

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

**ANDREW O’SHEA, individually and on behalf
of all those similarly situated,**)

Plaintiffs,)

v.)

**Marisol Martinez, James Harding, and
Ruben Hernandez**)

Defendants.)

CIVIL ACTION NUMBER

4:16-CV-00015

JURY TRIAL DEMANDED

AMENDED CLASS ACTION COMPLAINT

INTRODUCTION

1. This is a class action brought pursuant to the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§1961-1968, brought by hourly-paid production workers at Indiana Packers Corporation (“IPC”, “the Plant”, or “the Company”), a large meat processor located in Delphi, Indiana against three of its Human Resources (“HR”) personnel for carrying out a scheme to employ vast numbers of illegal immigrants at the plant to depress wages.
2. Because of IPC’s size in the predominantly rural area where it is located and the difficulty hourly production workers at IPC face finding equivalent employment elsewhere, IPC has market power to establish wages for unskilled workers, like Mr. O’Shea. IPC’s market

power enables it to pay wages below the wage it would otherwise be obliged to pay if it were not hiring illegal immigrants (hereafter “Illegal Immigrant Hiring Scheme” or “the Scheme”).

3. The employment of illegal immigrants is carried out by the repeated false attestations that the illegal workers are authorized to be employed in the U.S. on I-9 Forms, the document every employer must complete to ensure compliance with the Immigration Reform and Control Act (“IRCA”).
4. These false attestations are RICO violations. Marisol Martinez and Ruben Hernandez, IPC Human Resources (“HR”) workers, have hired hundreds (and perhaps thousands) of illegal immigrants to work at the plant over the last four years. James Harding is their boss, the HR Director in charge of hiring for the plant, who is aware of, and approves of, their hiring practices and the Scheme.

PARTIES, JURISDICTION & VENUE

5. Andrew O’Shea (“O’Shea”) is a citizen of Indiana and lives in this district.
6. James Harding (“Harding”), Marisol Martinez (“Martinez”), and Ruben Hernandez (“Hernandez” and “Defendants” collectively) are citizens of Indiana and live in this district.
7. The Court has jurisdiction of the case as a federal question arising under RICO’s civil remedies provision, 18 U.S.C. §1964(c) and 28 U.S.C. §1331 (federal question jurisdiction).
8. Venue is proper in this district because the RICO violations occurred here and the parties reside here.

The Geographic Market Of IPC For Its Hourly Production Workers:

9. IPC is located in Delphi, Indiana (population approximately 2,888) in Carroll County (population approximately 20,086). Virtually all the employees at the plant reside within a 50-mile radius. This area includes: Jasper, Pulaski, Fulton, Benton, White, Carroll, Cass, Miami, Warren, Tippecanoe, Clinton, Howard, Tipton, Montgomery, and Boone counties, all in Indiana.
10. Data from the United States Census Bureau's American Community Survey ("ACS") support the approximate 50-mile radius for the definition of the labor market. These data indicate that the mean commuting time to the job for workers with less than a high school education is 21 minutes for those living in Indiana and 24 minutes for those living in other states. In Indiana, 94% of workers with less than a high school education have a commuting time to the job of 45 minutes or less. 94% of workers with less than a high school education who live in the IPC labor market commute to work in 45 or fewer minutes and half commute in less than 15 minutes. Nationally, for workers with less than a high school degree who are employed as butchers and other meat, poultry and fish processing workers (U.S. Census Bureau occupation code 7810), the mean commuting time is 21 minutes and 94% commute to work in 45 or fewer minutes.
11. This data on commuting times offer compelling evidence that the relevant labor market for IPC is approximately a 50-mile radius from the plant (referred to herein as "the labor market" "relevant labor market" and/or "IPC's labor market"). Such data also suggests that at least 90% of workers who live between 45-50 miles away from IPC will not make the commute to

IPC each day due to the long distance and commute time and will not be part of the relevant labor market.

The IPC Workforce:

12. IPC is one of the largest employers in Northern Indiana, particularly for low-skilled workers lacking a high school degree. It has 2,500-3,000 employees at its pork processing plant in the small town of Delphi in Carroll County.
13. Most of the hourly-paid workers at IPC are engaged in slaughtering live pigs or on the production lines, where the meat is sliced and packaged.
14. These are hard and unappealing jobs that do not require any education. Workers do repetitive tasks, handle or are in proximity to dangerous cutting machinery, and often stand for long periods of time. The pace of work is fast, unrelenting, and stressful. The work environment is loud, bloody, cold (in refrigerated areas), and more dangerous than jobs in other types of manufacturing/production.
15. Based upon data from the Bureau of Labor Statistics (Occupational Outlook Handbook), the general skills/traits needed for production work, such as production/line work at IPC, are physical stamina, physical strength, and coordination. Little to no other skills/traits are required to work in such jobs.
16. The typical IPC production worker is a high school dropout with one or more of the following characteristics: an arrest record, a recent physical injury, and/or an unstable work history (referred to as “the drop-out-plus-one” workforce). The vast majority of employers

will not hire them. On information and belief, IPC is the largest employer in the labor market that will hire them.

17. According to data from the ACS (5-year 2006-2010 sample) and the Bureau of Justice Statistics (U.S. Department of Justice), there are approximately 10,327 “drop-out-plus-one” workers in the relevant labor market (described above), which means that at that time IPC employed approximately 29% of all “drop-out-plus-one” workers who reside and work in this labor market.
18. Andrew O’Shea fits this profile. He did not complete high school and has an arrest record. Having little choice, he accepted a job at IPC in 2013 for approximately \$10.50/ hour. He lived in Kokomo (Howard County), Indiana at the time he was employed there. He worked there for approximately 10 months with little or no pay increases. He then worked at IPC for a second time in 2014 for approximately five/six months. The highest wage rate O’Shea ever received at IPC was approximately \$10.85/hour.
19. Other than the typical worker described above (and who is authorized for employment in the United States), IPC also hires many illegal immigrants who are not authorized for employment. Not only are they welcome to work at IPC, but references from prior employers are not checked, literacy is not required, and Martinez and Hernandez (or one of their colleagues in the HR department) tip them off when there are rumors that Immigration and Customs Enforcement agents might be in the area.

IPC's Size And The Nature Of The Labor Market For Drop-Out-Plus-One Workers Combine To Give It Market Power To Depress Wages For The Labor Force:

20. As described herein, the large share of relevant employment of IPC and the high search costs of finding alternative employment for IPC workers “tie” IPC workers to IPC, resulting in considerable market power for the Company.
21. IPC employs approximately 29% of all drop-outs-plus-one workers who work in IPC's labor market. Based upon data from the Bureau of Labor Statistics (U.S. Department of Labor), however, approximately 30% of the jobs in this labor market that are available to high school drop-outs require skills above what IPC requires for production workers, which are merely physical strength and stamina, and some coordination. These additional skills (required by other low-skill employers) include communication, customer-service interaction, interpersonal, listening, mechanical, time management, math, and selling skills, as well as exhibiting patience.
22. Accordingly, a typical IPC production/line worker is not well-matched or well-suited for 30% of such jobs that other high-school dropouts would be eligible for, thereby further shrinking the available pool of alternative jobs, and increasing IPC's share of relevant employment to approximately 41%.
23. In addition to IPC's 41% share of relevant employment, the employers in the IPC labor market are typically small and widely dispersed. According to data from the Quarterly Census of Employment and Wages for 2013 (U.S. Bureau of Labor Statistics), there are 12,098 establishments (places of employment) in the IPC labor market and the average number of employees at these establishments is 16. The diffuse nature of employment and the relatively small number of alternative job opportunities available to IPC workers makes

searching for a job costly for IPC workers. Workers have no way of easily identifying employers that require only the limited skills of IPC workers.

24. Therefore, class members must expend a significant amount of time and resources to obtain the information necessary to identify possible alternative employment, much less get hired elsewhere.

25. These costs of searching for alternative employment are further exacerbated by the fact that the job vacancy rate—jobs available to be filled—is only 3% according to the Bureau of Labor Statistics. This very low vacancy rate means that the number of alternative jobs available is an order of magnitude smaller than the number of drop-out plus-one-workers employed in the IPC labor market.

26. For these reasons, IPC workers are reluctant to leave—and are tied to—IPC because changing jobs would necessitate incurring considerable job search costs and taking a job that may not be the best match in terms of their skills or other non-wage aspects such as geographical location. It could also lead to unemployment.

27. Therefore, the inability of IPC workers to leave, coupled with IPC's 41% share of relevant employment, gives IPC the market power to set the wages of IPC workers. It also gives IPC the ability to keep workers while paying them less than the value of what they produce for IPC.

IPC Keeps Wages Low By Employing Illegal Immigrants:

28. It is well-accepted that illegal immigrants will accept sub-market wages. This was the prime motivating factor in the enactment of IRCA, the landmark 1986 law which prohibits

employers from hiring them. A firm with market power that violates the law on a large-scale basis can seriously depress the wages and working conditions of legal American workers. IPC has been doing this for years to the detriment of its hard-working American workers.

29. Data from the United States Census Bureau's ACS (American Community Survey) illustrate this. In the IPC labor market, the average wage of full-time workers with less than a high school education in 2013 was \$14.05—well above the wage of Andrew O'Shea at IPC in 2013. In Indiana, according to the ACS, the average wage of full-time workers with less than a high school education in 2013 was \$14.21, which is also well above the wage of Andrew O'Shea in 2013. Among full-time workers with less than a high school education who work in the same occupational group as IPC workers (U.S. Census occupation group production occupations) in Indiana, the average full-time wage in 2013 was \$15.42 for those of all ages and \$15.14 for workers between the ages of 25 and 30, which is the age group of O'Shea.

THE ILLEGAL IMMIGRANT HIRING SCHEME IS CARRIED OUT THROUGH FALSE ATTESTATIONS ON I-9 FORMS AND ACCEPTANCE OF FALSE DOCUMENTS

Marisol Martinez and Ruben Hernandez Knowingly Hire Illegal Workers:

30. Martinez and Hernandez are bilingual and are instrumental in the Illegal Immigrant Hiring Scheme because the illegal workers have poor or no English skills. The vast majority of the illegal workers speak Spanish. They interview them, read their Spanish-language job applications, and inspect their work authorization documents presented to comply with IRCA.
31. They work at the IPC Human Resources office and report directly to James Harding, who is ultimately responsible for their acts. Harding reports directly to James Hardison, Vice

President of IPC for Human Resources. Mr. Hardison approves the way in which Harding, Martinez, and Hernandez conduct the hiring and run the Human Resources Department.

Effectively, Harding, Martinez, and Hernandez carry out Hardison's directives to conduct hiring in this manner. And Hardison is quite familiar with the hiring process. He began his career at IPC hiring workers in the HR office, including many illegal workers.

32. As part of the hiring process, prospective employees must complete IPC employment applications, which request extensive background information regarding an applicant's prior education and work experience/history.
33. Upon hiring, Martinez and Hernandez then conduct orientation for these workers where they also complete the employer portion of their I-9 Forms, which involves reviewing and examining the documents presented by the prospective workers. The Form is mandated by IRCA to ensure that employers only hire citizens or lawfully admitted aliens authorized for employment in the U.S.
34. The I-9 process can take place up to three days after Hernandez/Martinez hire the worker. Employment, however, cannot, and does not commence, until the attestations as to employment authorization and genuineness of documents are made on the I-9 Form.
35. According to current and former workers, Martinez and Hernandez are hiring and rehiring workers that they personally know are not authorized for employment. Martinez and Hernandez also rehire workers under different names/identities/social security numbers than the workers were previously employed under at IPC.

36. In addition, Martinez and Hernandez have been interviewing hourly workers at IPC for many years. This experience leads them to know that when workers are using fake/fraudulent identities to obtain employment, the information presented on the I-9 Form (and contained in supporting documents as part of the I-9 process) is inconsistent with the worker's personal and work histories provided on the employment applications. In other words, the dates and geographical locations of the worker's educational/work histories will conflict with the dates and geographical information provided in the IDs and social security numbers (as presented during the I-9 process). Listed below are examples of these inconsistencies:

- Workers indicating that they have grown up and attended some primary school in Mexico, Guatemala, or Honduras, have been employed in those countries, or, if in the U.S., at other low-wage food processing companies and farms in Southwest. Yet the illegal workers present Social Security numbers issued from Puerto Rico (with no background information indicating they ever lived/worked/studied in Puerto Rico), or to people with English names.
- Workers presenting state-issued ID's which contain addresses that have no relationship with the other background information (education/work history) provided in the job applications and there is no indication as to the reason why. These state IDs are often issued from states in which the applicant has never lived and often directly conflicts with the location of the applicant's stated work history. For example, a job applicant in Indiana should not be using a California state ID when the application does not indicate any California employment or residency and in the year the ID was issued the application indicates the person was employed in Illinois.
- Workers presenting Social Security numbers that have been issued from states in which there is no indication that they ever lived/worked/studied.
- Illiterate workers claiming that they are U.S. citizens, but their application indicates residency and some primary schooling in Mexico. It is highly unlikely such persons are actually U.S. citizens because English literacy is required for naturalization. *See, e.g.*, 8 C.F.R. 312.1.

37. These are "red flags," or indicia of fraud, that Martinez and Hernandez should recognize when hiring and conducting the I-9 process for workers who are using fake/fraudulent

documents. Yet, Martinez and Hernandez do not ask any follow-up questions of these workers, such as asking the prospective worker to reconcile these inconsistencies. Former and current workers are not aware of any such follow up questions occurring and are not aware of applicants being denied employment based on such inconsistencies.

38. The fact that the Social Security numbers used can pass the E-Verify system does not mean they relate to the applicant. IPC uses E-Verify to give the illusion of compliance with IRCA. But in reality, it is a fig leaf to hide Martinez and Hernandez's scheme to employ illegals. They know full well such workers are using fake documents purchased to pass E-Verify and take no action to screen for this.
39. Any law-abiding employer would ask questions of these applicants to reconcile the obvious inconsistencies and to establish the worker's citizenship or lawful permanent residency, both of which are difficult to obtain.
40. As stated above, Martinez and Hernandez report to James Harding, Director of Human Resources, a member of IPC's management. He works near them and oversees all of their hiring. He is aware of their hiring criteria and approves of every aspect of it, including the willful refusal to inquire about forged documents.
41. The employment of illegal workers is so pervasive that IPC supervisors make jokes about it. For example, Andrew Draper said if he needed more workers on his production line, defendant "Marisol [Martinez] will get me some more illegals." Many workers openly admit they are illegal, or were working under false identities, and/or had previously worked at IPC under a different name.

42. According to current and former workers, many illegal workers speak openly of not having valid employment authorization documents. And it is widely-known by hourly workers throughout the plant that Martinez and Hernandez hire many illegal workers (though others in the HR department likely do as well). As a result of the Scheme, approximately 15-20% of the hourly production workers over the past four years are not legally authorized for employment.

Use of False Attestations:

43. As detailed above, in completing the I-9 Forms for illegal immigrants, Martinez and Hernandez violate 18 U.S.C. §1546(a) and §1546(b)(3), sections of the INA incorporated into RICO as forms of racketeering activity pursuant to 18 U.S.C. §1961(1)(B), which state in pertinent part:

Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder...

Whoever uses— (3) a false attestation, for the purpose of satisfying a requirement of section 274A (b) of the Immigration and Nationality Act, shall be fined under this title, imprisoned not more than 5 years, or both.

44. When completing I-9 Forms for newly hired hourly-paid workers, Martinez and Hernandez routinely falsely attest, under penalty of perjury, the following:

I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States. The employee's first day of employment (*mm/dd/yyyy*): _____ (See instructions for exemptions.)¹

¹ Or a certification that is substantially similar.

45. In the case of illegal immigrants, this is a false attestation because Defendants know the documents presented are fake/fraudulent, that these documents do not relate to the person tendering them, and that the worker is not authorized for employment, for the reasons listed in ¶¶30-42. (This is not an exhaustive list).
46. As detailed above, Martinez and Hernandez have a good reason to know that these people are not who they say they are and are not authorized for employment. They should ask follow-up questions to ascertain the truth about their claims of work authorization, and if the answers are not satisfactory or forthcoming, refuse to hire the applicant.
47. Thus, these actions violate 18 U.S.C. §1546(a) and §1546(b)(3), RICO predicate offenses.
48. These false attestations occur at the Delphi Plant, by Martinez and Hernandez, who are completing the I-9 Form (as indicated by the signature in the employment section), at the time the I-9 Form is completed for each unauthorized alien (and noted by the date on the Form), and in the presence of the unauthorized alien on whose behalf they are falsely attesting. The I-9 Form will contain any and all information regarding the “name” of the unauthorized alien, the date the worker was hired, and what document(s) were presented. On information and belief, these I-9 Forms are then kept in the HR office of the Delphi Plant. As these documents are in hands of the Defendants/IPC, Plaintiff does not have access to these documents, and therefore cannot plead any more information regarding the false attestations.
49. Martinez and Hernandez, as directed by Harding and their other superiors (executives within IPC), have personally violated §1546(a) and §1546(b)(3) in this manner hundreds of times

since 2012. These violations committed by Martinez and Hernandez have been ongoing since 2012, are continuous, open-ended, and will not stop without judicial intervention.

50. In order for IPC to employ the illegal alien workforce, the Defendants must violate §1546 in this manner. The Defendants must make false attestations in order to complete the I-9 Forms, because, as noted above, employment cannot commence until the I-9 process is completed.

51. The wholesale failure to complete I-9 Forms for large numbers of workers at the time of employment on a mass scale would dramatically increase the risk of federal prosecution and risk shutting the plant down. For this reason, the Defendants have no choice but to go through the I-9 process before employment of any illegal alien can commence.

Acceptance, Receipt, Obtaining, and Use of Fake and/or Fraudulent Documents:

52. Martinez and Hernandez have also personally violated 18 U.S.C. §1546(a) and 18 U.S.C.

§§1546(b)(1)-(b)(2), other forms of racketeering activity pursuant to 18 U.S.C. §1961(1)(B).

53. Section 1546(a) states, in pertinent part:

Whoever knowingly...uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained...

54. Sections 1546(b)(1) and (2) state, in pertinent part:

Whoever uses—(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor, [or] (2) an identification document knowing (or having reason to know) that the document is false...for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined under this title, imprisoned not more than 5 years, or both.

55. Martinez and Hernandez routinely accept, receive, obtain, and use fake and fraudulent identification and work authorization documents (including but not limited to alien registration cards, drivers licenses, state IDs and Social Security cards) as part of the process of completing I-9 Forms and verifying work authorization, knowing that these documents were not issued legally for use by the possessor, for the reasons identified in ¶¶30-42. Thus, these actions violate 18 U.S.C. §§1546(a), (b)(1), and (b)(2).
56. The acceptance, receipt, obtaining, and/or usage of fake and fraudulent identification and work authorization documents during the new hire process occurs in the Delphi Plant, by Martinez and Hernandez when completing the I-9 Form (as indicated by the signature in employer section), at the time the I-9 Form is completed for each unauthorized alien (as noted by the date on the Form), and in the presence of the unauthorized alien on whose behalf the HR employee is falsely attesting. The I-9 Form will contain any and all information regarding the “name” of the unauthorized alien, the date the worker was hired, and what document(s) were presented. On information and belief, copies of these fake and fraudulent identification and work authorization documents are then kept in the Delphi Plant's HR office. As these documents/copies are in hands of the Defendants/IPC, as well as the unauthorized aliens who possess them, Plaintiff does not have access to these documents, and therefore cannot plead any more information regarding their contents.
57. Martinez and Hernandez, as directed by Harding and their other superiors (executives within IPC), have personally violated §§1546(a), (b)(1), and (b)(2), in this manner hundreds of times since 2012. These violations committed by Martinez and Hernandez have been ongoing since 2012, are continuous, open-ended, and will not stop without judicial intervention.

58. In order for IPC to employ the illegal alien workforce, the Defendants must violate §1546 in this manner. The Defendants must accept, receive, obtain, and/or use fake/fraudulent documents in order to complete the I-9 Forms, because, as noted above, employment cannot commence until the I-9 process is completed.

59. The wholesale failure to complete I-9 Forms for large numbers of workers at the time of employment on a mass scale would dramatically increase the risk of federal prosecution and risk shutting the plant down. For this reason, the Defendants have no choice but to go through the I-9 process before employment of any illegal alien can commence.

THE ILLEGAL IMMIGRANT HIRING SCHEME VIOLATES RICO

60. As detailed, the Illegal Immigrant Hiring Scheme violates 18 U.S.C. §1546, which is made a form of “racketeering activity” by 18 U.S.C. § 1961(1)(B).

61. Therefore, Mr. O’Shea alleges that the Defendants have conspired to violate 18 U.S.C. §1962(c), which is a violation of §1962(d), by their agreement for Martinez and Hernandez to carry out the Scheme in the manner described above and below, which they have done hundreds (or thousands) of times over the last four years at IPC.

62. IPC is the RICO enterprise.

63. This is both an open and closed pattern of racketeering activity in that it has been ongoing for years and will not cease.

64. Mr. Harding is part of IPC’s management, and Ms. Martinez and Mr. Hernandez, are his pawns, carrying out his policies.

65. The Defendants are carrying out the Scheme under the direction of high level executives within IPC, including James Hardison.

66. IPC, like any firm with market power on the buy side, sets both the price and quantity of the input (*e.g.*, labor). IPC has lowered the price of the labor input by using a substitute input, illegal workers, instead of legal workers.
67. As stated above, the Defendants could not carry out this scheme of hiring illegal workers without violating §1546, as described.
68. As a result, O'Shea has been directly and proximately harmed by the RICO violations because his wages as an IPC hourly worker were depressed below what his wages would otherwise have been had the Defendants not violated §1546 in the manner described herein, allowing them to hire large numbers of illegal alien workers to work at IPC. The precise amount of damages being subject to proof. The wages that Plaintiff (and putative class members) would have received for work actually performed had the Defendants not violated §1546 represent an injury to their business or property, within the meaning of 18 U.S.C. §1964(c).

CLASS ALLEGATIONS

69. This action is brought and may be maintained as a class action pursuant to Fed. R. Civ. P. 23(b)(2) and (3). Plaintiff brings this action on behalf of himself, and all other persons legally authorized to be employed in the U.S., who have been employed at the Delphi Plant as hourly production wage earners in the four years prior to the filing of this case ("the Class" or "Class Members") and up through trial.
70. The Class is so numerous that joinder of all Class Members is impracticable. The actual number can be ascertained through discovery of IPC's records, but is in the thousands.
71. Among the questions of fact and law that are common to the Class are:

- a. Whether the Defendants have been and are currently engaged in the Scheme in order to depress wages of the Class in violation of 18 U.S.C. §1546;
- b. Whether the Defendants conspired with each other to carry out the Scheme at IPC;
- c. Whether the Defendants have committed the Scheme through the IPC enterprise;
- d. Whether the individual illegal acts comprising the Scheme constitute a “pattern of racketeering activity” as required by RICO;
- e. Whether the Defendants violated RICO; and
- f. Whether, and to what extent, the Scheme has caused Class Members’ wages to be depressed.

72. Plaintiff’s claims are typical of those of the members of the Class inasmuch as his damages were directly and proximately caused by the Scheme. Plaintiff seeks no relief that is antagonistic or adverse to other Class members.

73. Plaintiff is committed to the vigorous prosecution of this action and has retained counsel who are competent in the prosecution of RICO cases generally, and in this legal theory in particular. Accordingly, he and his counsel will fairly and adequately protect and represent the interests of the Class.

74. Questions of law or fact that are common to the members of the Class are substantially similar and predominate over any questions affecting only individual Class members, and a class action is the superior method for the fair and efficient adjudication of this controversy.

75. Plaintiff anticipates no difficulty in the management of this action because the evidence proving the Scheme is ascertainable through discovery, and the identities of the Class Members are known to the Defendants. Damages can be calculated through expert testimony.

PRAYER FOR RELIEF

76. Wherefore, Plaintiff, Andrew O'Shea requests that this Court appoint him as representative of the class of hourly-paid production workers at IPC since 2012, pursuant to Fed. R. Civ. P. 23(b)(2) and (3), and to enter judgment against Defendants for three times their damages, attorney's fees, and costs, pursuant to 18 U.S.C. §1964(c), as well as an injunction against the Defendants from committing any further racketeering activity. He also requests a jury trial pursuant to Fed. R. Civ. P. 38.

Dated May 16, 2016

By: /s/ Susannah M. Hall-Justice
Susannah M. Hall-Justice
Indiana State Bar No.: 20153-79
HALL-JUSTICE LAW FIRM
Susannah@halljustice.com
200 Ferry St., Ste A
P.O. Box 1218
Lafayette, IN 47902
765-742-2987 (P)
765-420-0948 (F)

/s/ Howard W. Foster
HOWARD W. FOSTER
hfoster@fosterpc.com
MATTHEW GALIN
mgalin@fosterpc.com
Foster, PC
150 N. Wacker Drive, Suite 2150
Chicago, IL 60606
(312)726-1600 (P)
(866) 470-5738 (F)
Pro Hac Vice counsel

ATTORNEYS FOR PLAINTIFF