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7 Attorneys for Plaintiffs LAURA CONLE
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8
9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF MONTEREY

11 LAURA CONLE and LISA DURAN,
on behalf of themselves and all other
12 persons similarly situated,

13 Plaintiffs,

14 vs.

15 VENTANA VINEYARDS WINERY, INC.
and DOES 1 through 50, inclusive,

16 Defendants.

) CASE NO: 107898

)
) DECLARATION OF DON
) VILLAREJO IN OPPOSITION TO
) DEFENDANT'S MOTION TO
) DISMISS CLASS ACTION
) ALLEGATIONS

)
)
) DATE: April 25, 1997
) TIME: 9:30 a.m.
) DEPT: Law & Motion

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18 I, DON VILLAREJO, declare:

19 1. I am the Executive Director of the California Institute For Rural Studies, Inc.,
20 located in Davis, California. My business address is: 221 G Street, Davis, California 95616.
21 If called upon to testify as to the matters stated in this declaration, I could and would
22 competently testify thereto, as I have personal knowledge of all such matters, excepting only
23 those matters which are stated on information and belief, and as to those matters I believe them
24 to be true. This declaration is offered in opposition to Defendant Ventana Vineyards' Motion
25 to Dismiss Class Allegations. Apart from making this declaration, I have had no involvement
26 with any of the parties in this litigation. I have no personal interest in the outcome of this
27 litigation.

28 2. The California Institute for Rural Studies, Inc. ("CIRS") is a twenty-year old,

1 private, non-profit, research and education center. CIRS has published a large number of
2 research reports on a wide range of policy issues, and CIRS staff have also published widely
3 in the academic literature. The primary focus of CIRS research is agricultural labor market
4 issues in California and the Southwest.

5 3. My training includes a PhD degree earned at the University of Chicago and I
6 have more than twenty years of field experience in California agriculture. I have also served
7 as a consultant to every important agency active in California agriculture, such as the federal
8 Bureau of Reclamation and the Cooperative Extension Service of the University of California.
9 Under my supervision, CIRS has performed work on farm labor market issues for a variety of
10 public and private agencies, including:

11 *U.S. Department of Labor* - design and implementation of the National Agricultural
12 Workers Survey (NAWS): now in its ninth year, the NAWS is the largest field
13 survey of farm workers ever conducted in the U.S. California and Monterey
14 county farm workers are an important part of the survey. I designed the
enumeration and sampling method for interviews of farm workers in Monterey
County and provided the first sample frame for the NAWS for that purpose.

15 *Department of Employment Development, State of California* - survey of Farm Labor
16 Contractors in California, including farm worker employees of FLCs. This was
17 the first-ever statewide survey of FLCs and their employees. Monterey County
was an important part of this survey. I designed the enumeration and sampling
method for interviews of FLCs and their employees in Monterey County, and
provided the sample frame for this purpose.

18 *Labor Commissioner, Department of Industrial Relations, State of California* -
19 development of computerized data base on all aspects of farm labor contractors
20 in California. This data base is utilized by the U.S. Department of Labor, Wage
21 and Hour Division, and the State Labor Commissioner, Department of Industrial
22 Relations, State of California, as the most reliable body of information regarding
labor contractors currently operating in California. Monterey County farm labor
contractors are a central part of this body of data. The information which I
developed included accurate determinations of the number of employees, by
month, quarterly and annual payroll and other data.

23 *National Institute for Occupational Safety and Health* - Agricultural Health and Safety
24 Center (AHSC) of the University of California. I am one of eleven founding
25 principal investigators of the AHSC, which is now in its seventh year of support
26 from NIOSH. In that capacity I have directed field survey research of farm
27 workers, including development of an accurate measure of the number of farm
workers residing in a specific community. I also serve on the National Advisory
Panel on farm worker occupational safety surveillance for NIOSH, and, as well,
on the advisory panel for the Texas Agricultural Health and Safety Center.

1 *Department of Health Services, State of California* - Farm Family Health and Safety
2 Surveillance project. I developed the design and sample frame for this two-
3 county field survey of farming operations. The two counties are Fresno and
4 Monterey. The survey is now in its fifth year and has completed more than two
5 thousand farm worker interviews.

6 *The Ford Foundation* - Farm Labor and Rural Poverty Project. This CIRS project
7 brought together scholars and practitioners from across California to develop and
8 implement a research agenda on farm labor policy issues. A total of more than
9 one million dollars of Ford support to CIRS made it possible to conduct a variety
10 of activities, including a Census of indigenous migrant farm workers from
11 southern Mexico. Field interviews and enumeration of indigenous migrants
12 found in Monterey County were an important component of this research.

13 *Agricultural Labor Relations Board (ALRB), State of California* - Training of attorneys
14 and field investigator staff. On two different occasions I trained all attorneys and
15 field investigator staff of the ALRB in methods of investigation of business
16 practices of agricultural operations. This included training in each ALRB field
17 office where I developed field exercises that were tailored to the region. The
18 two trainings I conducted in Salinas focussed on Monterey County farm
19 businesses and labor market practices.

20 4. Approximately 700,000 persons work at some time each year on California farms.
21 This includes persons directly hired by farm operators as well as those hired by labor market
22 intermediaries such as labor contractors. Approximately 119,000 persons are employed at least
23 one week per year in Central Coast agriculture, the largest share of these in Monterey County.
24 Peak season employment on Monterey County farms is approximately 38,000 (September).

25 5. On a statewide basis, approximately 26% of all persons employed on California
26 farms are women. In comparison with men, disproportionately more women work in such
27 tasks as crop harvesting and pruning and thinning grape vines.

28 6. Based on the observation that a larger share of women than men work in crop
harvesting and pruning and thinning grape vines, the type of agriculture that is predominate in
Monterey County leads me to conclude that the proportion of women farm workers is
significantly greater than 26% of the total in that county. Anecdotal evidence supports this
conclusion.

7. I am informed that Ventana Vineyards has had 161 new hires in the past five
years and has hired no female farm workers in that time. This is strikingly inconsistent with
the pattern of employment of women in Monterey County crop agriculture. More than 10,000

1 women are successfully employed in county farming operations at peak season. It is highly
2 unlikely that Ventana Vineyards has failed to hire female workers because of the lack of
3 qualified women candidates.

4 8. I am informed that Ventana Vineyards claims that, during the last five years, only
5 ten women (the two named plaintiffs plus 8 others) have asked for jobs at Ventana. Again,
6 this is highly improbable in light of the very large number of qualified women candidates
7 available for work in Monterey County.

8 9. I am quite confident that many other women have applied for work at Ventana
9 and could be identified if the "networks" of immigrants and Spanish-speaking residents were
10 properly accessed. Most hired farm workers in Monterey County and in California as a whole
11 are foreignborn and tend to congregate in informal networks, often based on village of origin
12 or extended kinship ties. These networks may be contacted by serving notice in Spanish-
13 language radio and television, churches, public and private farm worker service agencies, and
14 farm labor unions.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on
16 April 15, 1997 at Davis, California.

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18 
19 Don Villarejo