



PRACTICE AREA: CIVIL RIGHTS & EMPLOYMENT

## Ndambi, et al. v CoreCivic

On November 14, 2018, Cohen Milstein and co-counsel filed a Fair Labor Standards Act (FLSA) and New Mexico Minimum Wage Act putative class action against CoreCivic, the country's second largest privately held prison and detention company, for wage violations in its operation of Cibola County Correctional Center, a detention center operated under a contract with Immigration and Customs Enforcement (ICE).

The plaintiffs are the first immigrants to bring federal wage theft claims against a for-profit detention center for work performed while being held in civil detention. Other cases have been brought solely under state wage and hour laws and statutes prohibiting human trafficking.

### Case Background

Plaintiffs Desmond Ndambi, Mbah Emmanuel Abi, and Nkemtoh Moses Awombang, residents of New Carrollton, Maryland; Brunswick, Ohio; and Cleveland, Ohio, respectively, who are formerly civilly detained immigrants from Cameroon, accuse CoreCivic of failure to pay immigrants at the Cibola County Correctional Center the minimum wages required by the FLSA and New Mexico Minimum Wage Act, sometimes paying them as little as one dollar per day. They also bring common law claims for unjust enrichment, alleging that CoreCivic benefitted from their labor but did not pay them the prevailing wage had they employed them properly under the Service Contract Act, intended to ensure federal contracts pay members of the community an adequate wage. Plaintiffs allege that this practice allows CoreCivic to operate the for-profit detention center at the expense of both detained immigrants and potential employees from the surrounding areas.

CoreCivic operates the Cibola County Correctional Center, through a contract with Cibola County, New Mexico at the behest of ICE. It relies heavily on a captive workforce of civilly detained immigrants, including Plaintiffs, to perform labor necessary to keep the Cibola County Correctional Center operational and provide the services it is obligated to provide under the terms of its contract with Cibola County, New Mexico. The work includes tasks such as preparing and serving meals, cleaning the facilities, performing other janitorial tasks, performing laundry services, and operating the library and the barber shop. CoreCivic sometimes hires people who live in the surrounding community to perform the same work.

Plaintiffs contend that if Plaintiffs did not perform this work, CoreCivic would have to hire more people from the surrounding community to keep Cibola County Correctional Center operational and pay those additional workers the legally mandated wages owed to them. Yet, despite the importance and necessity of Plaintiffs' work to CoreCivic's business, CoreCivic has always paid them less than the legally required wage for their work, and sometimes as little as one dollar per day.

Case Name: *Ndambi, et al. v. CoreCivic*, Case No.18-cv-3521, U.S. District Court, District of Maryland.

## How Do I Sign Up for this Lawsuit?

If you performed work for CoreCivic, Inc. while in immigration detention at Cibola County Correctional Center at some point during the last two years, i.e., 2016 – 2018, and you are interested in joining this lawsuit, please contact Julia Montiel, Paralegal, Cohen Milstein Sellers & Toll PLLC. Ms. Montiel is fluent in Spanish.

For your convenience, we have provided you with a “Consent to Join Lawsuit” form accessible [here](#). Por favor revisar, completar y enviar este **documento** si Usted esta interesada en unirse a esta demanda.

Please direct your questions and the completed “Consent to Join Lawsuit” form to:

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### CASE DOCUMENTS

Complaint - November 14, 2018

Opt In Form - Please Review, Complete, and Submit if You are Interested in Joining the Lawsuit

Opt In Form - Por favor revisar, completar y enviar este documento si Usted esta interesada en unirse a esta demanda.