

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA, FORT LAUDERDALE DIVISION

Marquis v. United States Sugar Corp.

652 F. Supp. 598 (S.D. Fla. 1987) · No. 85-8388-CIV · Decided January 30, 1987

SUMMARY

The court denied defendants' motion to dismiss or, alternatively, for summary judgment in an action by Haitian and other United States migrant farmworkers challenging their exclusion from Florida sugar cane employment in favor of foreign laborers. The court held that exhaustion of administrative remedies was not required for the asserted claims, that defendants were not immune from antitrust liability, and that plaintiffs could maintain a private cause of action under the Wagner-Peyser Act. It also rejected challenges to the plaintiffs' national-origin discrimination claims under 42 U.S.C. § 1981 and held that the claims were timely under applicable statutes of limitations.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida, Fort Lauderdale Division
WRITING FOR THE COURT	Gonzalez, District Judge
JURISDICTION	Florida
DECIDED	January 30, 1987
DOCKET	85-8388-CIV
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the complaint or, alternatively, for summary judgment in an action asserting antitrust, federal labor, civil-rights, and related claims arising from the alleged exclusion of domestic migrant farmworkers from Florida sugar-cane employment.
STANDARD OF REVIEW	On a motion to dismiss, the court accepted the allegations as true and construed them favorably to plaintiffs, granting dismissal only if plaintiffs could prove no set of facts entitling them to relief. Summary judgment was appropriate only if the pleadings, admissions, and affidavits showed no genuine issue of material fact.
PRECEDENTIAL VALUE	Published federal district court order; persuasive authority outside the Southern District of Florida and nonbinding on federal appellate courts.

PARTIES

Defendants v. Jean Claude Marquis and other similarly situated United States migrant farmworkers

TOPICS

motions to dismiss

summary judgment

exhaustion of remedies

civil rights

commercial litigation

PRACTICE AREAS

civil procedure

civil rights

employment law

antitrust

immigration

QUESTIONS PRESENTED

1. Whether plaintiffs were required to exhaust the Job Service Complaint System before asserting their claims, particularly their Wagner-Peyser Act claim.
2. Whether federal regulation of foreign agricultural labor impliedly immunized defendants from antitrust liability.
3. Whether the Wagner-Peyser Act and its implementing regulations create an implied private cause of action.
4. Whether 42 U.S.C. § 1981 reaches alleged discrimination based on Haitian or other national origin.
5. Whether plaintiffs' antitrust, civil-rights, Wagner-Peyser Act, FLCRA, and MSPA claims were barred by applicable statutes of limitations.

HOLDINGS

1. Plaintiffs were not required to exhaust the Job Service Complaint System before pursuing this action because the administrative remedy was inadequate and did not provide relief commensurate with their claims for damages and injunctive relief against private defendants.
2. Defendants' conduct was not exempt from antitrust challenge merely because the hiring of foreign agricultural labor was highly regulated.
3. Plaintiffs could maintain a private cause of action under the Wagner-Peyser Act and its implementing regulations.
4. Section 1981 reaches plaintiffs' claim that they were discriminated against because of their Haitian national origin.
5. Plaintiffs' claims accruing on or after July 9, 1981 were timely and were not barred by the applicable statutes of limitations.

KEY QUOTATIONS

"A motion to dismiss may be granted only when "it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."" (600)

"Furthermore, the allegations in the complaint must be construed favorably to the plaintiffs." (600)

“A motion for summary judgment may be granted only when the pleadings, admissions and affidavits show there is no genuine issue of material fact.” (600)

“Courts will not require exhaustion when the administrative remedy is inadequate because it does not exist, or would not provide relief commensurate with the claim....” (601)

“repeals of the antitrust laws by implication from regulatory statutes are strongly disfavored.” (601)

FACTUAL BACKGROUND

Defendants were corporations and an industry association involved in producing, harvesting, recruiting, and transporting labor for South Florida sugar-cane operations. Plaintiffs were United States migrant farmworkers who alleged that defendants systematically excluded domestic workers in favor of foreign laborers, using discriminatory hiring practices, arbitrary discharge, manipulation of production requirements, and an industry-wide blacklist. Plaintiffs asserted claims under federal and state antitrust laws, the Wagner-Peyser Act, FLCRA, MSPA, and 42 U.S.C. §§ 1981 and 1985(3), seeking declaratory, injunctive, and monetary relief.

PROCEDURAL HISTORY

Plaintiffs filed the original complaint on July 9, 1985, and an amended complaint adding plaintiffs on September 19, 1985. Defendants moved to dismiss or for summary judgment, arguing failure to exhaust administrative remedies, implied antitrust immunity, lack of a private Wagner-Peyser cause of action, lack of a cognizable national-origin claim under 42 U.S.C. § 1981, and limitations defenses. The district court denied the motion, concluding that the complaint stated claims and that genuine issues of material fact remained.

DISPOSITION

other

CASES CITED

- Conley v. Gibson, 355 U.S. 41, 45-46 (1957)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)
- Patsy v. Board of Regents of the State of Florida, 457 U.S. 496 (1982)
- Midland Telecasting Co. v. Midessa Television Co., 617 F.2d 1141, 1149 (5th Cir. 1980), cert. denied, 449 U.S. 954 (1980)
- Farmworker Rights Organization v. Weatherford, 767 F.2d 937 (11th Cir. 1985)
- Panola Land Buyers Association v. Shuman, 762 F.2d 1550, 1556 (11th Cir. 1985)
- United States v. Philadelphia National Bank, 374 U.S. 321, 350-51 (1963)
- United States v. National Association of Securities Dealers, 422 U.S. 694, 719-20 (1975)
- Gordon v. New York Stock Exchange, 422 U.S. 659, 682 (1975)
- Gomez v. Florida State Employment Service, 417 F.2d 569 (5th Cir. 1969)
- Cort v. Ash, 422 U.S. 66, 78 (1975)

- Jenkins v. S & A Chaissan & Sons, Inc., 449 F. Supp. 216, 221-25 (S.D.N.Y. 1978)
- Manzanares v. Safeway Stores, Inc., 593 F.2d 968 (10th Cir. 1979)
- Stroud v. Seminole Tribe of Florida, 574 F. Supp. 1043, 1046 (S.D. Fla. 1983)
- Crown Cork and Seal Co. v. Parker, 462 U.S. 345 (1983)
- Charlotte Telecasters v. Jefferson-Pilot Corp., 546 F.2d 570 (4th Cir. 1976)
- Wilson v. Garcia, 471 U.S. 261 (1985)
- Salazar-Calderon v. Presidio Valley Farmer's Association, 765 F.2d 1334 (5th Cir. 1985), cert. denied, 106 S. Ct. 1245 (1986)
- American National Bank v. Federal Deposit Insurance Corp., 710 F.2d 1528, 1535-36 (11th Cir. 1983)

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