in the first work camp observed the confrontation between Legal Aid, the Lewises, and the MCPD.

46. On information and belief, the Lewis Defendants instructed its migrant farmworkers not to communicate with Legal Aid.

47. When Rivero attempted to contact workers at Lewis Orchards by phone after the confrontation, they were much less willing to speak than they had been when Rivero first arrived. They insisted that they hadn’t seen anything and refused to talk further.

48. On information and belief, the migrant farmworkers employed by Lewis Orchards were intimidated by the confrontation between Legal Aid and Defendants and by the Lewis Defendants’ instructions not to communicate with Legal Aid. This intimidation caused the workers to cease meaningful communication with Legal Aid.

49. The workers’ cessation of communication ensured that they would not be able to vindicate the labor law violations they had previously reported to Rivero.

50. The County Defendants' instructions to Plaintiffs to leave Lewis Orchards and their issuance of a no-trespass order violated Plaintiffs' free speech rights and proximately caused them damages. In particular, Legal Aid expended staff time and scarce resources in its visit to Lewis Orchards, the purpose of which visit was unlawfully frustrated. Moreover, Legal Aid has been forced to expend further staff time and resources to secure Plaintiffs' rights to visit migrant workers on Lewis Orchards property. Finally, Plaintiffs' speech has been chilled—Plaintiffs would like to visit, speak with, and distribute literature to migrant farmworkers at the Farm, but cannot because they reasonably fear prosecution by the County Defendants.

CAUSES OF ACTION

COUNT ONE

(42 U.S.C. § 1983—First and Fourteenth Amendments and Article 40 of the Maryland Declaration of Rights—County Defendants)

51. Plaintiffs incorporate by reference and reallege all foregoing paragraphs herein.

52. The County Defendants violated and continue to violate Plaintiffs' rights under the First Amendment to the United States Constitution, as incorporated against States through the Fourteenth Amendment to the United States Constitution and Article 40 of the Maryland Declaration of Rights.

53. By instructing Plaintiffs to leave Lewis Orchards and issuing a no-trespass notice to Plaintiffs, the County Defendants have violated and continue to violate Plaintiffs' clearly established rights under the First and Fourteenth Amendments to the United States Constitution and Article 40 of the Maryland Declaration of Rights.

54. As a direct and proximate consequence of the County Defendants' acts, Plaintiffs have been and will in the future be denied their constitutional rights to speak with and distribute literature to

the migrant farmworkers they seek to aid. The County Defendants' actions and policies further have subjected and may in the future subject Plaintiffs to criminal trespass proceedings and sanctions as punishment for their exercise of constitutional rights. This has caused Plaintiffs loss of property and liberty, pain and suffering, emotional distress, fear and humiliation, and has had and will continue to have a chilling effect on the exercise of Plaintiffs' First Amendment and Article 40 rights.

55. Kettering's acts demonstrated reckless or callous disregard of Plaintiffs' rights.

56. The County Defendants' violations of the First and Fourteenth Amendments to the United States Constitution establish a cause of action, pursuant to 42 U.S.C. § 1983, for declaratory, injunctive, and monetary relief, including compensatory and punitive damages, attorneys' fees and costs.

57. The County Defendants' violations of Article 40 of the Maryland Declaration of Rights establish a cause of action for declaratory, injunctive, and monetary relief, including compensatory and punitive damages.

COUNT TWO

(Declaratory Judgment Act—Lewis Defendants)

58. Plaintiffs incorporate by reference and re-allege paragraphs 1 – 50.

59. Under the laws of the State of Maryland, migrant workers have a legal right to receive guests and to be visited by clergy, medical and other service personnel, lawyers, and the press, subject only to such reasonable and necessary rules established by camp owners as to protect the owners' legitimate business and security interests and not deny or seriously infringe upon the legal rights of migrant workers.

60. Under the laws of the State of Maryland, title to real property conveys no right to prevent speech or association between migrant workers living on the property and clergy, medical and other service personnel, lawyers, and the press.

61. Under Maryland law and the United States Constitution, no action for criminal trespass may lie against governmental and charitable organizations serving the social, health, and legal needs of migrant worker communities, or the employees of such organizations in the ordinary course of their duties.

62. Accordingly, there exists no legal basis on which the Lewis Defendants may seek to prohibit Plaintiffs from, at reasonable times and in a reasonable manner, visiting and speaking with migrant farmworkers living on Lewis Orchards' property. Any right to exclude Plaintiffs from access to migrant workers' living quarters belongs to the workers themselves, not the Lewis Defendants, and the Lewis Defendants may not exercise those rights on workers' behalf.

63. The respective rights of Plaintiffs and the Lewis Defendants are a matter of actual controversy, as demonstrated by the Lewis Defendants' successful but unlawful invocation of state authority to exclude Plaintiffs from Lewis Orchards property.

64. This Court has jurisdiction and authority to declare the respective rights of the parties under 28 U.S.C. § 2201 and 28 U.S.C. § 1367 and to grant further relief based on such judgment under 28 U.S.C. § 2202.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against Defendants on all claims and request that the Court award the following relief:

A. Declare, pursuant to 28 U.S.C. §§ 2201 & 2202, that the County Defendants' order that Plaintiffs leave Lewis Orchards property and their issuance of a no-trespass order barring the plaintiffs from returning to the property for one year, on threat of criminal prosecution, violated Plaintiffs' rights under the First and Fourteenth Amendments of the United States Constitution;

B. Enjoin the County Defendants immediately to cease enforcement of and rescind the no-trespass order, to cease issuing instructions to leave Lewis Orchards property, and to cease issuing similar instructions or no-trespass orders against similar parties in similar circumstances in the future;

C. Declare, pursuant to 28 U.S.C. §§ 2201 & 2202, that the Lewis Defendants lack a basis in state or federal law for instructing Plaintiffs that they may not visit migrant workers living on Lewis Orchards property, and for seeking the aid of the MCPD in excluding Plaintiffs from the property;

D. Enjoin the Lewis Defendants from further interference with Plaintiffs' or similar parties' attempts to visit and speak with migrant workers living on Lewis Orchards property, and from retaliating in any way against any migrant worker employed by Lewis Orchards;

E. Award Plaintiffs compensatory damages against County Defendants, jointly and severally, in an amount to be determined by the jury;

F. Award Plaintiffs punitive damages against Defendant Kettering, in an amount to be determined by the jury;

G. Award Plaintiffs the reasonable costs and expenses of this action, including attorneys' fees, in accordance with 42 U.S.C. § 1988; and

H. Grant such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiffs demand a jury trial on the claims triable as of right by jury set forth herein.

April 20, 2016

Respectfully submitted,

/s/ Deborah A. Jeon

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