

# **Colorado Legal Services files lawsuit on behalf of H-2A workers with claims of forced labor and wage theft in potato packing warehouses in the San Luis Valley**

Oct. 29, 2024 (DENVER) – The Farm Worker Rights Division of Colorado Legal Services filed a lawsuit alleging at least three people were trafficked into a forced labor scheme in the San Luis Valley of Colorado. The lawsuit names Diana Olivarez and her family members, who run a farm labor contracting company, J&T Harvesting LLC, along with Alpine Potato Company, and the entities who own and operate MountainKing Potatoes warehouses, as Defendants.

The three plaintiffs were among a large group of H-2A agricultural workers who traveled hundreds of miles from their hometowns in Mexico for the opportunity to work in the U.S. and provide for their families. The opportunity, however, came at a high price. The lawsuit alleges that the individuals were required to pay recruitment fees, travel expenses, visa costs and housing – expenses H-2A employers are required to cover. When they finally arrived in Colorado, they were held for several days in a rundown motel in Del Norte, Colorado and then forced to work for hardly any pay. They worked in MountainKing Potatoes and Alpine Potato Company warehouses, who knowingly benefitted from the forced labor, according to the complaint.

According to the lawsuit, they were under constant surveillance and threatened with losing their immigration status if they tried to leave.

“They didn’t know where to turn,” said Jenifer Rodriguez, Managing Attorney of the Farm Worker Rights Division of Colorado Legal Services. “There is already a significant power imbalance with the H-2A workers tied to their employers through their H-2A visas without the option to find work elsewhere in the U.S. The added debt they were forced to incur and the restriction of their movements created a hopeless situation, making it seem impossible to find a way out.”

J&T Harvesting received approval from the U.S. Department of Labor and U.S. Citizenship & Immigration Service for the H-2A workers to work at farms in Uvalde, Texas, based on its assurances that the temporary foreign agricultural workers would be paid the proper wage, provided housing and that J&T Harvesting would pay the visa fees and travel costs of the workers from the place of recruitment. Instead, the lawsuit alleges that the workers ended up packing potatoes at warehouses in the San Luis Valley of Colorado, paying for unsanitary and degrading

housing and barely receiving any wages.

When they were paid, it was at a rate below Colorado minimum wage. And the lawsuit alleges farm labor contractor Olivarez and her agents, who escorted the workers to Colorado and monitored their movements, took additional money from their pay before giving anything to them. According to the lawsuit, in four weeks of work Colorado Legal Services' clients were only paid the lower wage rate for about a week and a half.

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The lawsuit is filed under case number 1:24-cv-02853, in the U.S. District Court for the District of Colorado.

Last updated on November 27, 2024.

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