

Migrant Farmworkers Awarded Half a Million Dollars in Trafficking and Wage Theft Claims in Indiana

Migrant farmworkers represented through collaborative partnership between Indiana Legal Services (ILS) and Neighborhood Christian Legal Clinic (NCLS).

Indianapolis, Ind. (February 8, 2021)—On January 29, 2021, in the case of *Gonzalez Leiva et al v. Clute et al*, an Indiana federal court awarded \$460,972.00 to be split between nine farmworkers for unpaid minimum wages under the Fair Labor Standards Act, breaches of their employment contract, violations of the forced labor provisions of the Trafficking Victims Protection Reauthorization Act (TVPA), and violations of the Agricultural Worker Protection Act. The plaintiff workers were represented by Kristin Hoffman from Indiana Legal Services (ILS) and David Frank from the Neighborhood Christian Legal Clinic (NCLS).

“Unfortunately, agriculture is a high-risk industry for human trafficking,” said Hoffman. “This case sets an important precedent that force, fraud, or coercion on employment of workers is illegal and will not be tolerated in Indiana courts.”

In *Gonzalez Leiva et al v. Clute et al*, eight of the nine farmworkers were former H-2A visa holders who entered the United States in early 2019 to work in Fowler, Indiana at Windy Prairie Farm, LLC, owned and managed by Keith Clute and Shawn Nower. The plaintiffs routinely worked long hours but were paid little or nothing for their labor. Defendants never reimbursed the plaintiffs for their pre-employment travel and related expenses. Throughout their time working for Windy Prairie Farm, the plaintiffs were housed in overcrowded and abysmal living conditions and threatened with serious harm if they stopped working for Defendants.

The district court awarded the plaintiffs the full amount of their unpaid minimum wages (including the amounts due to them during their initial workweek for reimbursement of pre-employment related costs), as well as an equal amount in liquidated damages. The court also ordered Defendants to pay the additional amounts due to the workers under the terms of their employment contract. Finally, the court awarded every plaintiff \$200 for each day spent on the farm as damages for the emotional distress resulting from Clute’s repeated threats of retaliation.

“There’s still much work to be done to address human trafficking across Indiana,” said Frank. “But this case is an important example of justice for workers currently facing labor abuse, afraid or

unsure of how or where to seek help. We’re here, and we urge you to reach out.”

For more on Indiana’s efforts to end human trafficking, please visit the [Indiana Coalition to End Sexual Assault & Human Trafficking](#). If you need help immediately, please call the [National Human Trafficking Hotline](#) at 888-373-7888.