

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**THOMAS E. PEREZ**, Secretary of Labor, )  
United States Department of Labor, )  
 )  
Plaintiff, )

v. )

**GROSSNICKLE FARMS, LLC**, a limited )  
liability company; **ALLEN GROSSNICKLE**, )  
individually, and **CORINNE GROSSNICKLE**, )  
individually )  
 )  
Defendants. )

CIVIL ACTION

CASE NO. 1:13-cv-00910

Hon. Janet T. Neff  
District Judge

M. Patricia Smith, Solicitor of Labor  
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**DEFENDANTS' AFFIRMATIVE DEFENSES**

NOW COME the Defendants, Grossnickle Farms, LLC, Allen Grossnickle and Corinne Grossnickle, (Defendants), and give notice that they will avail themselves of the following

Affirmative Defenses in the above matter.

1. That Plaintiff is estopped from bringing this claim due to the fact that Plaintiff, by and through its agents previously approved of the manner and method used to compensate pickle harvesters.
2. That Plaintiff is guilty of laches by virtue of the fact that this method of payment of harvesters had been utilized for approximately 18 years, with the full knowledge of Plaintiff and its agents.
3. That all sums due and owing to any Pickle Harvesters have been paid in full.
4. That Plaintiff is perpetrating a fraud by claiming sums due to pickle harvesters when such sums are due, nor do any harvesters allege sums are due.
5. Defendants reserve the right to raise such other and further defenses as may become known during the course of discovery and preparation for trial in this matter.

STARIHA & JOHNSON, ATTORNEYS AT LAW

Dated: September 30, 2013

By: s/ Robert A. Stariha

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