

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>Case No. 09-5069-CV-SW-RED</b>
	)	
<b>GEORGE’S, INC.</b>	)	

**COMPLAINT**

**THE UNITED STATES OF AMERICA**, by its undersigned counsel, alleges as follows:

1. This is an action brought by the United States of America, on behalf of its agency, Immigration and Customs Enforcement, seeking equitable relief pursuant to Title 8, United States Code, Section 1324a(f)(2), to enjoin, prevent and deter the employment of unauthorized aliens by the defendant, **GEORGE’S, INC.**, and its subsidiaries, divisions, and affiliates (hereinafter referred to as “**GEORGE’S**”).

2. Title 8, United States Code, Section 1324a prohibits persons and entities from knowingly hiring, recruiting, or continuing to employ aliens who are not legally authorized under federal law to work within the United States. *See* 8 United States Code, Section 1324a(a)(1)-(2).

3. Section 1324a(f)(2) of Title 8, United States Code, in turn, provides, in part, that when “the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral of [unauthorized aliens] in violation of [Title 8, United States Code, Section 1324a] the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief including a permanent or

temporary injunction, restraining order, or other against the person or entity as the Attorney General deems necessary.”

4. This court has jurisdiction over this matter pursuant to Title 28, United States Code, Section 1345.

5. Pursuant to Title 28 United States Code, Section 1391, venue lies in this district since the acts complained of occurred within the Western District of Missouri.

6. The United States has initiated this action through the United States Attorney for the Western District of Missouri.

7. **GEORGE’S** is an Arkansas corporation with its principle place of business in Springdale, Arkansas, and owns and operates three (3) poultry facilities in the states of Arkansas, Missouri and Virginia; including the Cassville Plant in the Western District of Missouri, and directly employs approximately 4,000 employees.

8. On May 22, 2007, Special Agents of Immigration and Customs Enforcement conducted a work-site enforcement action at the poultry facility in Cassville, Missouri. As a result of the enforcement action, approximately 136 unauthorized and undocumented aliens employed by **GEORGE’S** at the Cassville plant were removed by Immigration and Customs Enforcement. Immigration and Customs Enforcement took administrative action against certain unauthorized and undocumented aliens, and the United States Attorney commenced criminal proceedings against certain unauthorized and undocumented aliens.

9. Following this enforcement action, **GEORGE’S** notified the United States of its intention to take steps, including, but not limited to, a series of corrective actions to ensure that its facilities will comply with all aspects of federal laws governing the employment of aliens. Toward this goal, the parties jointly **agreed** that the United States should bring this action for

injunctive relief which reflects the joint commitment of **GEORGE'S** and the United States to enjoin and prevent the employment of unauthorized aliens by **GEORGE'S**.

WHEREFORE, in accordance with the Stipulation in Compromise executed by the parties and filed with this Complaint, the United States seeks equitable relief pursuant to Title 8, United States Code, 1324a(f)(2) in the form of an Order.

A. Permanently enjoining **GEORGE'S** from knowingly hiring, recruiting, and continuing to employ aliens who are not legally authorized to work within the United States.

B. Directing **GEORGE'S** to cooperate with the United States in its investigation of alleged illegal employment practices.

C. Directing **GEORGE'S** to maintain its own established, on-going and pre-existing program of taking reasonable steps to ensure that employees hired by **GEORGE'S** are authorized to work within the United States.

D. Directing **GEORGE'S** to establish and institute a compliance program whereby **GEORGE'S** will take reasonable steps to comply with employment laws in their employment practices.

E. Directing **GEORGE'S** to provide its Human Resources managers and employees with training regarding their legal obligations to prevent the hiring, recruitment, and continued employment of unauthorized aliens.

F. Directing **GEORGE'S** to make a payment of \$ 450,000.00 through the United States Attorney's Office to the Civil General Fund for the purpose of promoting future programs and activities in this field by the Bureau of Immigration and Customs Enforcement.

G. Directing that no later than 30 days after execution of the Consent Decree, **GEORGE'S** shall pay \$450,000.00 as set forth in paragraph F by FedWire Electronic Funds

Transfer (EFT) to the United States Department of Justice account in accordance with the current EFT procedures. Payment shall be made in accordance with instructions provided to **GEORGE'S** by the Financial Litigation Unit of the United States Attorney's Office. If the payment is not made within 30 days after execution of the Consent Decree, interest will accrue at the statutory rate on the unpaid amount until paid in full. The interest rate will be set at the statutory rate in place at the time the Consent Decree is executed by the Court.

H. That the Court approve the Stipulation in Compromise which is a settlement binding on the United States Attorney's Office for the Western District of Missouri and **GEORGE'S**.

I. That the Consent Decree and Order entered in this matter terminate on the third anniversary of the date the Order is entered by the United States District Court for the Western District of Missouri.

Respectfully submitted,

MATT J. WHITWORTH  
ACTING UNITED STATES ATTORNEY

BY: */s/ Gary Milligan*

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