

Statement under Penalty of Perjury of Gregory S. Schell

I, Gregory S. Schell, give this Statement under Penalty of Perjury of my own free will, without threat of retaliation or promise of benefit and based on my personal knowledge, except insofar as I state another source of information or my understanding. I state the following:

1. My name is Gregory S. Schell. My business address is Florida Legal Services, Inc., Migrant Farmworker Justice Project, 508 Lucerne Avenue, Lake Worth, Florida 33460-3819, and my telephone number is (561) 582-3921.
2. Since July 1979, I have been engaged in the practice of law as an advocate on behalf of agricultural workers. A short form of my resume is attached as Exhibit 1 to this Statement. A sampling of the Federal Court cases that have resulted in the issuance of an opinion and that are available on the electronic decision database operated by Lexis is attached as Exhibit 2. Cases handled by other persons whose names are similar to my name are marked out on Exhibit 2. The Exhibit 2 list of cases in which I have represented agricultural workers does not include all of the cases in which I have represented agricultural workers because it does not include current cases in which no opinion has been issued, and it does not include cases that

were resolved before any lawsuit was filed. I have a broad range of experience and work with U.S. workers and foreign workers under the Migrant and Seasonal Agricultural Worker Protection Act and its predecessor, the Farm Labor Contractor Registration Act, under the H-2 and H-2A Program requirements, and under the Fair Labor Standards Act insofar as it affects the interests of agricultural workers, as well as other laws and legal principles.

3. Throughout my career since 1979, I have worked particularly with agricultural workers who are or who have been engaged in planting, cultivating, and hand-harvesting a variety of crops, particularly workers based in Florida and who are working or who have worked predominately on the Eastern Seaboard when work is not available in Florida, including within the State of North Carolina. My understanding from other sources is that a majority of the workers who travel to North Carolina to work in planting, harvesting, and cultivating of crops in the Piedmont through Eastern North Carolina, insofar as there are such workers, travel from the State of Florida as their home or their work base.
4. My understanding is that the North Carolina Growers Association Inc. ("NCGA") and its joint employer members filed two (2) separate Job Orders on or about July 2, 2008,

one seeking workers for tobacco and other diversified crops and another Job Order seeking workers for diversified crops but not tobacco. Copies of the 750 forms with associated attachments to these filings are attached as Exhibits A and B to an accompanying letter with this Statement.

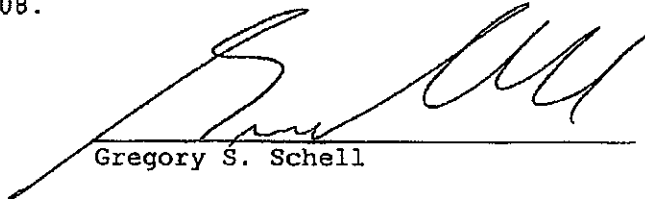
5. I have been asked my opinion whether it would make a difference to agricultural workers if they could know in advance of selecting an employment opportunity with an NCGA grower exactly which crops were going to be grown on a particular farm. While from my experience and observation, there are U.S. workers who will not work in tobacco and while I have been told that there are U.S. workers who particularly want to work in that crop, I understand that there are separate Job Orders for growers whose workers must work in tobacco and for growers who do not grow any tobacco and whose workers therefore will not be assigned tobacco tasks. I believe that additional information about crops or listings of specific crops by individual growers would make no difference in the availability of or willingness of U.S. workers to work at individual farms.
6. My understanding is that the growers who are joint employer members of North Carolina Growers Association Inc. seek long-term workers for the full season after their arrival for handling a variety of planting and cultivating tasks of

multiple crops and harvesting of multiple crops—not just to work any single crop.

7. In sum, I do not believe that requiring each grower member of the joint employer Association to list specifically which crops the grower will plant, cultivate, and harvest aside from tobacco would have a positive effect on the availability of U.S. workers for those jobs, even if the growers were able to do so.

I have read the foregoing Statement and state that it is true under penalty of perjury.

Executed in Lake Worth, Palm Beach County, Florida, this
9th day of July, 2008.



Gregory S. Schell

GREGORY S. SCHELL

EDUCATION:

Harvard College, Cambridge, Massachusetts
B.A. in Government (Magna Cum Laude), 1976

Harvard Law School, Cambridge, Massachusetts
J.D., 1979

AWARDS

Reginald Heber Smith award from National Legal Aid and Defender Association, 2004
Awarded annually to a single public interest attorney for "outstanding achievement in providing legal services to the poor"

EMPLOYMENT:

Managing Attorney
Migrant Farmworker Justice Project
Florida Legal Services, Inc.
Lake Worth, Florida
January, 1996 - present
Represent farmworkers in class actions and other impact cases in the areas of employment law, housing and civil rights.

Director, Farmworker Employment Workgroup
Florida Rural Legal Services, Inc.
Belle Glade, Florida
June, 1988 - December, 1995
Supervised legal work of ten attorneys and paralegals assisting migrant workers throughout Florida on employment matters.

Managing Attorney
Migrant Farmworker Division
Legal Aid Bureau
Salisbury, Maryland
January, 1983 - June, 1988
Supervised three-attorney, two-paralegal program providing legal services to migrant farmworkers in Maryland, Delaware and Virginia.

Staff attorney
Florida Rural Legal Services, Inc.
Immokalee, Florida
July, 1979 - December, 1982
Handled wide range of civil legal matters on behalf of migrant farmworkers.

Congressional Testimony:

House Committee on Education and Labor
Subcommittee on Labor Standards
"Hearings on Immigration Reform and Agricultural Guestworkers" May 3, 1984

Major national television appearances:

Nightline (ABC)
Today (NBC)
20/20 (ABC)
West 57th (CBS)
Exposé (NBC)