IN THE UNITED STATES DISTRICT COURT

laintiffs filed this action

2013 and 2014 seasons. (Dkt. Nos. 19-3, 19-4, 19-5, and 19-6).

alleging violati

[redacted]

wages below the H-2B prevailing wage, and (c) during non-overtime weeks in 2013 because Defendant failed to pay them the supplemental prevailing wage mandated by the DOL, as well as Plaintiffs' claims that they were not properly notified of deductions at the time of hire as required by SCPWA. (*See* Dkt. No. 1, Dkt. No. 49 at 21-22).

In Count III, Plaintiffs allege that Defendant breached its [illegible] employment contracts with [illegible] Plaintiffs [illegible] by failing to pay the H-2B prevailing wage and supplemental prevailing wage. (Dkt. No. 1 at 21-22). Again, this claim is [illegible] employment [illegible] expenses brought their wages below the H-2B prevailing wage during the first week of work, that Defendant made unreasonable [illegible]

[illegible]

II. Legal Standard

"The class action device, which allows [redacted]

citations and quotations omitted).

To be certified, a proposed class must satisfy the four prerequisites of Rule 23(a): (1) [redacted]

A party seeking class certification must do more than plead compl [illegible] requirements. *Adair*, 764 F.3d at 357. She "must present evidence that the putative class complies with Rule 23." *Id.* at 358. The burden of demonstrating compliance with [illegible]

[illegible]

III. Discussion

A. Readily Identifiable Class

Rule 23 contains an implicit threshold requirement that the members of a proposed [illegible] In other words, the court must be able to "readily identify the class members in reference to objective criteria." *Id.* "The plaintiffs need not be able to identify every class member at the time of certification [illegible]

[illegible]

argues that Plaintiffs must certify six different classes, one for each factual allegation that serves rejected. See

requirement requires examination of the specific facts of each case [illegible]

[redacted]

with mi[redacted]

[illegible]

rule speaks in terms of common questions, "what matters ... [illegible] "Although the

[redacted]

[illegible]

original). "A single common question will suffice, but it must be of such a nature that its

commonality requirement is usually ... unlawful pattern, practice, or policy of the defendants, the

requirement met ... satisfied." Therefore, the Court finds the commonality

F.3d 138, 146 (4th Cir. 2001) (quoting ... 454 U.S. 147, 156 (198[illegible]) ..."

[illegible]

Defendant argues that Plaintiffs have failed to show ... all of the injuries alleged ... (Dkt. No. 25 at 9). The ...

Court disagrees. Each of the Plaintiffs have shown, by affidavit, that they have suffered the injuries alleged in the Complaint related to pre-employment expenses and housing and

[illegible]

Turning to the second prong of the adequacy inquiry [illegible]

[redacted]

[illegible] is no evidence in the record that the [illegible]

[redacted]

[illegible] a prior year, and are working for Defendant again in 2015. Therefore, it is appropriate for class representatives to include both former and current employees, which they do.

It is certainly true that the interests of former employees and current employees [illegible]

[redacted]

[illegible]

[redacted]

temporary foreign workers brought to this county for single season of a few months. All of

[redacted]

absence and finds the Rule 23(a)(4) requirement met. [illegible]

[illegible]

... from wages that caused wages to fall below the agreed upon wage; (4) whether the amount Defendant deducted from H-2B workers wages for housing and transportation costs were excessive, causing wages to fall below the agreed upon wage; (5) whether under the terms of the employment contracts between H-2B workers and Defendant [illegible]

[illegible]

Rule 23 contains no suggestion that the necessity for individual damage determinations destroys commonality, typicality, *or predominance* [illegible]

If the class members are residents of a foreign country, likely to have limited financial

resources, unfamiliar with the U.S. Court system

[illegible]

DENIED IN PART. As directly, the ... Action (Dkt. No. 19) is GRANTED IN PART AND D

motion is **DENIED AS MOOT**. As to Counts II and III of the of the Complaint, the motion is

... Pursuant to Rule 23(c)(1), the Cour

[illegible]

The class claims are the claims contained in Counts II and III of the Complaint, not dismissed by [illegible] the Court's [illegible] August 4, 2015 Order. Pursuant to Rule 23(g) [illegible] of record as class counsel for this action. Plaintiffs' counsel shall file and serve a proposed Class Notice within fifteen (15) days of the date of this Order. Defendant shall have fifteen (15) days thereafter [illegible] to the objections to the proposed Class Notice, if any.

AND IT IS SO ORDERED.

[illegible]

[illegible]