

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

TATIANA CUENCA-VIDARTE, et al.,)

Plaintiffs,)

v.)

MICHAELE C. SAMUEL, et al.,)

Defendants.)

Case No. 8:20-cv-01885-DLB

Greenbelt, Maryland
February 6, 2026
10:12 a.m.

MOTIONS HEARING
BEFORE THE HONORABLE DEBORAH L. BOARDMAN
United States District Judge

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

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A P P E A R A N C E S (Cont'd)

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LEGAL AND POLICY DIRECTOR

CENTRO DE LOS DERECHOS DEL MIGRANTE

ADAM ISHAEIK

DR. MICHAELE SAMUEL

USMAN SULEMAN, CASE MANAGER

1 focus on the evidence, so thank you very much, but what I've
2 heard most from today are arguments about how to interpret the
3 evidence. And I cannot do that, that's not my role, so I am
4 going to -- unless there's anything else, I'm going to take a
5 break, and we're going to come back and I'm going to rule.

6 MS. ODUBIYI: Understood, Your Honor.

7 THE COURT: All right, thank you.

8 MS. ODUBIYI: Thank you.

9 THE COURT: All right. So I have 11:20. Can we
10 take -- I'm going to need about an hour; I've just got to deal
11 with another matter. Maybe it's early for lunch, but if you
12 want to step out and have lunch, we'll be back, let's say, at --
13 let's say 12:20.

14 All right. Does that work for the plaintiffs?

15 MR. RYON: Yes.

16 THE COURT: For the defendants?

17 MR. CHRISTIAN: Indeed.

18 THE COURT: All right, thank you.

19 THE COURTROOM DEPUTY: All rise. This Honorable Court
20 now stands in recess.

21 (Lunch recess taken from 11:21 a.m. - 12:36 p.m.)

22 THE COURTROOM DEPUTY: All rise. This Honorable Court
23 now resumes back in session.

24 THE COURT: All right, please be seated.

25 Okay. The good news is, I'm going to rule on the

1 motion today. The bad news is, for you, this is going to take
2 me a long time to read into the record. It's several pages; it
3 may take me an hour to read into the record.

4 So the lawyers can sit quietly. If other people want
5 to leave, they can. But this will be the record of the opinion.

6 The defendants have filed a motion to dismiss or, in
7 the alternative, for summary judgment, ECF 89. The motion is
8 fully briefed. ECF 93 was the opposition. The reply was at 96.

9 I have reviewed the submissions, including all of the
10 exhibits in the record. I will not restate the allegations or
11 summarize the evidence as I ordinarily would in a written
12 opinion, but for the record, I am familiar with all of the
13 allegations and the evidence that's been submitted to me.

14 The plaintiffs bring their TVPRA claims under Title 18
15 of the United States Code, Section 1589(a)(2), (3), and (4), and
16 Section 1590.

17 1589(a) is primarily a criminal statute. As relevant
18 here, it punishes whoever knowingly provides or obtains the
19 labor or services of a person by any one of or by any
20 combination of the following means -- by means of serious harm
21 or threats of serious harm to that person or another person; by
22 means of the abuse or threatened abuse of law or legal process;
23 or by means of any scheme, plan, or pattern intended to cause
24 the person to believe that if the person did not perform such
25 labor or services, that person or another person would suffer

serious harm or physical restraint.

The statute defines abuse or threatened abuse of law or legal process as the use or threatened use of a law or legal process, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action. Section 1589(c)(1).

Serious harm is defined as harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid that harm. 1589(c)(2).

A person who violates 1589(a) also may violate 1590(a) if the person knowingly recruits, harbors, transports, provides, or obtains, by any means, any person for labor or services.

Although the TVPRA is preliminary a criminal statute, an individual who is a victim of trafficking or involuntary servitude may also bring a civil action against the perpetrator for damages and reasonable attorneys' fees. *Muchira, M-U-C-H-I-R-A, v. Al-Rawaf*, 850 F.3d 605 at 617 (4th Cir. 2017).

To prevail on a claim under 1589(a)(2), a plaintiff must show that the defendants knowingly or intentionally engaged in actions or made threats that were sufficiently serious to

1 compel a reasonable person in the plaintiff's position to remain
2 in the defendant's employ against her will and in order to avoid
3 such threats of harm when she otherwise would have left.

4 Muchira, 850 F.3d at 620.

5 To prevail on a claim under 1589(a)(3), a plaintiff
6 must show that the defendant knowingly abused the law or legal
7 process as a means to coerce the victim to provide labor or
8 services against her will. Muchira, 850 F.3d at 622 to 623.

9 In evaluating Section 1589(a)(3) claims, the Court
10 must distinguish between improper threats of coercion and
11 permissible warnings of adverse but legitimate consequences.
12 Muchira at 624.

13 The threat of deportation can constitute serious harm
14 to an immigrant within the meaning of the forced labor statute.
15 Elat v. Ngoubene, N-G-O-U-B-E-N-E, 993 F. Supp. 2d 497, at 523,
16 (D. Md. 2014).

17 Threats of deportation and false arrest also can
18 constitute an abuse of legal process, actionable under
19 Section 1589(a)(3). Muchira at 618.

20 Also, Antonatos v. Waraich, W-A-R-A-I-C-H,
21 2013 WL 4523792 at 5, District of South Carolina, August 27,
22 2013.

23 As for what must be shown to establish a violation of
24 Section 1589(a)(4), the Fourth Circuit's recent decision in
25 United States v. Chaudhri, C-H-A-U-D-H-R-I, 134 F.4th 166 at 187

1 (4th Cir. 2025), provides guidance.

2 In Chaudhri, the defendants, the victim's in-laws,
3 were charged with violating 1589. The victim lived with them
4 and was forced to work for them. The trial evidence showed that
5 the defendants created a climate of fear and violence through
6 repeated physical abuse and threats of deportation, and that
7 they did so as part of a scheme, plan, or pattern intended to
8 make the victim believe that she would be deported and/or
9 separated from her children if she did not continue making the
10 defendants happy by completing the assigned labor. Chaudhri,
11 134 F.4th at 187.

12 The evidence showed that the defendants had
13 confiscated the victim's immigration documents, falsely told her
14 that she was in the country illegally, and threatened to have
15 her deported if she did not submit to their demands for
16 extensive, taxing manual labor. The defendants also subjected
17 the victim to verbal and physical abuse during the year she was
18 in their home. The Fourth Circuit concluded that this evidence
19 was sufficient to sustain a criminal conviction under a
20 precursor to subsection (a)(4).

21 In evaluating claims under Section 1589, the Court
22 must consider the particular vulnerabilities of a person in the
23 victim's position while also considering whether the victim's
24 acquiescence was objectively reasonable under the circumstances.
25 Muchira, 850 F.3d at 616.

1 The plaintiff's vulnerability must be known to the
2 employer. A TVPRA claim cannot rest on some hidden emotional
3 flaw or weakness unknown to the employer. A person may be
4 particularly vulnerable by virtue of conditions such as youth,
5 immigration status, lack of experience, lack of education,
6 and/or unfamiliarity with the English language.

7 A defendant who violates Section 1589(a) is also
8 liable under Section 1590 if she knowingly recruits, harbors,
9 transports, provides, or obtains, by any means, any person for
10 labor or services.

11 A defendant can violate Section 1590(a) when, if they
12 are liable under Section 1589(a), they also offer to arrange a
13 job for the victim in the United States, arrange for the
14 victim's travel to the United States, pick the victim up from
15 the airport, and transport the victim to their home. *Baxla v.*
16 *Chaudhri* is an example of this. 225 F. Supp. 3d 588, 593
17 (E.D. Va. 2016).

18 For the sake of efficiency, I am going to skip my
19 analysis of the motion to dismiss; I think that the plaintiffs
20 have clearly pled violations of these statutes plausibly and
21 with facts -- or excuse me, with specific allegations to move
22 the case past the 12(b)(6), and in fact, the parties engaged in
23 discovery, and really, the question before the Court, in my
24 mind, is whether or not summary judgment should be granted.

25 I won't restate the entire summary judgment standard;

1 we're all familiar with it. I will summarize it, though,
2 without citations to cases.

3 Summary judgment is appropriate when the moving party
4 establishes that there is no genuine dispute as to any material
5 fact and the movant is entitled to judgment as a matter of law.
6 That's Rule 56(a) of the Federal Rule of Civil Procedure.

7 To meet its burden, the party must identify particular
8 parts of materials in the record, including depositions,
9 documents, affidavits, and other materials in support of its
10 position. Then, to avoid summary judgment, the opposing party
11 must set forth specific facts showing that there is a genuine
12 issue for trial. A dispute of fact is genuine if the evidence
13 is such that a reasonable jury could return a verdict for the
14 nonmoving party.

15 The opposing party must identify more than a scintilla
16 of evidence in support of its position to defeat the motion for
17 summary judgment. The Court should not weigh the evidence.

18 However, if the record, taken as a whole, could not
19 lead a trier -- a rational trier of fact to find for the
20 nonmoving party, then summary judgment is proper.

21 In ruling on a motion for summary judgment, the Court
22 views the facts and inferences drawn from the facts in the light
23 most favorable to the nonmoving party.

24 The defendants make two threshold arguments that they
25 cannot be liable under 1598(a). First, they argue, they cannot

1 be liable under that statute because it penalizes only those who
2 obtain labor or services, and the plaintiffs willingly agreed to
3 work for the defendants for pay.

4 The defendants appear to be claiming that
5 Section 1589(a) cannot apply to employment relationships to
6 which an employee initially agreed. They cite no authority for
7 this proposition, and it is contrary to Fourth Circuit law.

8 For example, in *Roe v. Howard*, 917 F.3d 229
9 (4th Cir. 2019), the Fourth Circuit upheld a civil jury verdict
10 under, among other things, Section 1589, where the evidence
11 showed that the victim had initially agreed to work in the
12 defendant's household as a housekeeper in exchange for various
13 promised benefits, including medical treatment and assistance
14 renewing her work visa.

15 Likewise, in *Cruz v. Maypa*, 773 F.3d 138
16 (4th Cir. 2014), the Fourth Circuit reversed the dismissal
17 claims under Sections 1589 and 1590 where the victim had alleged
18 that she had agreed to work for the defendants for \$250 a month.

19 Again, the defendants cite no authority to support a
20 position that is at odds with Fourth Circuit law.

21 Second, the defendants appear to argue that because
22 they never physically abused the plaintiffs or threatened them
23 or their loved ones with physical harm, they cannot be liable
24 under Section 1589(a). They're incorrect. In enacting the
25 TVPRA, Congress intended to reach cases in which persons are

1 held in a condition of servitude through nonviolent coercion, as
2 well as through physical or legal coercion. Muchira, 850 F.3d
3 at 617.

4 The mere fact that the harm the defendants are alleged
5 to have threatened is nonphysical in nature does not merit
6 awarding them summary judgment.

7 Turning to the claim under 1589(a)(2), the plaintiffs
8 primarily argue that the defendants coerced them to remain in
9 their employ by threatening to have them deported. In a similar
10 vein, the plaintiffs claim that the defendants' threats of
11 deportation, coupled with threats to falsely report the
12 plaintiffs for child abuse, constitute an abuse of legal process
13 actionable under 1589(a)(3).

14 The plaintiffs have presented sufficient evidence to
15 survive summary judgment under both subsections. It is
16 undisputed that both plaintiffs were present in the
17 United States on J-1 visas and worked as au pairs in the
18 defendants' home. It is also undisputed that pursuant to the
19 terms of their visas, the plaintiffs were only allowed to work
20 with host families with whom they had matched and that if they
21 were not matched with a host family, they would have to leave
22 the country.

23 The defendants also do not appear to dispute that if
24 they gave either of the plaintiffs a poor reference with their
25 au pair agencies, that could make it more difficult for them to

1 match with a different family.

2 There is evidence in the record that the defendants
3 threatened to abuse their influence over the rematch process to
4 compel the plaintiffs to work for them.

5 For instance, in her deposition, Cuenca-Vidarte
6 testified that whenever she complained to Dr. Samuel about her
7 work, Dr. Samuel would threaten to give her a poor review,
8 telling her that she, meaning Dr. Samuel, had an important job,
9 was a powerful person, and that it would be Cuenca-Vidarte's
10 word against her. ECF 89-8 at 61-62.

11 Cuenca-Vidarte also testified that Dr. Samuel told her
12 that if she didn't do her job, she would be put on rematch and
13 that when asked for a reference, Dr. Samuel would have to say
14 the truth, that I was a bad worker, and nobody wanted to hire a
15 bad worker. Same ECF at 78 to 79.

16 Cuenca-Vidarte also testified that Dr. Samuel would
17 tell her about a previous au pair who had worked with the
18 family, Catherine Solano. Cuenca-Vidarte learned that Solano
19 was not a good fit for the family because she was complaining a
20 lot and refused to do the tasks that were assigned to her. ECF
21 89-8 at 114.

22 Dr. Samuel told Cuenca-Vidarte that Solano went to
23 rematch, and she had to go back to her country because nobody
24 hired her, because nobody wants an au pair like her. That's at
25 pages 114 to 115.

1 Cuenca-Vidarte testified that Dr. Samuel would talk to
2 me about Solano as a reference for me to know that what can
3 happen to me if I don't do the job right or fulfill the
4 expectations of the quality of the service that she was
5 expecting me to do. That's at 114 of the same ECF.

6 Peters testified at her deposition that on one
7 occasion, she was preparing to go to a movie during her time
8 off, and Dr. Samuel demanded that she return home four hours
9 before the start of her shift. When Peters asked why,
10 Dr. Samuel yelled at her that she had to respect the rules and
11 that if you don't like it, I'm going to tell the program that
12 you are not respecting the rules. ECF 89-9 at 81 to 82.

13 During this interaction, Peters testified that
14 Dr. Samuel also threatened to have her deported. That's at
15 page 82.

16 After Peters insisted on using her time off,
17 Dr. Samuel reported her to her agency and kicked her out of the
18 house.

19 Peters also testified that Dr. Samuel and Mr. Ishaeik
20 would tell me that if I didn't follow the rules, I would be
21 deported. ECF 89-9 at 152.

22 Throughout their motion and at oral argument before
23 the Court today, the defendants have attempted to minimize and
24 downplay the amount of influence that they had over the
25 plaintiffs' ability to lawfully remain in the country. They

1 emphasize that they lacked direct authority to have the
2 plaintiffs' visas terminated. Indeed, Mr. Christian
3 characterized to this as one of his main points.

4 This argument is unpersuasive. First, the defendants
5 do not appear to dispute and there is evidence that they
6 understood that if they gave a bad reference, the plaintiffs
7 would be unable to secure a rematch and would be forced to leave
8 the country.

9 Moreover, under the defendants' characterization of
10 the law, no TVPRA claim premised on deportation threats would be
11 viable unless the defendant worked for immigration authorities
12 or had the direct ability to deport them. But in *Elat, E-L-A-T*,
13 for instance, Judge Grimm concluded that a deportation threat
14 constituted a threat of serious harm and abuse of legal process
15 under the TVPRA, even when there was no allegation that the
16 person who made this threat worked for USCIS, the
17 State Department, or any other similar agency.

18 Similar, in *Lipenga -- let me get the full cite -- v.*
19 *Kambalame, K-A-M-B-A-L-A-M-E*, 219 F. Supp. 3d 517 at 525
20 (D. Md. 2016), in that case, Judge Hazel concluded that the
21 plaintiff's allegations were sufficient to state a claim under
22 the TVPRA's abuse of legal process provision when the plaintiff
23 had alleged that her employer confiscated her passport and
24 threatened to call the police and have her deported, even though
25 the defendant was a foreign diplomat, not an employee of the

1 United States Government.

2 The defendants also attempt to recast certain threats
3 they are accused of making as unrelated to plaintiffs'
4 immigration status. For example, they contend that threatening
5 to give a bad reference is not directly linked to a threat of
6 reporting the plaintiffs to immigration, but whether or not a
7 defendant single-handedly has the power to terminate someone's
8 immigration status is not the inquiry under the TVPRA. If it
9 were, TVPRA claims predicated on deportation or other
10 immigration-related threats could only be viable against
11 defendants who are part of U.S. immigration authorities.

12 Moreover, the defendants cite no authority for the
13 claim that threats to interfere with the plaintiffs' immigration
14 status must be direct or explicit. In *Elat*, for instance,
15 Judge Grimm concluded that a statement that the plaintiff could
16 be deported if she left the defendant's home, even though the
17 defendant did not actually threaten to have the plaintiff
18 deported herself, constituted a threat of serious harm under the
19 TVPRA.

20 Moreover, as multiple Courts of Appeal have
21 recognized, in enacting the TVPRA, Congress sought to encompass
22 more subtle forms of psychological abuse or nonviolent coercion
23 than those previously required to hold perpetrators accountable.
24 *Bistline v. Parker*, 918 F.3d 849 at 871 (10th Cir. 2019), and
25 *Burrell v. Staff*, 60 F.4th 25 at 37 (3rd Cir. 2023).

1 Allowing a defendant to evade accountability for
2 forced labor because their threats of harm were veiled rather
3 than overt would defeat Congress' legislative purpose.

4 The defendants also contend that their alleged threats
5 were related to the potential impact on plaintiffs' ability to
6 remain in their employment, which they argue is distinct from a
7 scenario where defendants threatened plaintiffs with legal
8 consequences if they left their employment. In other words, the
9 defendants appear to be arguing that they were threatening to
10 fire plaintiffs, not trying to keep them around.

11 But this is an oversimplification. There is evidence
12 in the record that the defendants threatened to report the
13 plaintiffs to their au pair agencies and give them bad reviews
14 if they did not do what they told them to do. A reasonable jury
15 could conclude that these threats would have coerced a
16 reasonable person in the plaintiffs' positions to remain in the
17 defendants' employ, sending the message that if the plaintiffs
18 abandoned their posts and quit, the defendants would seek to
19 prevent them from being matched with anyone else, thereby
20 forcing them to leave the country.

21 The defendants emphasize that they had a right to
22 leave a poor review if they believed the plaintiffs were
23 providing poor services. That much may be true, but there is
24 evidence from which a reasonable jury could conclude that these
25 threats were not motivated by legitimate concerns over the

1 plaintiffs' job performances but, rather, were intended to
2 coerce the plaintiffs to continue working for the defendants
3 under exploitive conditions.

4 Cuenca-Vidarte testified, for example, that she was
5 afraid of Dr. Samuel leaving her a poor review, "because, like,
6 minimum mistakes, she made them, like, a big deal." ECF 89-8 at
7 79.

8 Cuenca-Vidarte also testified that Dr. Samuel would
9 demand that she work extra hours and do chores that were not
10 related to child care, such as cleaning the stairs, cleaning the
11 hallway upstairs, cleaning the windows, cleaning all the
12 doorknocks [sic] around the house, cleaning the switch lights,
13 cleaning the refrigerator, cleaning the oven, polish the oven
14 and the fridge.

15 Cuenca-Vidarte stated that Dr. Samuel told her the
16 story about the prior au pair, Solano, in an effort to get her
17 to cooperate with these demands.

18 And Peters, as I stated above, testified that
19 Dr. Samuel threatened her with deportation in an effort to
20 coerce her into working during her off time and, when she
21 refused to do so, retaliated by reporting her to the au pair
22 agency.

23 There is also evidence from which a reasonable jury
24 could conclude that the defendants threatened to falsely accuse
25 the plaintiffs of child abuse in order to have them arrested and

1 imperil their ability to remain in the country.

2 Peters testified that on the day of the Super Bowl,
3 she went to her room with the defendants'
4 two-and-a-half-year-old child to watch the half-time show and
5 that after she had been there for five minutes, Dr. Samuel, who
6 was in the Virgin Islands at the time, called her, demanded to
7 know where she was, and after Peters told her that she was in
8 her room, told her to get out. ECF 89-9 at 104, 105.

9 Peters testified that because there were cameras all
10 over the house, Dr. Samuel knew where she was.

11 When Mr. Ishaeik returned home, he told Peters that
12 what she did was wrong and that they could call the police and
13 accuse her of child abuse, and she would be taken back to
14 Mexico. ECF 89-9 at 105.

15 However, despite being ostensibly concerned that
16 Peters had abused their child, neither Samuel nor Ishaeik
17 reported this incident to the police. ECF 89-9 at 109.

18 Cuenca-Vidarte testified that on one occasion, she was
19 playing in the living room with the child, and he pushed a small
20 chair toward her that hit her leg. ECF 89-8 at 97.

21 In the course of pushing the chair, the child fell and
22 then started screaming that Cuenca-Vidarte was hitting him,
23 which Cuenca-Vidarte said was not true. Dr. Samuel told
24 Cuenca-Vidarte that she was taking the child to the doctor and
25 that, "If I find out you hit my baby, I am going to deport you,"

1 and that's at page 100.

2 Cuenca-Vidarte testified that when the baby had a
3 wound, Dr. Samuel told her that, "You know that I can accuse you
4 for abuse of a child, and if I do this, you're going -- deported
5 back to your country." That's at 79.

6 The defendants characterized these threats simply as
7 legitimate threats to pursue legal remedies if they found that
8 the plaintiffs were abusing their child. A jury might so find.

9 But in light of the evidence that the defendants
10 repeatedly reminded the plaintiffs of their power to accuse them
11 of child abuse, made similar threats to two au pairs, emphasized
12 what would happen to the plaintiffs if they made those
13 accusations, and also, arguably, used the threat of forced
14 return to the plaintiffs' home country as a means of extracting
15 labor for them in other contexts, a reasonable jury also could
16 conclude that these threats were not made out of a good-faith
17 concern for the well-being of children but rather as a means of
18 scaring the plaintiffs into submission and emphasizing the
19 defendants' power and control over them so that they would not
20 be tempted to defy their demands.

21 I have reviewed the Fourth Circuit's decision in
22 Muchira, on which the defendants rely heavily. The defendants
23 are right to point out that there are some similarities between
24 that case, where the Fourth Circuit affirmed the grant of
25 summary judgment to the defendants on a TVPRA claim in this

1 case.

2 For example, the plaintiffs here were similar in age
3 to the plaintiff in Muchira, 25 and 26, here, the 30s in that
4 case, when they began their employment, and like the plaintiff
5 in Muchira, the plaintiffs came to this country legally. So
6 they were not as vulnerable as a worker in their late teens or
7 early 20s who came to the United States without documentation.

8 However, this case is distinct from Muchira in crucial
9 ways. First, there is evidence that the plaintiffs were more
10 vulnerable than the plaintiff in Muchira. For example, though
11 there is evidence that the plaintiffs studied English in their
12 home countries, there is also evidence that they did not have a
13 strong command of the English language when they came to the
14 United States. ECF 89-9 at 26, ECF 89-8 at 30.

15 Moreover, it appears to be undisputed that neither
16 plaintiff had ever worked for the defendants before coming to
17 the United States, and Cuenca-Vidarte and Peters testified that
18 their employment with the au pair program was the first time
19 either of them had traveled to the United States. ECF 89-8 at
20 10, ECF 89-9 at 27.

21 Thus, unlike the plaintiff in Muchira, a reasonable
22 jury could find that the plaintiffs here lacked English
23 proficiency and cultural competency and did not have the same
24 level of prior experience working for the defendants; moreover,
25 and very importantly, unlike in Muchira, where the defendants

1 never threatened the plaintiff with arrest, deportation, adverse
2 immigration consequences, or other legal consequences if she
3 left their employment. That's at 850 F.3d 619 to -20.

4 Here, there is evidence that the defendants did just
5 that to the plaintiffs. Indeed, these alleged threats are
6 integral to the plaintiffs' claim.

7 Muchira certainly does not compel the conclusion that
8 the defendants are entitled to summary judgment. In fact, it
9 confirms that a denial of summary judgment on the evidence here
10 is appropriate.

11 Although the plaintiffs have not pointed the Court to
12 any case involving allegations of forced labor in connection
13 with the J-1 au pair visa program specifically, other courts
14 have found that an employer can be liable under the TVPRA for
15 abuse of a work visa program.

16 For instance, in *Martinez-Rodriguez v. Giles*,
17 31 F.4th 1139, 1143 (9th Cir. 2022), the Ninth Circuit held that
18 the District Court had erred in granting summary judgment for
19 the defendants on the plaintiffs' forced labor claims under the
20 TVPRA where the plaintiffs alleged that they had been recruited
21 to work -- well, where the plaintiffs submitted evidence that
22 they had been recruited to work on a dairy farm on work visas
23 and that the defendants abused the visa process in order to
24 exert pressure on Plaintiffs to provide labor that was
25 substantially different from what had been represented to them

1 and to federal consular officials.

2 In *Lopez v. Marriott International*, 2025 WL 668146 at
3 6, District of Colorado, February 27th, 2025, the District Court
4 found that a plaintiff who was recruited to work under the J-1
5 program as an intern in a hotel kitchen had stated a TVPRA claim
6 where he alleged, among other things, that a representative of
7 the defendant had told him that if he attempted to leave his
8 employment, he would be at risk of immediate removal from the
9 United States, that his employer would not assist him in finding
10 a new placement, and that when he told the human resources
11 director at the hotel about his intent to transfer, the director
12 threatened that everyone in town would know if the
13 executive chef had negative things to say about the plaintiff.

14 I turn now to 1589(a)(4), and I find that the
15 plaintiffs have presented sufficient evidence from which a
16 reasonable jury could conclude that the defendants violated the
17 statute which prohibits obtaining services by means of any
18 scheme, plan, or pattern intended to cause the person to believe
19 that if the person did not perform such labor or services, that
20 person or another person would suffer serious harm or physical
21 restraint.

22 This portion of the statute requires that the
23 defendants intended to cause the victim to believe she would be
24 harmed. And that's from *Chaudhri* at 186 to 187.

25 As I have discussed, the plaintiffs have presented

1 evidence that the defendants threatened them, threatened to
2 cause their deportation to their home countries as a means of
3 coercing them, either explicitly or implicitly, to remain in
4 their employ and perform labor under exploitive conditions.
5 They have presented evidence that these threats were not one-off
6 isolated incidents but rather that the defendants made them over
7 the course of their employment relationships with at least two
8 au pairs.

9 While the facts that support this alleged scheme are
10 not nearly as extreme as the facts that supported a scheme and
11 criminal conviction in Chaudhri, that difference does not
12 justify a grant of summary judgment. A reasonable jury could
13 conclude from the evidence submitted by the plaintiffs that the
14 defendants created a climate of fear that was intended to make
15 the plaintiffs believe they would be deported if they did not
16 continue making the defendants happy by completing the assigned
17 labor. That's from Chaudhri at 187.

18 The plaintiffs' 1589(a) claim survives
19 summary judgment. They have provided sufficient evidence of a
20 violation under Section 1589(a)(2), (a)(3), and (a)(4).

21 There is also sufficient evidence from which a
22 reasonable jury could conclude that the defendants violated
23 Section 1590(a). That statute prohibits recruiting, harboring,
24 transporting, providing, or obtaining, by any means, any person
25 for labor or services, in violation of the TVPRA.

1 Cuenca-Vidarte testified that the defendants picked
2 her up at the airport when she arrived in the country and
3 transported her to their home. She also testified that before
4 she came to the United States, she had video calls with the
5 defendants where they explained to her the responsibilities
6 associated with her position but did not disclose to her the
7 full extent of her responsibilities until she had arrived in the
8 United States. ECF 89-8 at 40 and 73 to 76.

9 Peters testified that she had a video call with
10 Dr. Samuel before beginning work in which they discussed pay and
11 accommodations. Peters flew to New York and took a train to
12 D.C. when she first arrived in the United States, and Dr. Samuel
13 agreed to pick her up at the train station. ECF 89-9 at 45 to
14 47.

15 The plaintiffs also have submitted evidence that the
16 defendants treated other au pairs before them similarly but not
17 disclosed the actual working conditions before the plaintiffs
18 arrived in the United States.

19 On the basis of this evidence and the evidence of the
20 actual working conditions, a reasonable jury could conclude that
21 the defendants recruited, transported, or obtained, by any
22 means, the plaintiffs for their domestic labor, in violation of
23 the TVPRA.

24 The motion for summary judgment is denied.

25 Let's schedule a trial date.

1 How long do you expect the trial to last, Mr. Ryon?

2 MR. RYON: Four to five days.

3 THE COURT: Four to five days?

4 MR. RYON: Yes.

5 THE COURT: Mr. Christian, how long do you expect the
6 trial to last?

7 MR. CHRISTIAN: About four days.

8 THE COURT: Four to five days, okay.

9 All right, that makes scheduling easier. I've taken a
10 look at my calendar. I've got time -- I don't have time before
11 November, but I have time in November, December, and January,
12 so ...

13 MR. CHRISTIAN: January of 2027, Your Honor?

14 THE COURT: Correct, or November of this year, or
15 December of this year.

16 MR. CHRISTIAN: My preference would be January of
17 2027.

18 THE COURT: Okay.

19 Mr. Ryon.

20 MR. RYON: Our preference would be as soon as
21 possible, but that's -- we could do -- we could look at dates in
22 January.

23 THE COURT: Just be careful; if we hit the microphone,
24 it hurts the court reporter's ears.

25 MR. CHRISTIAN: Thank you.

1 THE COURT: Yeah.

2 Listen, I could -- the only thing I can do before
3 then, I could give you a week in July. I have July 13th open
4 right now.

5 Mr. Ryon? I know that's vacation time, but I'm free
6 then. I'm seeing you say no. Yeah, that would --

7 MR. RYON: Unfortunately, that doesn't work.

8 THE COURT: Yeah. I tried.

9 MR. CHRISTIAN: I don't have July, Your Honor.

10 THE COURT: I'm sorry?

11 MR. CHRISTIAN: I do not have July.

12 Were you saying you couldn't can hear me earlier? I'm
13 sorry.

14 THE COURT: Yeah. All right, good.

15 MR. CHRISTIAN: Thank you.

16 THE COURT: Okay.

17 How about the week of November 16th?

18 MR. CHRISTIAN: My client's not available in November.

19 THE COURT: Why not?

20 MR. ISHAEIK: I'm going to be on assignment, on a
21 military tour. Unfortunately, I'm just a contractor.

22 THE COURT: Okay.

23 MR. CHRISTIAN: Could you hear that?

24 THE COURT: I heard that.

25 MR. CHRISTIAN: Okay.

1 THE COURT: All right. January 11th.

2 Mr. Ryon.

3 MR. RYON: Yes, that works.

4 THE COURT: Mr. Christian.

5 MR. CHRISTIAN: Yes, that works.

6 THE COURT: January 11th, okay.

7 All right. I will block out the whole week. We need
8 to be finished by Friday, the 15th. I think we can do that.

9 All right. So let's schedule a pretrial conference.
10 How about December 14th?

11 MR. RYON: That works for Plaintiffs.

12 THE COURT: Mr. Christian.

13 MR. CHRISTIAN: One second, Your Honor.

14 THE COURT: All right.

15 MR. CHRISTIAN: Monday, December 14th is fine.

16 THE COURT: All right. Let's set it in at 10:00 a.m.

17 Mr. Ryon, do you expect any expert testimony in this
18 case?

19 MR. RYON: No.

20 THE COURT: Mr. Christian, do you expect any expert
21 testimony?

22 MR. CHRISTIAN: None.

23 THE COURT: All right. I will not set a Daubert
24 motions deadline then.

25 All right. So November 23rd is the deadline for the

1 pretrial filings, the joint pretrial order, proposed jury
2 instructions, voir dire, verdict sheet, and motions in limine,
3 oppositions to motions in limine -- well, because that's
4 Thanksgiving, I'll give you some more time -- due December 4th.

5 And I will memorialize this in a scheduling order.

6 I didn't look to see if a Magistrate Judge has been
7 assigned to this case in an attempt to settle it. I don't want
8 to get into any settlement discussions whatsoever, but from the
9 plaintiffs' perspective, are you interested in my referring this
10 to a Magistrate Judge for a settlement conference, or do you
11 have a private mediator, or just do you think settlement
12 discussions are just not possible?

13 Or do you want to talk about it and get back to me?

14 So I would like you to meet with a Magistrate Judge or
15 a mediator before this case goes to trial. I don't normally
16 force people to do that, but in this case, I would like the
17 parties to try to attempt to settle this case.

18 Mr. Ryon.

19 MR. RYON: We've been open and we remain to it,
20 assuming it would have no delay of the trial date, just --

21 THE COURT: No.

22 MR. RYON: Yeah, so we remain open to it.

23 MR. CHRISTIAN: Your Honor, it's within the discretion
24 of the Court.

25 THE COURT: Can everyone stand when they're talking to

1 the Court?

2 Thanks.

3 MR. RYON: I'm sorry.

4 THE COURT: Thanks.

5 MR. CHRISTIAN: I'm sorry.

6 THE COURT: Yeah.

7 MR. CHRISTIAN: I said --

8 THE COURT: I hope you know, it's not about me,
9 Judge Boardman --

10 MR. CHRISTIAN: No, no, no, I always --

11 THE COURT: Yes.

12 MR. CHRISTIAN: -- defer to the Court, I'm always
13 respectful to the Court.

14 Certainly, it's within the discretion of the Court as
15 to whether --

16 THE COURT: I'm sorry?

17 MR. CHRISTIAN: I say, it's within the discretion of
18 the Court; if the Court wants to set that up, that's fine. But
19 I just want to let the Court to know that we do have a history
20 here of trying to resolve this matter. My clients are
21 working-class folk. They feel terribly treated and -- treated
22 very unfairly, and I don't think there will be much hope for
23 that. I mean, they're prepared to fight this case all the way
24 through.

25 Thank you.

1 THE COURT: Okay. Well, I will refer it to a
2 Magistrate Judge for a settlement conference, and I would ask
3 the parties to make a good-faith effort to try to settle the
4 case. There's risks on both sides. And you know, if it doesn't
5 settle, we have a trial date, and I will issue the scheduling
6 order.

7 Is there anything else from your perspective,
8 Mr. Ryon?

9 MR. RYON: No, Your Honor.

10 THE COURT: All right.

11 Mr. Christian.

12 MR. CHRISTIAN: Thank you very much, Your Honor --

13 THE COURT: Okay.

14 MR. CHRISTIAN: -- for your time here.

15 THE COURT: Oh, I see.

16 MR. CHRISTIAN: You want to say something?

17 Your Honor, is the pretrial that you've set for the
18 14th, is that virtual, or do you want us in here?

19 THE COURT: Here.

20 MR. CHRISTIAN: Okay.

21 THE COURT: Thanks.

22 MR. CHRISTIAN: Thank you.

23 THE COURTROOM DEPUTY: All rise. This Honorable Court
24 now stands adjourned.

25 (The proceedings were adjourned at 1:26 p.m.)

CERTIFICATE OF OFFICIAL REPORTER

I, Patricia Klepp, Registered Merit Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 26th day of March, 2026.

/s/
PATRICIA KLEPP, RMR
Official Court Reporter