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CONTACTS:

Virginia Villegas*: (415) 810-8195 (cell)
Jennifer Reisch*: (415) 989-8000, ext. 23
Theresa Traber: (626) 585-9611
**Bilingual - Spanish & English*

BILINGUAL PRESS CONFERENCE:

(Spanish & English)
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Traber & Voorhees
128 North Fair Oaks Avenue
Pasadena, CA 91103

Workers File Multi-Million Dollar Class Action for Labor Violations Against Mexican Popsicle Maker La Michoacana

LOS ANGELES -- On Wednesday, February 16, 2011, two former employees filed a multi-million dollar class action lawsuit on behalf of current and former delivery truck drivers for Paletaria La Michoacana, Inc., the well-known maker and distributor of La Michoacana *paletas* (Mexican popsicles). The lawsuit alleges that La Michoacana violated state labor laws by, among other things, not paying overtime, depriving drivers of rest and meal breaks, and failing to reimburse them for job-related expenses, such as tolls and parking fees.

The lawsuit seeks to recover the unpaid wages and expenses, as well as interest, penalties, and attorneys' fees and costs, on behalf of drivers who have delivered La Michoacana products in California at any time since February 16, 2007. The drivers will also ask the court to issue an order requiring La Michoacana to comply with California's wage and hour laws in the future.

Jorge Cartagena, one of the named plaintiffs, stated that, "It's not right for companies to make employees work long hours without paying them properly. Employers should respect their workers' rights and pay them fairly."

"Unfortunately, La Michoacana is not unique; we have heard from many workers in the food distribution industry about employers who fail to pay overtime and commit other violations of their employees' basic labor rights," said Virginia Villegas, an attorney with Talamantes/Villegas/Carrera, LLP of San Francisco, one of the firms representing the plaintiffs.

Ms. Villegas added that, "Employers often assume that monolingual Spanish speakers and immigrants are too scared or too uneducated about their rights to stand up and seek legal redress for violations of those rights. Today our clients have proven to La Michoacana that they are not afraid."

As Theresa Traber of Traber & Voorhees in Pasadena put it, "La Michoacana pushes its drivers to work long hours without paying them overtime, forces them to work without breaks, and then adds insult to injury by forcing them to pay for tolls and parking out of their own pockets. When La Michoacana does that, it not only hurts those individual drivers, it drives down wages in the industry and in California as a whole. It also means that law-abiding employers, who are paying and treating their workers properly, are forced to compete at a disadvantage with law breakers like La Michoacana."