
AFFIDAVIT

1. My name is Mark Fochtman, and I am over 18 years old and solemnly swear that the following facts and information are true and correct to the best of my knowledge and belief:

2. I am a citizen of Washington County, Arkansas.

3. Around 2015 or 2016, I was ordered by the Washington County Drug Court to enter a drug treatment facility in lieu of being incarcerated. The facility had to inform the Drug Court if I left or was removed from the facility involuntarily, and if so, I would be sent to jail. At that time, I agreed to enter the CAAIR program because I thought it was a drug treatment facility.

4. While in the court-ordered program, I temporarily lived on the premises near Jay, Oklahoma.

5. I thought that, while at CAAIR, I would be able to work, save money, receive treatment for addiction, and get my life back on track.

6. I quickly learned that CAAIR was not a treatment facility, but was instead a work camp. During my time there, CAAIR did not have any licensed drug and alcohol counselors to help the hundreds of residents there.

7. When I first arrived to CAAIR, I was assigned to work for one of Simmons' poultry processing facilities. Because of an injury in my wrist, however, I did not pass the physical exam and could not work there. Instead, CAAIR assigned me to work for another Simmons' location that did not require passing a physical.



8. CAAIR assigned me to work on a chicken farm for Simmons Foods near Decatur, Arkansas. CAAIR drove me to the farm 5 days a week where I would work around 9 hours per day.

9. My typical schedule was Thursday through Monday. On my "days off" I was oftentimes required to go to Tulsa, Oklahoma to work at the Food Bank. Because CAAIR sent people to work at the Food Bank, it received a discount on food.

10. My job at the chicken farm was a dirty, disgusting job. Each day I was responsible for collecting the birds from the chicken houses that had died during the previous day. On a typical day I collected over 100 dead birds. I disposed of the dead birds in an empty chicken house. That chicken house was full of thousands of decaying and rotting chickens covered in maggots.

11. I was also responsible for feeding chickens, performing maintenance on machinery and equipment, and other tasks. The job was physically demanding but required no skill or training.

12. Other employees from CAAIR also worked disgusting and dangerous jobs. For example, I remember seeing CAAIR employees who worked in Simmons' Live Hang Department returning to CAAIR with their faces covered in bird feces from when they hung live chickens on hooks above their heads as part of Simmons' poultry processing operation. The birds routinely defecated in the mouths and on the faces of those employees.

13. During my time at CAAIR, I never received a paycheck from Simmons or CAAIR, even though I worked approximately 45 hours per week.

14. As far as I knew, the only way to receive any money from CAAIR is to complete the yearlong program. Even then, CAAIR only gives you \$1,000.00.

15. I had no choice but to work while at CAAIR. During my time at CAAIR, I learned that if a resident was too sick to work, or was injured and could not work, they would be kicked out of the program and sent to jail. At CAAIR, not working meant you were not participating in the program and you would be kicked out. Myself and other residents at CAAIR were frequently told that if we did not work in our assigned jobs we would be removed from the program and incarcerated. Because of these threats, myself and other residents worked through sickness and injury to avoid being sent to jail.

16. Although I worked for CAAIR and Simmons for around six months, neither business paid the child support I owed. Because I wanted to pay for child support, my lawyer helped me transfer from CAAIR to DARP.

17. I entered the DARP program for two months in around 2016 or 2017.

18. While in DARP, I lived in the dormitories located in Decatur, Arkansas with dozens of other men. There were two dorms, and I believe each dorm housed around 60 people.

19. DARP required me to work at Hendren Plastics near Decatur, Arkansas. At Hendren, I worked on a production line filling large containers with plastic beads that were then cooked to melt the plastic and make floatation platforms. These platforms are the types used to keep docks or boat slips afloat.

20. At Hendren, I worked 12-hour shifts, 5 days of week. On average, I worked around 60 hours per week.

21. The work at Hendren was hard work but did not require any special skill or training. The environment was very caustic working around melted plastics, and there was a high rate of injury among the employees. Because of the work environment, the turnover rate during my time was high.

22. Like during my time at CAAIR, myself and other residents at DARP were frequently told that if we did not work in our assigned jobs we would be removed from the program and incarcerated. Because of these threats, myself and other residents worked through sickness and injury to avoid being sent to jail.

23. Likewise, while at DARP, I never received a paycheck from Hendren or from DARP, even though I worked approximately 60 hours per week.

24. At DARP, the only way you received money was if you completed periods of the program without rule infractions. For example, if you successfully completed six months without rule violations, you were supposed to receive \$500. If you completed a year without rule violations, you were supposed to receive \$1,000.

25. I left DARP after approximately 2 months.

26. At CAAIR and DARP, residents have very limited access to phone calls and the internet. CAAIR's and DARP's rules expressly prohibited us from having cellphones or other electronic devices on the premises or at work. Any phone calls we made, including calls to family or our lawyers, must be done in the presence of a CAAIR or DARP staff member. In fact, to be able to leave CAAIR and be transferred to DARP, I had to sneak a cellphone in to call my lawyer. Because of CAAIR and DARP's restrictions, I did not have a way to make complaints about the conditions while I was there.

27. I filed this lawsuit on behalf of myself and other residents of CAAIR and DARP who were forced to work without pay.

28. I believe I can fairly and adequately represent the interest of the other CAAIR and DARP residents who had to work without pay.

29. I am very interested in the outcome of this case because I believe I am entitled to be paid for the time I spent working without pay while a resident of CAAIR and DARP.

30. I am familiar with the policies being challenged in this case.

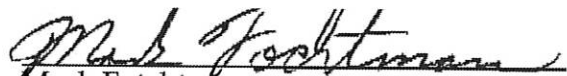
31. I am willing to participate in the litigation of this case as recommended by my attorneys.

32. I am able to assist my attorneys in making decisions about the conduct of this litigation.

33. I am not aware of any conflicts that I have with other class members that would prevent me from adequately representing their interests, and I have not colluded with any other class members.

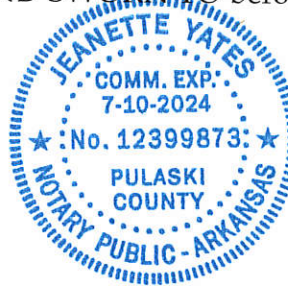
34. I am happy to provide other information regarding my adequacy to represent the class that is requested by the Court.

Dated this 20 day of October, 2017.


Mark Fochtman

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 20th day of October, 2017.



Jeanette Yates
Notary Public