



Using Civil Litigation to Combat Human Trafficking

20 Years of Civil Litigation
Under the Trafficking Victims Protection
Reauthorization Act

2003-2023

20
YEARS

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Acknowledgments

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Table of Contents

I. Introduction	6
II. Civil Trafficking Litigation: Looking Back on Twenty Years	
A. Overview of All Forced Labor and Sex Trafficking Cases Filed from 2003 to 2023	7
Figure 1: Civil Trafficking Cases Filed by Year (2003-2023)	
1. Civil Trafficking Cases Filed by Year and Type from 2003 to 2023	8
Figure 2: Civil Cases Filed by Year and Type (Table) (2003-2023)	
Figure 3: Civil Cases Filed by Type (2003-2023)	
Figure 4: Civil Cases Filed by Year and Type (2003-2023)	
2. Civil Trafficking Cases Filed by Location from 2003 to 2023	11
Figure 5: Cases by Location of Filing (Map) (2003-2023)	
3. Outcomes in Federal Civil Trafficking Cases from 2003 to 2023	12
Figure 6: Civil Cases by Outcome (2003-2023)	
Figure 7: Civil Cases by Outcome and Year (2003-2023)	
4. Plaintiffs in Civil Trafficking Cases from 2003 to 2023	14
i. Plaintiffs' Countries of Origin	
Figure 8: Trafficking Plaintiffs' Countries of Origin (Table) (2003-2023)	
Figure 9: Trafficking Plaintiffs' Countries of Origin (Map) (2003-2023)	
ii. Plaintiffs' Immigration and Visa Status	15
Figure 10: Cases by Plaintiffs' Method of Entry into the United States (2003-2023)	
iii. Plaintiffs Proceeding Anonymously	17
5. Defendants in Civil Trafficking Cases from 2003 to 2023	18
Figure 11: Types of Defendants in Sex Trafficking and Forced Labor Cases (2003-2023)	
Figure 12: Civil Cases Against Corporate and Institutional Defendants by Year (2003-2023)	
B. Forced Labor Cases from 2003 to 2023	
1. Sectors in Forced Labor Cases from 2003 to 2023	20
Figure 13: Sectors in Civil Forced Labor Cases (Table)	
Figure 14: Forced Labor Cases by Sector (2003-2023)	
Figure 15: Forced Labor Cases by Sector (Table) (2003-2023)	
2. Immigration and Visa Status in Forced Labor Cases from 2003 to 2023	23
i. Forced Labor Civil Filings by Foreign National Plaintiffs	
Figure 16: Plaintiffs' Visa Types in Forced Labor Cases (2003-2023)	
Figure 17: Visa/Immigrant Status Types in Forced Labor Cases (Table) (2003-2023)	
ii. Forced Labor Civil Filings by U.S. Citizens	25
3. Outcomes in Forced Labor Cases from 2003 to 2023	26
Figure 18: Forced Labor Cases by Outcome (2003-2023)	
C. Sex Trafficking Cases from 2003 to 2023	
1. Types of Defendants in Sex Trafficking Cases from 2003 to 2023	27
Figure 19: Types of Defendants in Sex Trafficking Cases (2003-2023)	
Figure 20: Types of Corporate and Institutional Defendants in Sex Trafficking Cases (2003-2023)	
2. Outcomes in Sex Trafficking Cases from 2003 to 2023	29
Figure 21: Sex Trafficking Cases by Outcome (2003-2023)	

III. Civil Trafficking Litigation: Trends Over the Last Twenty Years	
A. The Expansion of Forced Labor Litigation Since the First Domestic Worker Cases	31
B. Corporations as Defendants	
1. The Development of Venture Liability for “Financially Benefiting”	33
2. The Surge in Sex Trafficking Litigation	36
C. Extraterritorial Jurisdiction and TVPRA Litigation	38
D. Class Certification	39
IV. Conclusion	41
V. Appendices	
Appendix A: Case Filings in 2023	
1. Civil Trafficking Cases Filed in 2023 by Type	42
Figure 22: Civil Cases by Type (2023)	
2. Civil Trafficking Cases Filed in 2023 by Sector	43
Figure 23: Civil Cases by Sector (2023)	
Figure 24: Civil Cases by Sector (Table) (2023)	
3. Outcomes in Federal Civil Trafficking Cases in 2023	45
Figure 25: Civil Cases by Outcome (2023)	
Appendix B: Number of Civil Cases Filed Under 18 U.S.C. § 1595 by State/Territory (2003-2023)	47
Appendix C: Total Damages in Federal Civil Trafficking Cases (2003-2023)	48



I. Introduction

In December 2003, Congress passed the Trafficking Victims Protection Reauthorization Act (“TVPRA”), amending federal law to provide trafficking survivors with a path to recover civil damages from their traffickers in federal courts. In the twenty years since its enactment, the civil private right of action, 18 U.S.C. § 1595 (“Section 1595”), has allowed trafficking survivors to hold their traffickers accountable.

Between December 19, 2003, the date that federal civil cases became possible, and December 31, 2023, plaintiffs filed a total of 929 cases in federal court under the TVPRA.¹ Domestic workers who escaped forced labor brought the very first claims. For the first five years of the civil remedy, every case filed alleged forced labor. In 2009, a plaintiff filed the first civil case alleging sex trafficking. Over the years, the number of federal civil cases, as well as the scope of those cases, has surged.

The Human Trafficking Legal Center maintains a database of every forced labor and sex trafficking civil case filed under the TVPRA since 2003. As the number of cases has continued to grow, so has the diversity of sectors and types of defendants. To date, Section 1595 cases have been filed in 21 different labor sectors, with claims brought against both individual and corporate defendants. Significantly, these cases have also resulted in substantial awards to the plaintiffs, including more than \$900 million in civil damages awards and public settlements.²

This report analyzes the federal civil trafficking cases filed over the first twenty years, beginning with the enactment of the civil remedy in 2003 through December 31, 2023.³ The report focuses on the impact resulting from the continued growth of TVPRA civil litigation, as well as developing litigation trends.

¹ All references to cases filed in this report refer to civil federal trafficking claims brought pursuant to Section 1595, unless otherwise expressly noted.

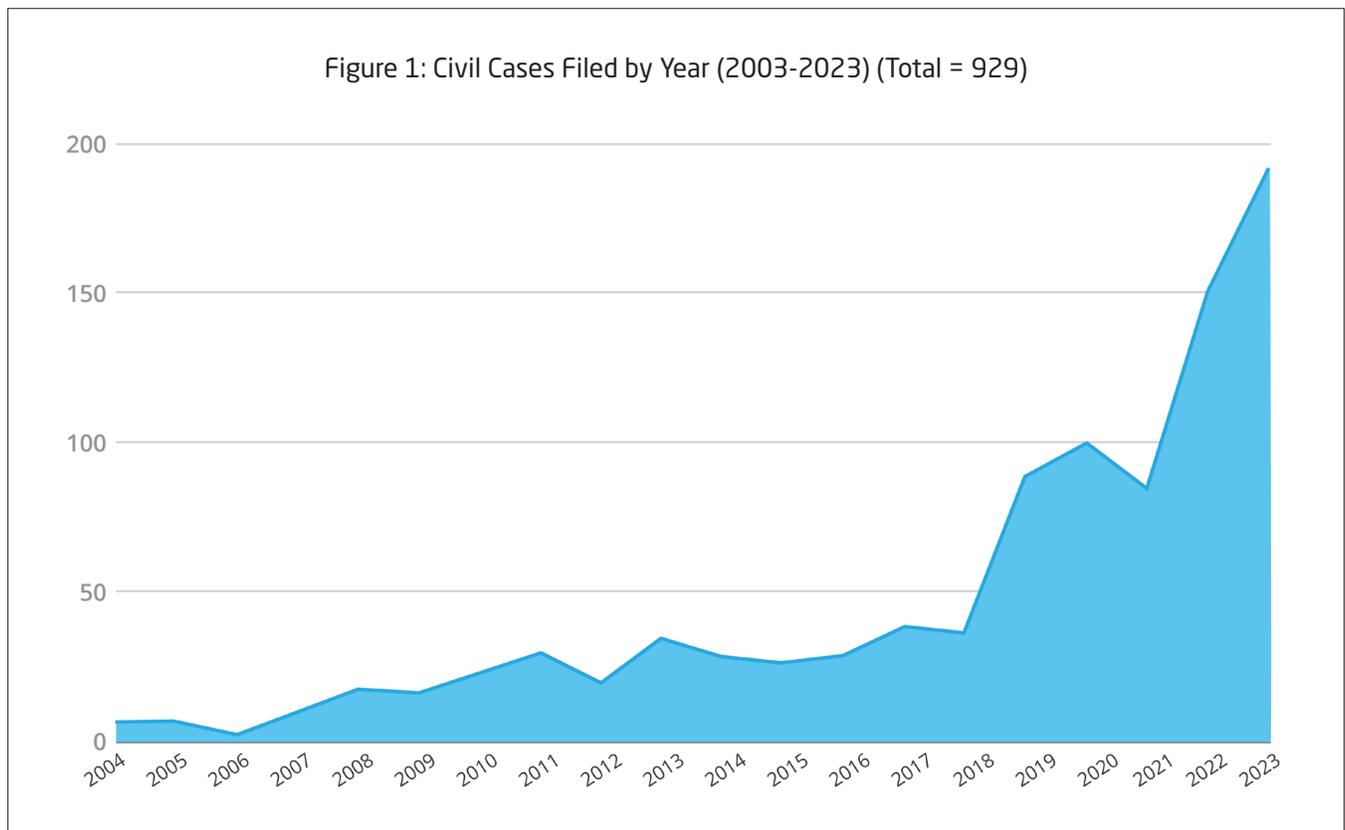
² The damages award amount reflects only publicly disclosed settlements and judgments available on court dockets. This amount includes any known fees and costs, such as attorneys’ fees and settlement administration costs. This number does not include confidential, non-public settlements, which make up a significant number of the settlements.

³ Unless otherwise noted, the data in this report reflect civil cases filed as of December 31, 2023, and the status of all filed cases as of December 31, 2023.

II. Civil Trafficking Litigation: Looking Back on Twenty Years

A. Overview of All Forced Labor and Sex Trafficking Cases Filed from 2003 to 2023

Between December 19, 2003, when it became possible to file federal civil trafficking cases, and December 31, 2023, plaintiffs filed 929 cases under Section 1595 of the TVPRA.⁴ In 2023, plaintiffs filed 32 times as many cases (192) as in 2004 (6), demonstrating the exponential growth in this field.



⁴ This report includes updates to data for previous years. In conducting a detailed review of federal civil trafficking cases, 59 additional cases were identified that had not been included in prior reports. In 2020, 42 additional cases—six forced labor and 36 sex trafficking—were identified and included in this report. In 2021, five additional cases—three forced labor and two sex trafficking—were identified and included in this report. In 2022, 12 additional cases—three forced labor, eight sex trafficking, and one involving both forced labor and sex trafficking—were identified and included in this report, while one forced labor case was identified as a duplicate and has been excluded from the data set.

1. Civil Trafficking Cases Filed by Year and Type from 2003 to 2023

For the first five years of the civil remedy, every civil trafficking case filed under Section 1595 involved only allegations of forced labor. It was not until 2009 that the first civil case alleging sex trafficking was filed.⁵ For the next ten years, the number of sex trafficking cases steadily increased. In 2019, the slow and steady increase in sex trafficking cases turned into an avalanche. That year, sex trafficking cases surged from eight cases filed in 2018 to 47 cases filed in 2019. In 2022, the case filings involving sex trafficking once again spiked, increasing from 42 in 2021 to 110 in 2022. The growth continued in 2023 with the filing of 133 cases involving sex trafficking.

Figure 2: Civil Cases Filed by Year and Type (Table) (2003-2023)

Year Filed	Forced Labor	Sex Trafficking	Both	Total
2003	-	-	-	0
2004	6	-	-	6
2005	6	-	-	6
2006	2	-	-	2
2007	9	-	-	9
2008	17	-	-	17
2009	15	1	-	16
2010	20	2	-	22
2011	25	4	-	29
2012	17	1	1	19
2013	30	4	-	34
2014	27	1	-	28
2015	24	2	-	26
2016	26	1	1	28
2017	32	6	-	38
2018	28	8	-	36
2019	39	47	2	88
2020	30*	67*	2	99
2021	41*	42*	1	84
2022	36*	110*	4*	150 ⁶
2023	47	131	14	192
Total	477	427	25	929

*These numbers have been updated to reflect cases that had not been previously identified.

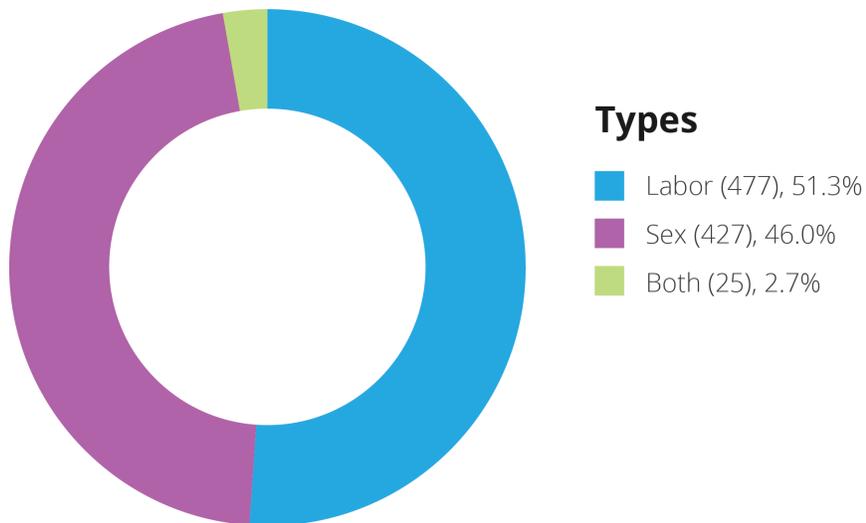
⁵ See *Ditullio v. Boehm*, No. 3:09-cv-00113 (D. Alaska). After the defendant pled guilty in the federal criminal case brought against him, the plaintiff filed a civil action. The civil case settled for \$400,000.

⁶ The 2022 Civil Report indicated that 139 total civil cases were filed in 2022. See Sherah Tan and Merrick M. Black, *The Human Trafficking Legal Center, Using Civil Litigation To Combat Human Trafficking: Federal Human Trafficking Civil Litigation 2022 Data Update* (December 2023) (hereinafter, the "2022 Civil Report"). This number has been updated to include 12 cases filed in 2022 that had not previously been identified and exclude one case that was identified as a duplicate in the data set. See *supra* note 4.



In the first twenty years after the passage of Section 1595, plaintiffs filed a total of 929 sex and labor trafficking cases in the federal courts. As of December 31, 2023, the number of forced labor cases still exceeded the number of sex trafficking cases, but the gap narrowed significantly, with 477 forced labor cases, 427 sex trafficking cases, and 25 cases alleging both labor and sex trafficking.⁷

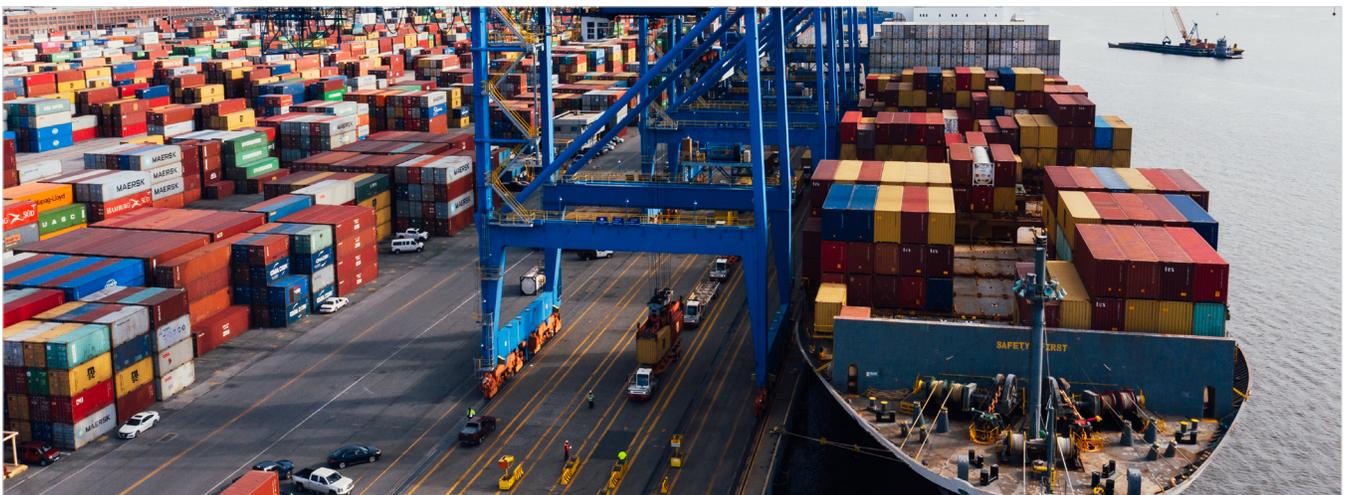
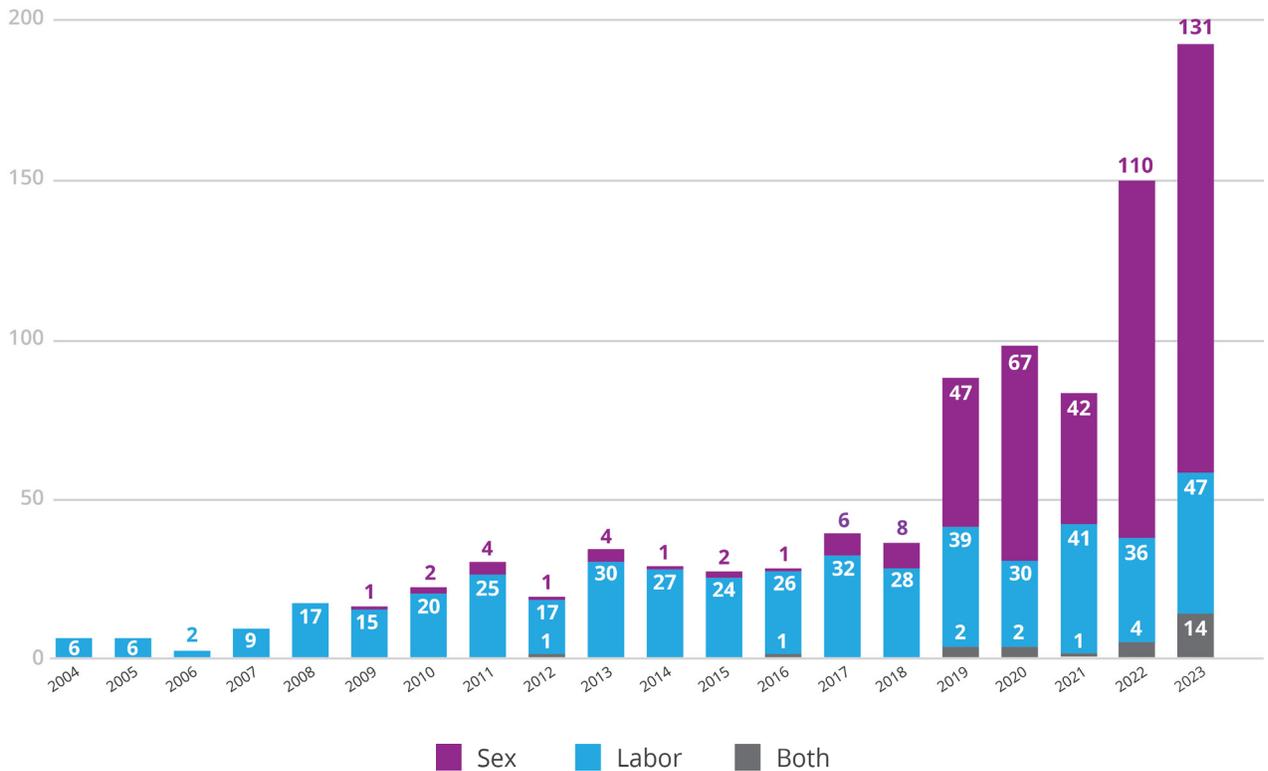
Figure 3: Civil Cases Filed by Type (2003-2023) (Total = 929)



⁷ In 2024, sex trafficking case filings exceeded forced labor case filings for the first time. On June 10, 2024, 11 new sex trafficking cases were filed—nine of which were filed in the Eastern District of Texas. As a result of these filings, the total number of sex trafficking cases surpassed the total number of forced labor cases for the first time (499 sex trafficking cases and 496 forced labor cases).

In recent years, the number of cases involving sex trafficking allegations has swelled, dwarfing the number of cases involving forced labor. But forced labor civil case filings have also increased steadily over time. In 2023, plaintiffs filed 47 cases involving forced labor—a historic high. This marked a significant increase from the 36 forced labor cases filed in 2022.

Figure 4: Civil Cases Filed by Year and Type (2003-2023) (Total = 929)

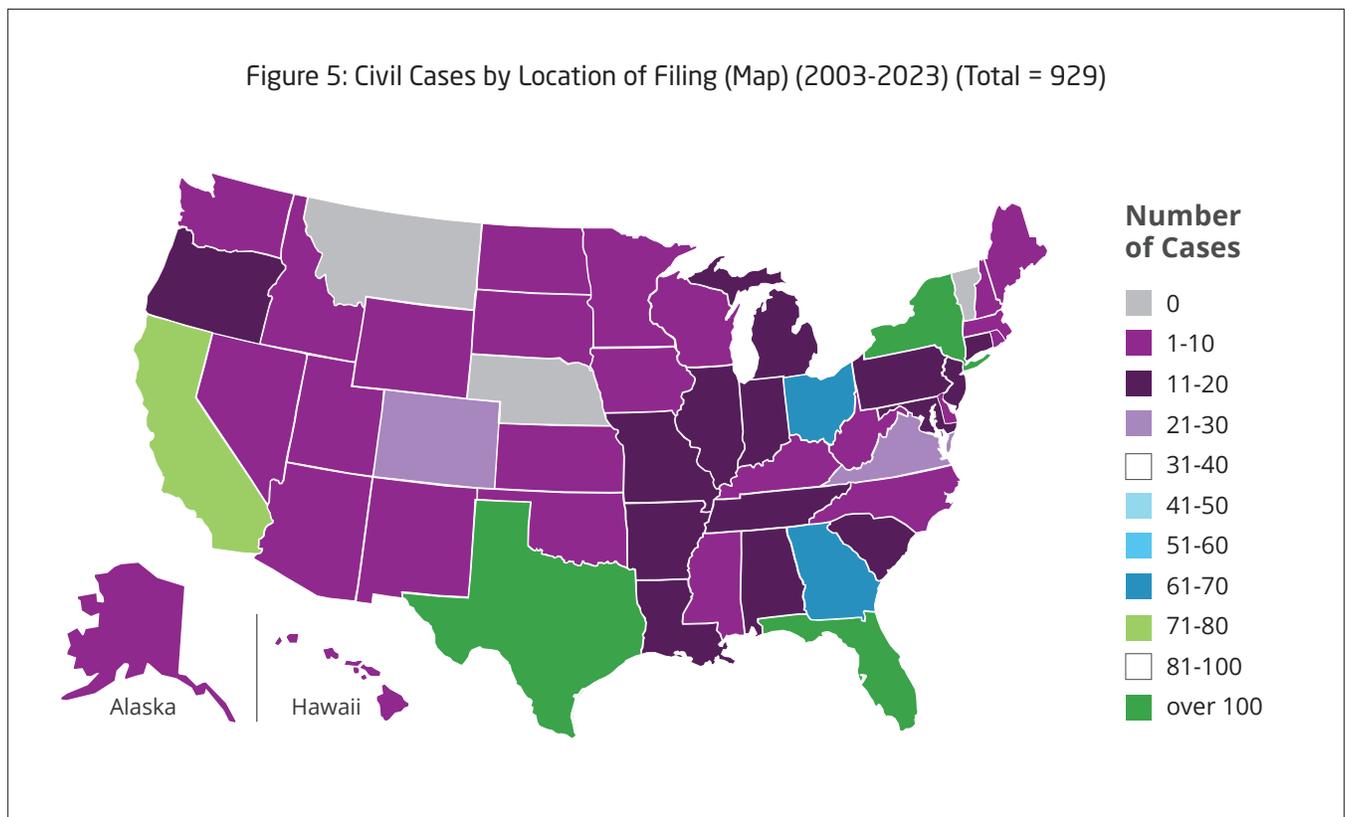


2. Civil Trafficking Cases Filed by Location from 2003 to 2023

As of December 31, 2023, plaintiffs had filed federal civil human trafficking cases in 47 states, the District of Columbia, and two territories. The highest numbers of cases were brought in New York (152), Texas (103), and Florida (102).⁸ Notably, Texas has overtaken both Florida and California, which previously had the second- and third-most filings, respectively. In 2023, Texas set a new record for most cases filed in a single year (58), a record previously set in 2022 by Ohio (42).⁹ All 58 cases filed in Texas in 2023 were sex trafficking cases, with 31 cases brought against internet service providers and 27 cases brought against hotels and hospitality groups.

In 2023, plaintiffs filed the first civil trafficking cases in New Mexico. Guam, Montana, Nebraska, Puerto Rico, and Vermont are the only remaining states and territories where no federal civil trafficking cases have been filed. Eight states continue to only have one federal civil trafficking case ever filed: Alaska, Delaware, Hawaii, Idaho, Kansas, New Hampshire, Rhode Island, and West Virginia.

Figure 5: Civil Cases by Location of Filing (Map) (2003-2023) (Total = 929)



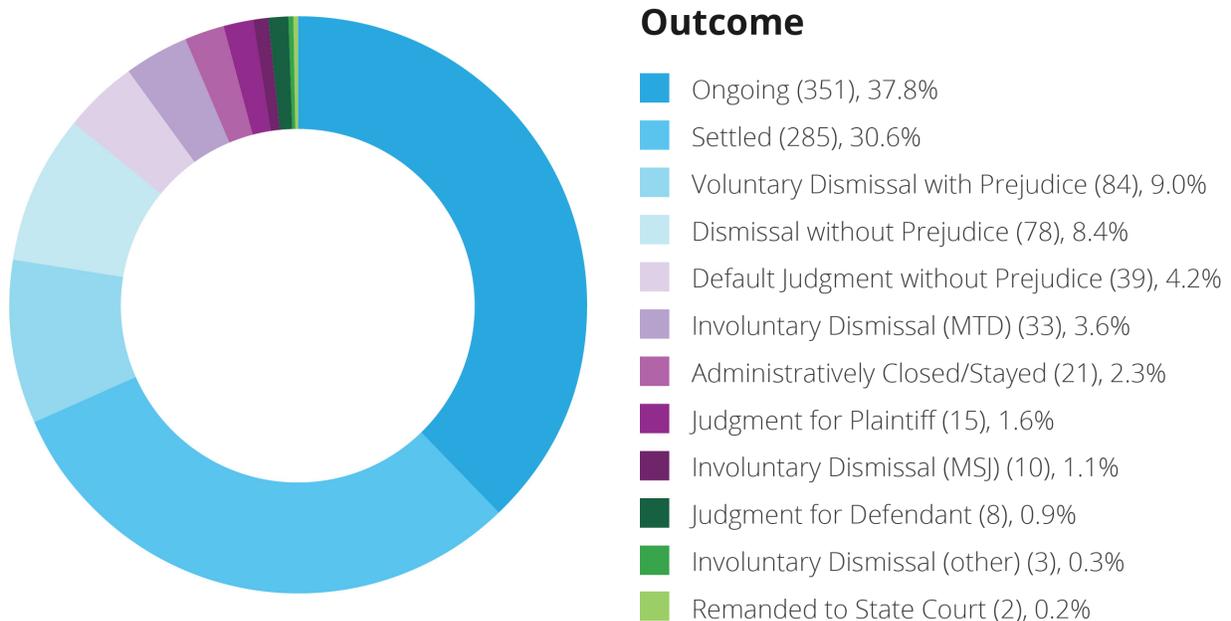
⁸ The data discussed in this report reflect only case filings made in federal courts. Many states allow trafficking survivors to pursue a private right of action under their state's analogue of the TVPRA.

⁹ See 2022 Civil Report at 12. The 2022 Civil Report noted that Ohio saw 40 cases filed in 2022. This number has been updated to reflect two additional cases filed in 2022.

3. Outcomes in Federal Civil Trafficking Cases from 2003 to 2023

As of December 31, 2023, nearly 38 percent of all filed cases remained ongoing (351). The remaining 578 cases had either been resolved or stayed. Of these 578 cases, more than 58 percent resulted in a settlement (285) or a judgment for the plaintiff (54),¹⁰ as compared with fewer than 10 percent resulting in a judgment for the defendant (8) or involuntary dismissal (46). An additional 14 percent of the resolved cases resulted in a voluntary dismissal with prejudice (84). A voluntary dismissal with prejudice may be a sign of a confidential settlement, though it is not a definitive indication that the case settled.

Figure 6: Civil Cases by Outcome (2003-2023) (Total = 929)



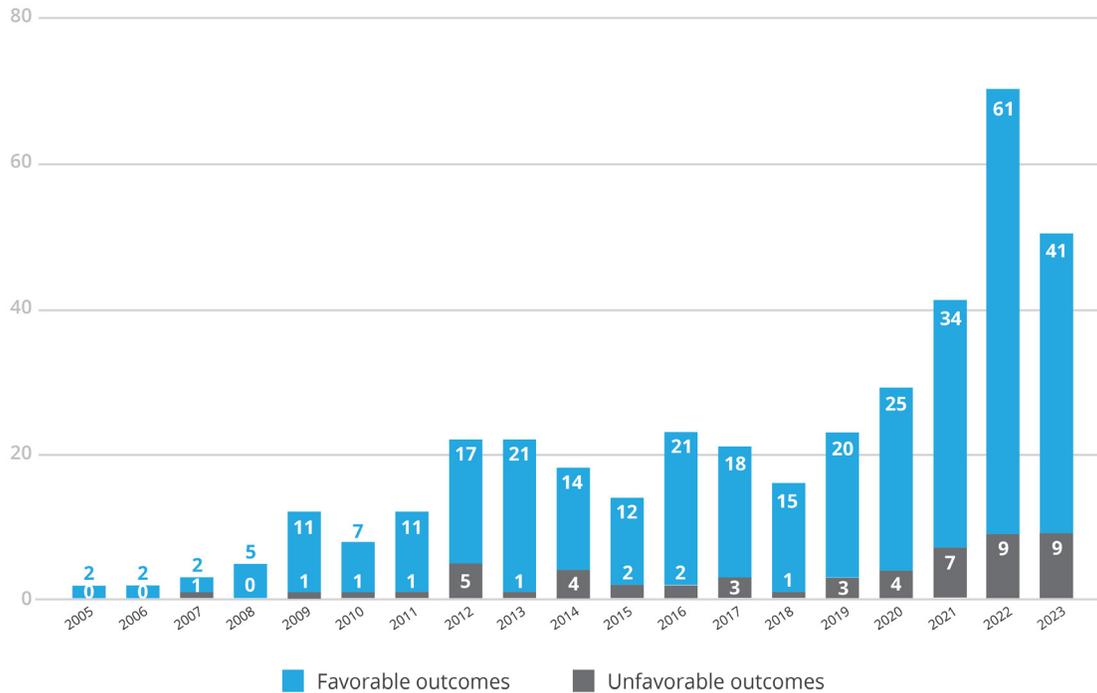
Over the past twenty years, Section 1595 cases have resulted in favorable outcomes for plaintiffs more often than in unfavorable outcomes.¹¹ The favorable outcomes, including significant damages awards, demonstrate that the civil remedy is a powerful tool for trafficking survivors, providing access to justice where so often it did not otherwise exist.¹²

¹⁰ This number includes default judgments, judgments on the pleadings, and judgments at trial.

¹¹ Favorable outcomes include judgments for plaintiffs and settlements. Unfavorable outcomes include judgments for defendants and involuntary dismissals. Voluntary dismissals—either with or without prejudice—are not included in either category.

¹² This is particularly true for survivors of forced labor, who rarely see their cases prosecuted by federal authorities. In 2021 and 2022, federal authorities prosecuted just seven forced labor cases in the entire country each year. In 2023, federal authorities prosecuted only 12 cases in the United States. See U.S. Department of State, *Trafficking in Persons Reports for 2022, 2023, and 2024*, <https://www.state.gov/trafficking-in-persons-report/>.

Figure 7: Civil Cases by Outcome and Year (2003-2023) (Total = 393)



In the early years of litigation after the TVPRA’s enactment, the high numbers of favorable outcomes likely helped establish the viability of the TVPRA as a remedy for survivors. Since that time, the data on publicly available outcomes has shown a significantly higher percentage of favorable outcomes over unfavorable outcomes. Since 2021, plaintiffs have achieved significant favorable outcomes in civil trafficking cases, with 136 cases resolving in either judgments for plaintiffs or settlements. In total, as of December 31, 2023, \$923,578,483.23 in damages had been awarded in forced labor and sex trafficking cases brought under Section 1595.¹³

☰ Q
The Salt Lake Tribune

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Judge awards \$152 million to ex-FLDS members in lawsuit against Warren Jeffs

Plaintiffs’ attorney calls the award “highly symbolic” but says it sends a clear message about abuse.

¹³ This number includes only court orders and publicly available settlements. The total does not include confidential settlements, which are substantial.

4. Plaintiffs in Civil Trafficking Cases from 2003 to 2023

i. Plaintiffs' Countries of Origin

Figure 8: Trafficking Plaintiffs' Countries of Origin (Table) (2003-2023)

Country of Origin of Plaintiff(s)	# of cases	Country of Origin of Plaintiff(s)	# of cases	Country of Origin of Plaintiff(s)	# of cases	Country of Origin of Plaintiff(s)	# of cases
Afghanistan	1	Eritrea	1	Malaysia	3	South Africa	5
Australia	1	Ethiopia	5	Mali	2	South Korea	4
Bahamas ¹⁴	1	France	2	Mexico	85	Sri Lanka	3
Bangladesh	5	Germany ¹⁵	3	Moldova	1	Sudan	1
Belarus	1	Guatemala ¹⁶	14	Morocco	3	Suriname	1
Bolivia	2	Guinea	1	Namibia	2	Swaziland	1
Bosnia and Herzegovina	1	Haiti	3	Nepal	4	Switzerland	1
Brazil	5	Honduras	6	New Zealand	1	Syria	1
Burkina Faso	2	Hungary	1	Nicaragua	2	Taiwan	1
Cambodia	4	India	42	Nigeria	3	Tanzania	3
Cameroon	4	Indonesia	10	Pakistan	7	Thailand	4
Canada	5	Iran	1	Panama	1	Turkey	2
Chile	6	Ivory Coast	1	Paraguay	2	Uganda	3
China	10	Jamaica	3	Peru	11	Ukraine	1
Colombia	4	Jordan	1	Philippines	84	United Kingdom ¹⁷	1
Costa Rica	1	Kazakhstan	1	Poland	4	United States ¹⁸	412
Croatia	2	Kenya	2	Romania	1	Venezuela	1
Cuba	1	Laos	1	Russia	4	Vietnam	2
Democratic Republic of Congo	2	Liberia	1	St. Vincent and the Grenadines	1	Zambia	1
Dominican Republic	4	Madagascar	1	Serbia	2	Zimbabwe	1
Ecuador	3	Malawi	1	Slovenia	2	Unknown ¹⁹	126
El Salvador	4						

As of December 31, 2023, plaintiffs from 84 different countries had filed federal trafficking cases. Over the last twenty years, U.S. citizens have brought by far the largest number of cases, followed by citizens of Mexico (85 cases), the Philippines (84 cases), and India (42 cases). Most cases brought by U.S. citizens have involved allegations of sex trafficking. In contrast, the cases brought by citizens of Mexico, the Philippines,

¹⁴ The 2022 Civil Report included two cases filed by plaintiffs from the Bahamas, but that number has been revised to one case after additional research.

¹⁵ *Doe v. Nygard*, No. 1:20-cv-01288 (S.D.N.Y.), which had previously not been included in the 2022 Civil Report, involved a plaintiff from Germany and has now been added.

¹⁶ The number of plaintiffs from Guatemala was reduced by one after determining that a 2022 case had been included twice.

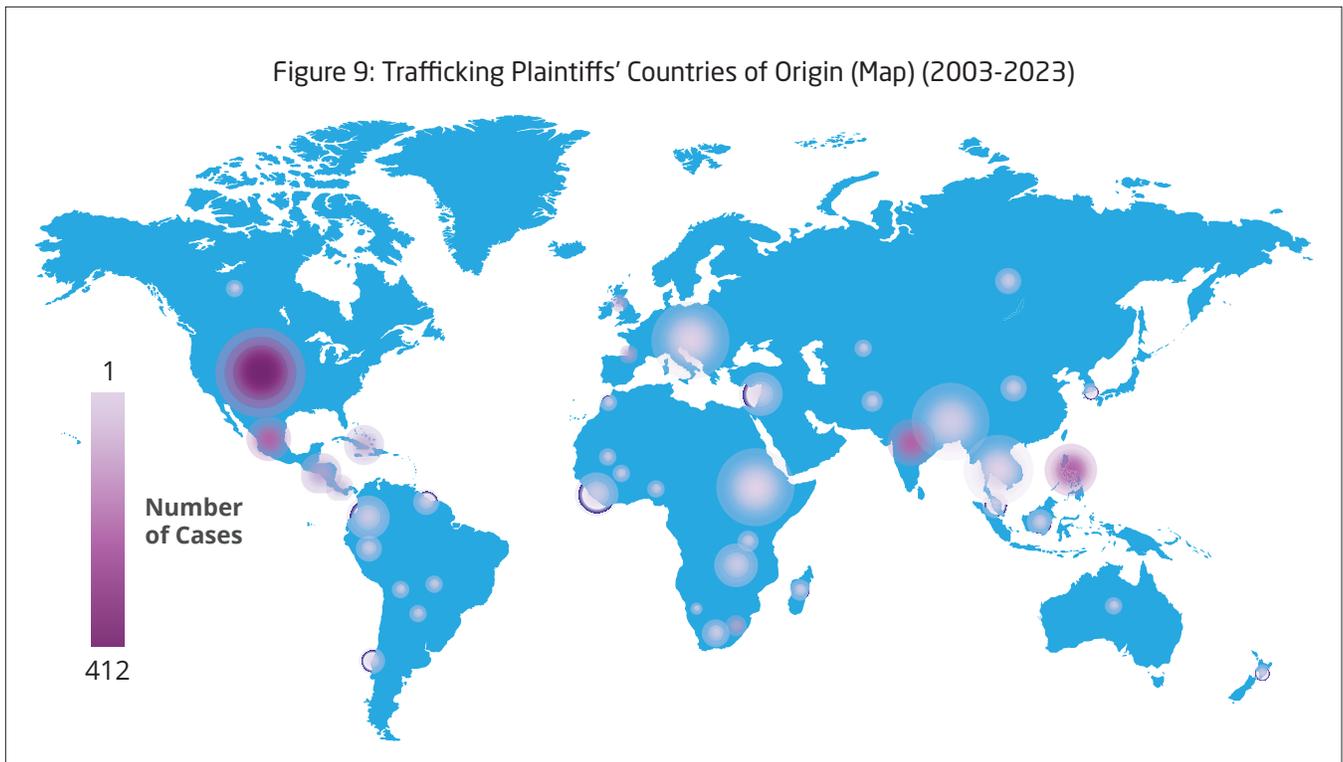
¹⁷ The United Kingdom was not included in prior reports, but a case filed in 2020, *Doe v. Nygard*, No. 1:20-cv-01288 (S.D.N.Y.), involved a plaintiff from the United Kingdom. As a result, the United Kingdom has been added.

¹⁸ Four of the additional cases brought by U.S. citizen plaintiffs were filed prior to January 1, 2023, and added to the tally.

¹⁹ The plaintiff's country of origin cannot be determined in every case, as this information contained in this figure is taken from public filings on the civil dockets. Where there is not information in the public filings regarding the plaintiff's country of origin, the plaintiff's country of origin is categorized as unknown.

and India have overwhelmingly involved allegations of forced labor. Plaintiffs originally from Mexico filed 84 cases involving forced labor, with the majority of cases alleging forced labor in the agriculture sector (42), as well as the construction, landscaping, and mining sector (15). All of the cases filed by plaintiffs originally from the Philippines alleged forced labor, with the majority of cases almost evenly split between the healthcare and wellness sector (30) and the domestic work sector (27). All of the 42 cases filed by plaintiffs originally from India alleged forced labor. These cases occurred across nine sectors: domestic work (16); seafood, seafarers, and shipyards (8); technology (8); sales and retail (4); food service and hospitality (2); healthcare and wellness (1); construction, landscaping, and mining (1); religion (1); and transportation (1).

Figure 9: Trafficking Plaintiffs' Countries of Origin (Map) (2003-2023)



ii. Plaintiffs' Immigration and Visa Status

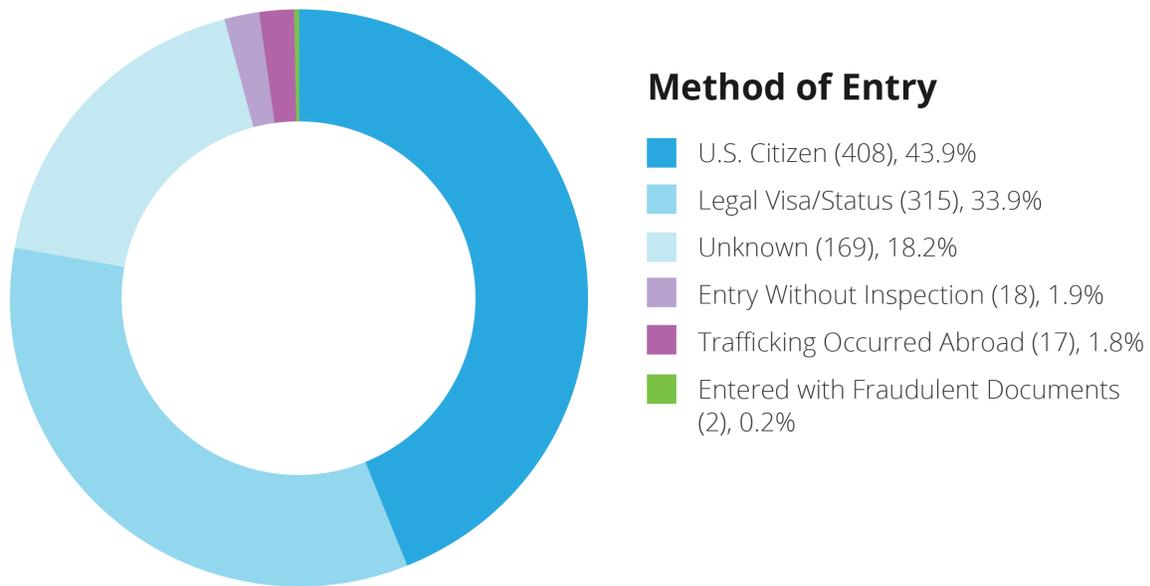
Foreign-born plaintiffs, most of whom entered the United States with visas or other legal status, brought nearly 38 percent of all cases filed as of December 31, 2023.²⁰ Of the 352 cases filed by foreign-born plaintiffs, the majority of the cases (315) involved plaintiffs who arrived in the United States with visas or other legal status. In fact, in the cases where the plaintiffs' mode of entry is known, only about two percent of cases involved plaintiffs who entered the United States without inspection or with fraudulent documents.²¹ Of the 315 cases filed by plaintiffs who arrived in the United States with visas or other legal status, 308 involved allegations of forced labor.

²⁰ This section focuses on each plaintiff's method of entry and visa status at the time that they entered the United States. But where the visa is converted to another type and the exploitation of that visa is central to the trafficking, the report notes both visas.

²¹ In 169 cases, there is not any publicly available information with respect to the plaintiffs' immigration and visa status and, therefore, these cases have been categorized as "Unknown."

As of December 31, 2023, U.S. citizens had filed 44 percent (408) of all cases. Just five years earlier, that number was 17 percent. This increase reflects the surge in sex trafficking case filings in recent years, as most sex trafficking cases have been brought by U.S. citizens. Indeed, 86 percent of the 408 cases filed by U.S. citizens between 2003 and 2023 involved allegations of sex trafficking (351).

Figure 10: Cases by Plaintiffs' Method of Entry into the United States (2003-2023) (Total = 929)



In some instances, a plaintiff can bring a Section 1595 lawsuit in U.S. federal court even when all of the trafficking has occurred abroad. As discussed in more detail below, *infra* Part III.C, the TVPRA provides extraterritorial jurisdiction under 18 U.S.C. § 1596 (“Section 1596”) for federal civil trafficking cases where

the abuse occurred abroad. In order to bring a suit, the defendant must be a U.S. citizen, a green-card holder, or be present in the United States. Plaintiffs bringing these cases frequently have no immigration status under U.S. law, as the trafficking occurred abroad, and they often did not enter the United States. As of December 31, 2023, plaintiffs had filed 31 cases invoking the extraterritorial jurisdiction provisions of the TVPRA.²² Of the 31 extraterritorial cases filed since 2003, 77 percent involved allegations of forced labor (24).



²² This number reflects all cases in which the plaintiffs cited Section 1596 in the complaint, as well as two cases, *Roe v. Howard*, No. 1:16-cv-00562 (E.D. Va.), and *Aguilera v. Aegis Comm'ns Grp., LLC*, No. 3:14-cv-05118 (W.D. Mo.), in which Section 1596 was relied upon during litigation in support of the plaintiffs' claims. Of the 31 cases that invoked Section 1596, 28 included allegations of trafficking crimes that involved conduct outside of the United States.

iii. Plaintiffs Proceeding Anonymously

Under the TVPRA, plaintiffs can bring their case anonymously, either using a pseudonym (like Jane or John Doe) or their initials. Proceeding under a pseudonym allows trafficking survivors to bring civil actions even in cases where they may fear retribution from their traffickers or other harm resulting from the public disclosure of their identity. Throughout the first twenty years of civil litigation, plaintiffs frequently used this aspect of the law to preserve anonymity. Of the 929 cases filed as of December 31, 2023, 41 percent (382) were brought by plaintiffs who were able to proceed under a pseudonym.

To obtain permission to proceed anonymously, a plaintiff must file a motion that sets forth the reasons why confidentiality is needed and why that need overcomes the presumption that legal proceedings be public. Courts frequently grant these motions in federal forced labor and sex trafficking cases, recognizing that proceeding anonymously is an important protection for the plaintiffs filing these cases.

Case 1:11-cv-01105-LO-TRJ Document 132 Filed 09/04/12 Page 1 of 12 PageID# 836

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

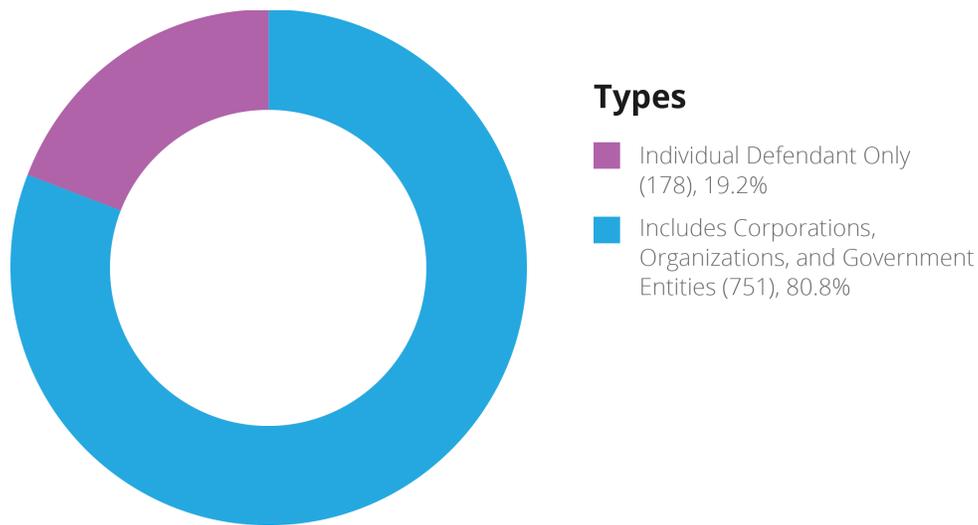
FILED
SEP - 4 2012
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

JANE DOE,)
)
 Plaintiff,)
)
 v.) Civil Action No.: 1:11-cv-1105
)
 LINDA HOWARD, et al.,)
)
 Defendants.)

5. Defendants in Civil Trafficking Cases from 2003 to 2023

Over twenty years of civil litigation, more than 80 percent of all civil trafficking cases involved at least one corporate or institutional defendant (751).²³ Of those cases, 414 included allegations of sex trafficking and 356 included allegations of forced labor. Approximately 19 percent of the cases were brought only against individual defendants, including diplomats and international organizational employees. Nearly 26 percent of all cases filed against individual defendants have been brought against diplomats and international organizational employees.

Figure 11: Types of Defendants in Sex Trafficking and Forced Labor Cases (2003-2023) (Total = 929)



The Washington Post

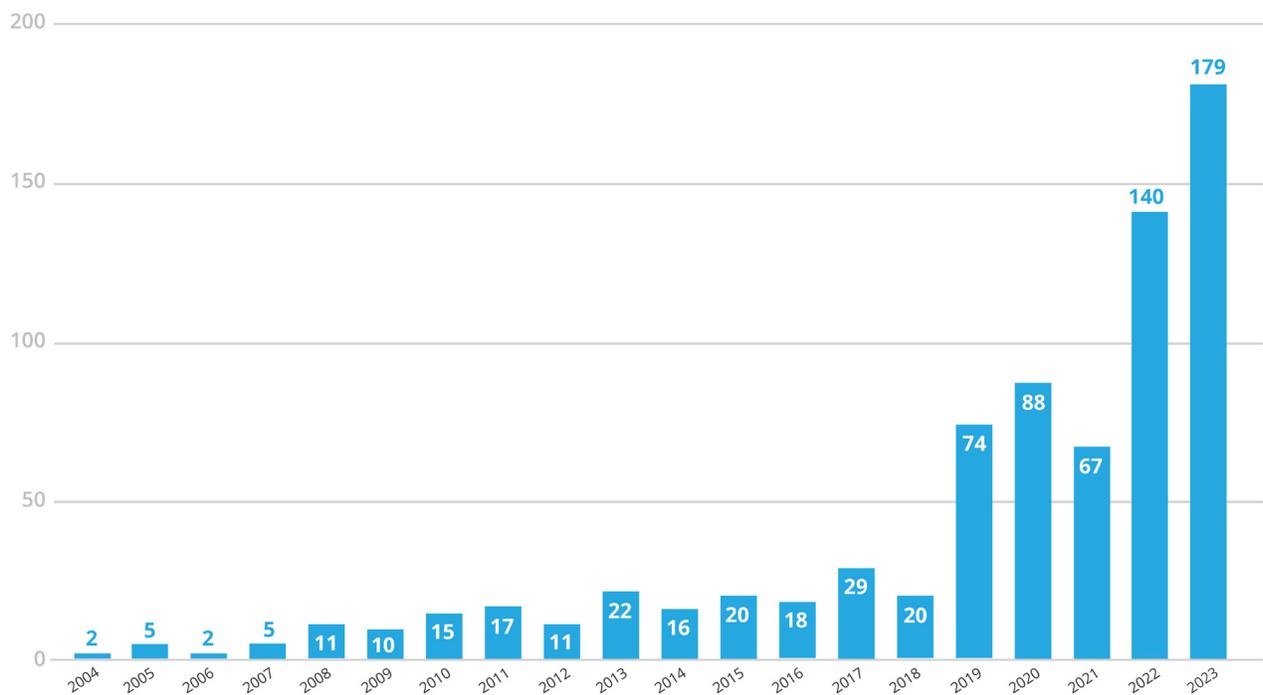
Former U.S. diplomat again found liable for sexually enslaving a housekeeper

July 31, 2017

²³ Corporate and institutional defendants include corporations, academic institutions and universities, government agencies, labor recruitment and staffing agencies, detention institutions, religious organizations, and professional sports associations.

The majority of civil cases filed in the first twenty years of Section 1595 litigation named at least one corporate or institutional defendant in the complaint. Litigation against these entity defendants has evolved significantly over time. Over the course of TVPRA civil litigation, there has been a surge in the number of cases involving at least one corporate or institutional defendant. In 2008, Congress amended the TVPRA to permit lawsuits against “whoever knowingly benefits, or attempts or conspires to benefit, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of [Chapter 77 of Title 18, federal laws prohibiting peonage, slavery, forced labor, and trafficking].”²⁴ This provision (hereinafter, the “venture liability” provision) expanded liability beyond the direct perpetrators to include those who knowingly benefit from participating in a venture engaged in forced labor or sex trafficking, among other Chapter 77 offenses. After the 2008 amendment, the number of cases filed against corporate and institutional defendants steadily increased. As Figure 12 illustrates, these case filings have grown exponentially over the last five years.

Figure 12: Civil Cases Against Corporate and Institutional Defendants by Year (2003-2023) (Total = 751)



²⁴ 18 U.S.C. § 1595(a) (2023) (originally enacted as William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, tit. II, § 221, 122 Stat. 5044, 5067 (2008)), amended by a “Technical and Clarifying Update to Civil Remedy” in the Abolish Trafficking Reauthorization Act of 2022, Pub. L. No. 117-347, tit. I, § 102, 136 Stat. 6199, 6200 (2023), which added the language “or attempts or conspires to benefit” to clarify the scope of attempt liability available under the civil remedy.

B. Forced Labor Cases from 2003 to 2023²⁵

1. Sectors in Forced Labor Cases from 2003 to 2023

Between 2003 and 2023, plaintiffs filed 502 cases involving allegations of forced labor, which included 477 cases alleging forced labor and 25 cases alleging both forced labor and sex trafficking. Of the 502 cases alleging forced labor, the largest proportion of cases involved forced labor in domestic work (25 percent) and in agriculture (14 percent). Cases in the food service and hospitality sector comprised almost 11 percent of the 502 cases filed. Other forced labor cases spanned a variety of industries, including education and research, the healthcare and wellness sector, and construction, landscaping, and mining.

Figure 13: Sectors in Civil Forced Labor Cases (Table)

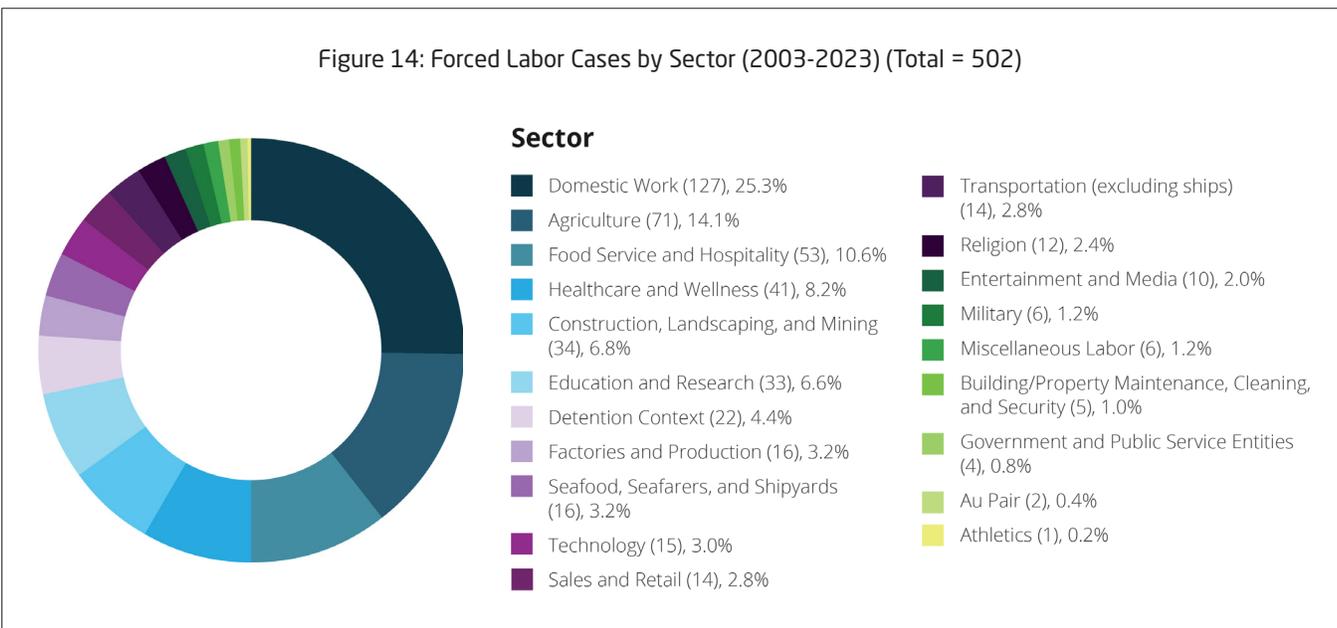
Sector	Types of Cases
Agriculture	Agriculture and farms
Athletics	Athletic and professional sports organizations
Au Pair	Au pair services in private households
Building/Property Maintenance, Cleaning, and Security	Janitorial, maintenance, and security services for commercial buildings and other properties (i.e. parking garage)
Construction, Landscaping, and Mining	Construction, gardening, landscaping, and mining
Detention Context	Civil detention, immigration detention, jail, prison, and other settings where an individual is held in custody and not free to leave.
Domestic Work	Domestic services in private households
Education and Research	Academic institutions, boarding programs for teenagers and youth, research, and schools
Entertainment and Media	Film industry, adult entertainment, family-friendly entertainment, media and news network, music industry, performing arts, fashion and modeling, film industry, and tourism industry
Factories and Production	Factories and production, including the manufacturing and production of automobiles, clothing, food processing, medical products, and personal protective equipment
Food Service and Hospitality	Hotel, restaurant, bakery, country club, and cruise ship
Government and Public Service Entities	Emergency response services, foster care services, law enforcement, social work, and waste management services
Healthcare and Wellness	Hospitals and medical facilities, physical therapy, massage therapy, meditation and mindfulness practices, salons and spas, and special needs care services
Military	Military contractors, including mechanic, construction, food, janitorial, security, and translation services
Miscellaneous Labor	Art, animal care, personal assistant, and non-profit work

²⁵ The numbers in this section include cases that allege only forced labor and cases that allege both forced labor and sex trafficking unless otherwise noted.

Figure 13: Sectors in Civil Forced Labor Cases (Table) (continued)

Sector	Types of Cases
Religion	Religious organizations, cults, and general spirituality organizations
Sales and Retail	Call centers, gas stations, grocery and convenience stores, and retail stores
Seafood, Seafares, and Shipyards	Commercial fishing, maritime transportation, and seafood processing
Technology	Computer and software companies, information technology services companies, and engineering firms
Transportation (excluding ships)	Air transportation, automotive repair or cleaning, and ground transportation

Figure 14: Forced Labor Cases by Sector (2003-2023) (Total = 502)



Since the first TVPRA case was filed in 2004, plaintiffs have filed civil suits alleging forced labor in a wide variety of sectors. As of December 31, 2023, cases involving allegations of forced labor had been filed in 20 different industries. In the early years of the TVPRA, cases involving forced labor in domestic work and agriculture predominated. Domestic workers alleging forced labor have filed cases nearly every year since 2004. In 2004, four of the first six civil cases ever filed under Section 1595 were brought by domestic workers. Similarly, agricultural workers have filed forced labor civil cases in the agricultural sector every year since 2005. Plaintiffs have also filed forced labor cases in the construction, landscaping, and mining sector in 14 of the last 20 years, and in the food service and hospitality sector in 17 of the last 20 years.

Defendants have emerged in other sectors as TVPRA litigation has continued to evolve. A plaintiff filed the first case involving forced labor in the detention context in 2014. Since that filing, plaintiffs have filed 21 additional cases alleging forced labor in the detention context. More than half of the detention cases filed (12) alleged forced labor in for-profit civil detention facilities across the United States.

In the first ten years of civil litigation, plaintiffs filed a total of four cases in the education and research sector. In the ensuing decade, that number increased more than seven times to 29 total cases in the education and research sector. Forced labor cases against teen rehabilitation programs proliferated in this sector, with 16 cases alleging abuses in teen programs filed in just the last four years.

Similarly, plaintiffs filed a total of 41 cases in the healthcare and wellness sectors in the first twenty years of the TVPRA. Civil cases in the healthcare and wellness sector increased more than seven times, from just five cases filed in the first decade of the TVPRA to 36 cases in the law's second decade. Foreign-national nurses filed more than half of the cases in the sector (22). The nurses, primarily from the Philippines, brought suits against recruitment agencies and the healthcare organizations that employed them. The cases in these three sectors—immigration detention, education and research, and healthcare and wellness—are discussed in greater detail *infra* Parts III.A and III.D.

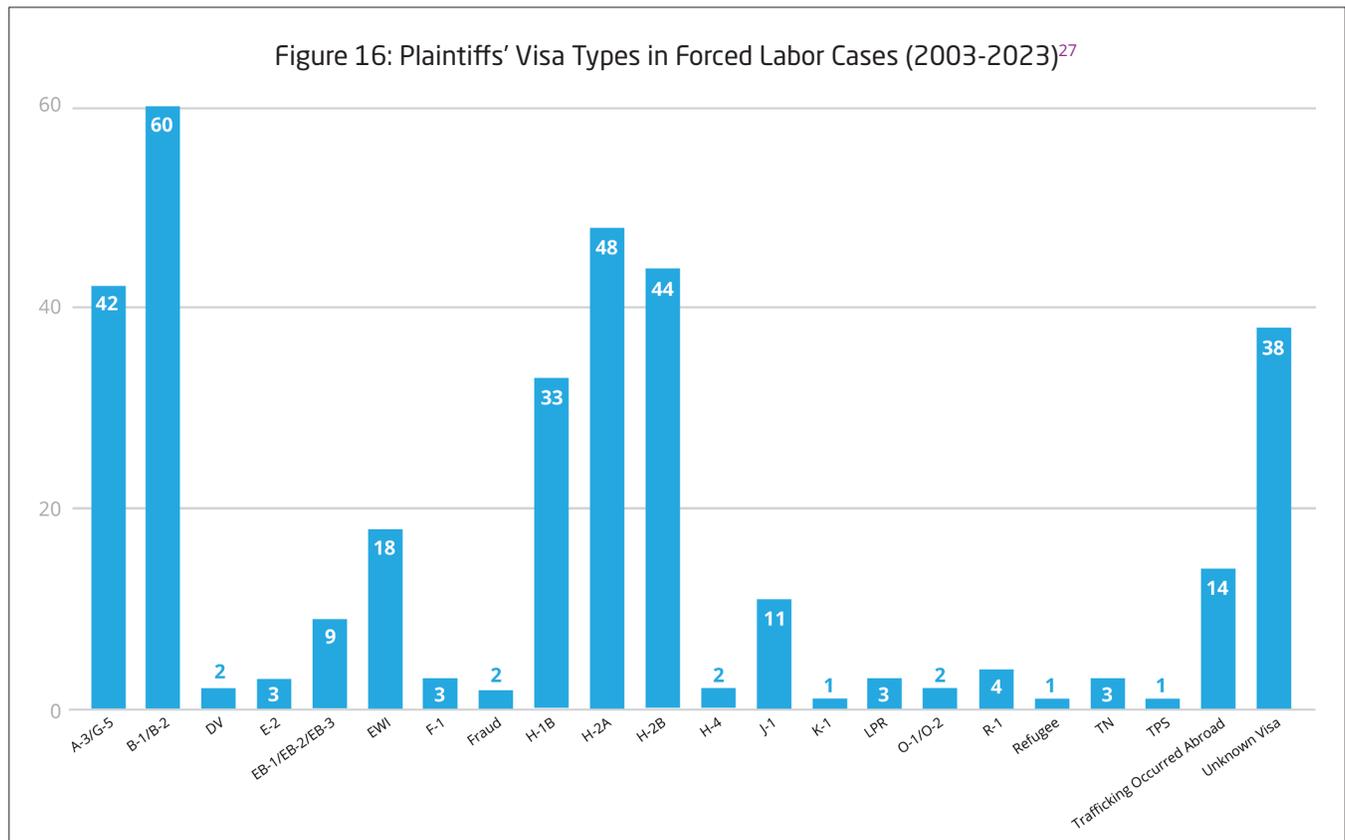
Figure 15: Forced Labor Cases by Sector (Table) (2003-2023)

Sector	# of Cases Filed
Domestic Work	127
Agriculture	71
Food Service and Hospitality	53
Healthcare and Wellness	41
Construction, Landscaping, and Mining	34
Education and Research	33
Detention Context	22
Factories and Production	16
Seafood, Seafarers, and Shipyards	16
Technology	15
Sales and Retail	14
Transportation (excluding ships)	14
Religion	12
Entertainment and Media	10
Military	6
Miscellaneous Labor	6
Building/Property Maintenance, Cleaning, and Security	5
Government and Public Service Entities	4
Au Pair	2
Athletics	1
Total	502

2. Immigration and Visa Status in Forced Labor Cases from 2003 to 2023

Over the last twenty years, almost all of the cases brought by foreign-born plaintiffs have alleged forced labor. Of the 352 cases filed by foreign-born plaintiffs between 2003 and 2023, more than 97 percent alleged forced labor (342).²⁶ In the last two years, the number of forced labor civil cases filed by U.S. citizens has increased significantly. In 2021, U.S. citizens brought just 17 percent of forced labor cases. But in 2022 and 2023, the proportion of cases brought by U.S. citizens surged to 32 and 33 percent, respectively.

i. Forced Labor Civil Filings by Foreign National Plaintiffs



Most foreign-born plaintiffs in forced labor cases entered the United States with a valid visa or other legal status. The defendant employers in these forced labor cases frequently misused legal immigration programs to abuse and exploit the workers. The top visa categories used by traffickers to hold workers in forced labor were: temporary visas for business and tourism (B1/B2), visas for domestic workers employed by diplomats and international organization employees (A-3/G-5), temporary visas for agricultural workers (H-2A), and temporary visas for non-agricultural workers (H-2B).

²⁶ This number does not include cases where the immigration or visa status of the plaintiff was unknown.

²⁷ In cases where it is clear from the documents that a visa was used but the type of visa is not specified, the case has been categorized as "Unknown Visa." In contrast, when there is insufficient information as to how the plaintiff entered the country to determine whether a visa was involved, the case has been categorized as "Unknown."

Figure 17: Visa/Immigrant Status Types in Forced Labor Cases (Table) (2003-2023)

Type	Recipients	# of total labor cases	% of total labor cases
A-3/G-5	Domestic workers of foreign diplomats or employees of international organizations	42	12.3%
B-1/B-2	Visitors for business or tourism and domestic workers	60	17.5%
DV	Diversity Immigrant Visa	2	0.6%
E-2	Investors in U.S. businesses	3	0.9%
EB-1/EF-2/EB-3	Persons of extraordinary ability in the sciences, arts, education, business, or athletics	9	2.6%
EWI	Entry Without Inspection	18	5.3%
F-1	Student Visa	3	0.9%
Fraud	Plaintiff entered the United States with another individual's documentation	2	0.6%
H-1B ²⁸	Highly-skilled specialized workers	33	9.6%
H-2A	Seasonal agricultural workers	48	14.0%
H-2B	Temporary non-agricultural workers	44	12.9%
H-4	Dependent family members of H-1B, H-1B1, H-2A, H-2B, and H-3 visa holders	2	0.6%
J-1	Cultural and educational exchange opportunities	11	3.2%
K-1	Nonimmigrant Visa for a Fiancé(e)	1	0.3%
LPR	Long Term Permanent Resident	3	0.9%
O-1/O-2	Individuals with extraordinary ability or achievement	2	0.6%
R-1	Nonimmigrant Religious Workers	4	1.2%
Refugee	Plaintiff entered the United States as a refugee	1	0.3%
TN	Nonimmigrant NAFTA Professionals	3	0.9%
TPS	Temporary Protected Status	1	0.3%
Trafficking Occurred Abroad	Trafficking occurred outside of the United States	14	4.1%
Unknown Visa ²⁹	Immigrant, Unknown Visa Classification	38	11.1%

²⁸ Subsequent review determined that the visa category for one case, which was previously included in the H-1B visa category, should be U.S. citizen.

²⁹ One case, which was included in the 2022 Civil Report in the Unknown Visa category, has been recategorized as being Unknown.

ii. Forced Labor Civil Filings by U.S. Citizens

Over the last two decades, U.S. citizens accounted for just a small percentage, only 14 percent, of the forced labor cases filed in U.S. federal courts. In 2021, the first year that federal courts saw a significant number of filings by U.S. citizens, these plaintiffs filed seven forced labor cases. The cases spanned seven different sectors: agriculture; education and research; food service and hospitality; government and public service entities; construction, landscaping, and mining; sales and retail; and miscellaneous labor (working at an animal sanctuary).

In 2022, U.S. citizens filed 13 forced labor cases across nine different sectors: domestic work (1 case); education and research (4 cases); entertainment and media (2 cases); factories and production (1 case); government and public service entities (1 case); healthcare and wellness (1 case); military (1 case); religion (1 case); and transportation (1 case). In 2023, U.S. citizens filed 20 forced labor cases across six different sectors: construction, landscaping, and mining (1 case); detention context (1 case); education and research (13 cases); food service and hospitality (1 case); healthcare and wellness (2 cases); and transportation (2 cases).

The majority of the cases in the education and research sector in the last three years have been brought by U.S. citizens against the operators of teen programs, which often target and prey upon vulnerable youth. In fact, of the 40 forced labor cases filed by U.S. citizens between 2021 and 2023, 15 cases, or more than 37 percent, alleged forced labor within these programs, with 12 teen program cases filed in 2023 alone.

The institutional defendants in the teen program cases often purport to be therapeutic treatment programs for minors with behavioral issues. All but one of the programs incorporated religious instruction into their curriculums or

held themselves out as religious or spiritual facilities. Instead, as alleged in the complaints, students were subjected to abuse and forced into labor. In a series of cases filed against Circle of Hope Girls Ranch and Boarding School in Missouri, the plaintiffs alleged that they were forced into unpaid manual labor, such as landscaping, cleaning, and caring for livestock. Plaintiffs in these cases also alleged that the staff physically, sexually, and psychologically abused them, using harsh discipline and humiliating punishments. Four of the cases against Circle of Hope were voluntarily dismissed with prejudice, and four were still ongoing as of December 31, 2023.³⁰ A similar case brought against Liberty Ridge Farm, a school for Mennonite boys in Pennsylvania, was settled in 2023 for an undisclosed amount.³¹

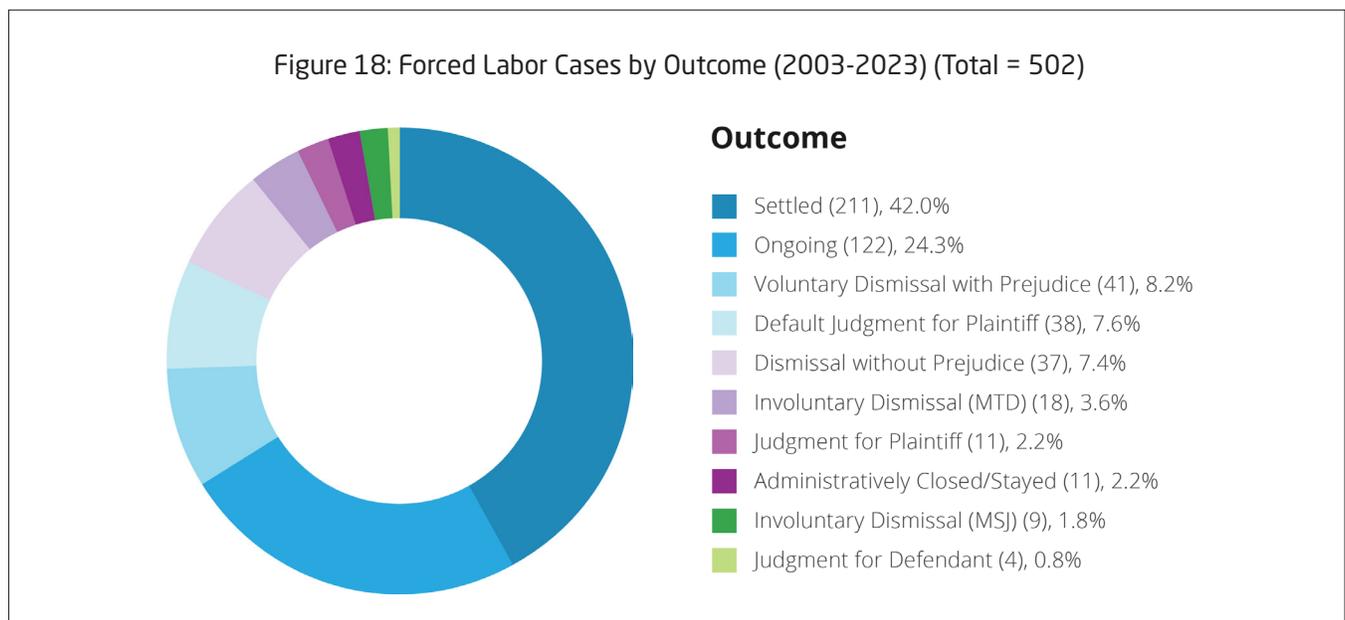


³⁰ The four cases that were ongoing as of December 31, 2023, either settled or ended in a voluntarily dismissal with prejudice by the time of the publication of this report.

³¹ See Order, *D.C. v. Martin*, No. 5:21-cv-05070 (E.D. Pa. Apr. 10, 2023).

3. Outcomes in Forced Labor Cases from 2003 to 2023

As of December 31, 2023, nearly 52 percent of all forced labor cases filed over the first twenty years had resulted in favorable outcomes for plaintiffs. Specifically, 42 percent of the forced labor cases (211) resulted in settlements and nearly ten percent of cases (49) were decided in favor of the plaintiffs through default judgment, judgment on the pleadings, or judgment at trial. Conversely, fewer than seven percent of cases (31) were decided in favor of the defendants through involuntary dismissals, judgment on the pleadings, or judgment at trial. In addition, approximately seven percent (37) of cases were dismissed without prejudice, enabling plaintiffs the opportunity to refile their claims.



In 2023, a federal court in Utah ordered the largest-ever award for plaintiffs in a forced labor case. In *Bistline v. Jeffs*, fifteen former members of the Fundamentalist Church of Jesus Christ of Latter-Day Saints (“FLDS”) brought forced labor claims against the former leader of the church, Warren Steed Jeffs.³² Born and raised in the isolated FLDS community, the plaintiffs were forced to work in a variety of sectors, including teaching, domestic work, and in church businesses specializing in printing and construction.³³ Jeffs used force, physical restraint, serious harm, and threats of serious harm to compel the plaintiffs to work for the FLDS venture.³⁴ Plaintiffs were also forced into marriages as minors and held in sexual servitude. In June 2023, the case proceeded to a bench trial, and the district court found in favor of the plaintiffs, awarding them \$152,159,200.³⁵ This award was the second-highest award in the history of TVPRA cases and the largest ever in a forced labor case. As of December 31, 2023, a total of \$409,979,861.23 in damages had been awarded in cases involving allegations of forced labor over the 20 years of the TVPRA.³⁶

³² See Second Amended Complaint at 65-68, *Bistline v. Jeffs*, No. 2:16-cv-00788 (D. Utah Apr. 14, 2021).

³³ See Findings of Fact and Conclusions of Law at 33-138, *Bistline*, No. 2:16-cv-00788 (D. Utah June 23, 2023).

³⁴ See *id.* at 140.

³⁵ See Judgment at 2, *Bistline*, No. 2:16-cv-00788 (D. Utah June 29, 2023).

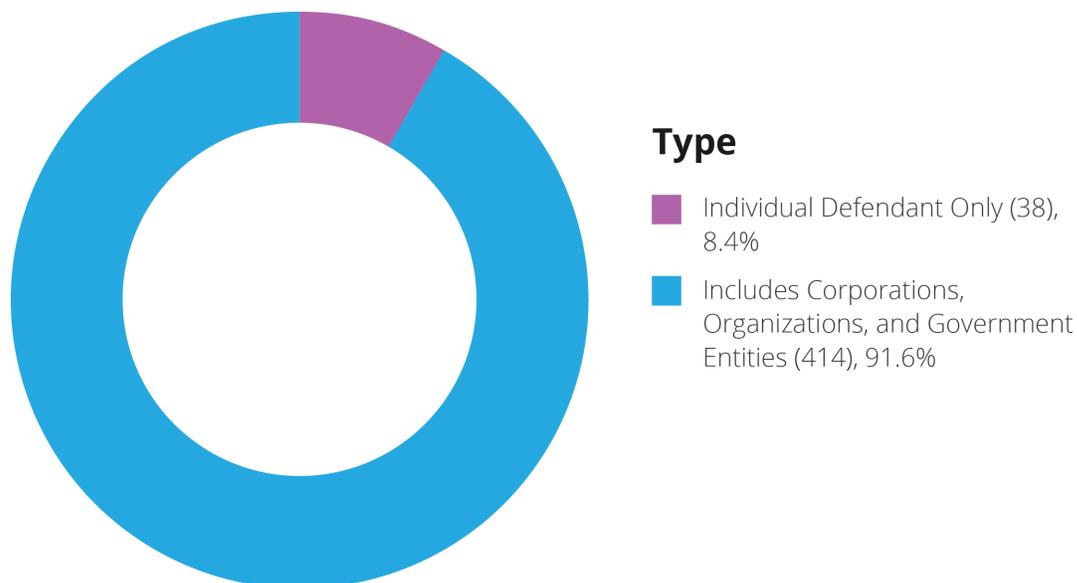
³⁶ *Bistline* was the highest award on record in a multi-victim forced labor case. The highest award in a single-victim forced labor case was *Ross v. Jenkins*, No. 2:17-cv-02547 (D. Kan.), where a court awarded the plaintiff \$8,055,730.64.

C. Sex Trafficking Cases from 2003 to 2023³⁷

1. Types of Defendants in Sex Trafficking Cases from 2003 to 2023

A plaintiff filed the first sex trafficking case in 2009. The number of sex trafficking civil cases filed annually remained in the single digits until 2019, when plaintiffs filed 47 cases. From 2019 to 2023, sex trafficking cases filed in the federal courts surged, reaching 131 in 2023. As of December 31, 2023, plaintiffs had filed a total of 452 cases alleging sex trafficking over the two decades from 2003 to 2023. More than 90 percent of these cases involved at least one corporate or institutional defendant, including hotels, motels, hospitality franchises, banks, and internet service providers.

Figure 19: Types of Defendants in Sex Trafficking Cases (2003-2023) (Total = 452)



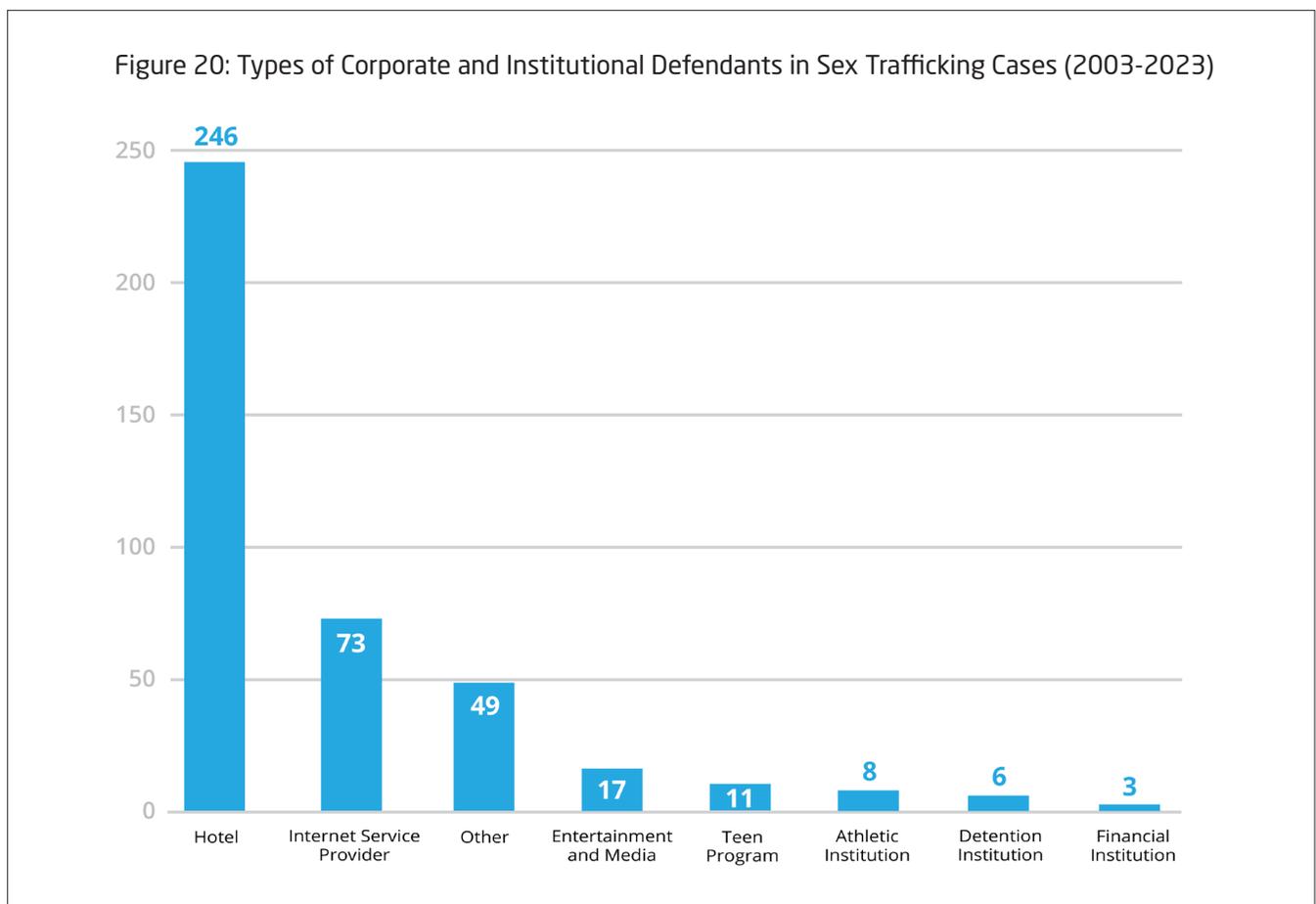
Cases against two specific types of corporate defendants have dominated the sex trafficking case dockets over the last five years: internet service providers and hotels (and their corporate parents). As of December 31, 2023, sex trafficking cases against hotels and the hospitality industry made up 55 percent of all civil cases involving allegations of sex trafficking. From 2003 to 2008, not a single sex trafficking case was filed. From 2009 to 2018, plaintiffs filed just 32 cases involving allegations of sex trafficking. Of those 32 cases, 11 were brought solely against individuals. One of those 32 cases was against a hotel, and four cases were against internet service providers.

³⁷ The numbers in this section include cases alleging only sex trafficking, as well as cases alleging both forced labor and sex trafficking unless otherwise noted.

In 2019, the number of sex trafficking case filings exploded. Between January 1, 2019, and December 31, 2023, 420 cases involving allegations of sex trafficking were filed. In a remarkable development, plaintiffs filed 259 sex trafficking cases in 2022 and 2023 alone, almost ten times the number of cases that plaintiffs had filed in the first 18 years of the private right of action under Section 1595. Of the total 420 sex trafficking civil cases filed from 2019 to 2023, 247 cases, or 59 percent, were brought against hotel chains and/or their franchisees.³⁸ Of those 420 cases, 69 were brought against internet service providers.

In these cases, the plaintiffs have sought to hold internet service providers accountable for benefiting financially from participating in a venture involving sex trafficking. Notably, 37 of these cases were filed in 2023 alone, more than the 36 cases filed in the prior 19 years combined, suggesting that this may be the beginning of a new trend of high-volume litigation against internet service providers. The recent internet service provider cases have primarily targeted Salesforce.com, Inc. (“Salesforce”) as part of a multi-district litigation.³⁹

In addition to hotels and internet service providers, plaintiffs have also filed sex trafficking cases against entertainment and media companies (17), athletic institutions (8), teen programs (11), detention institutions (6), and banks (3).



³⁸ These numbers include nine new sex trafficking cases filed in 2022 identified in subsequent research. Seven of those cases brought sex trafficking claims against hotel chains and/or their franchisees.

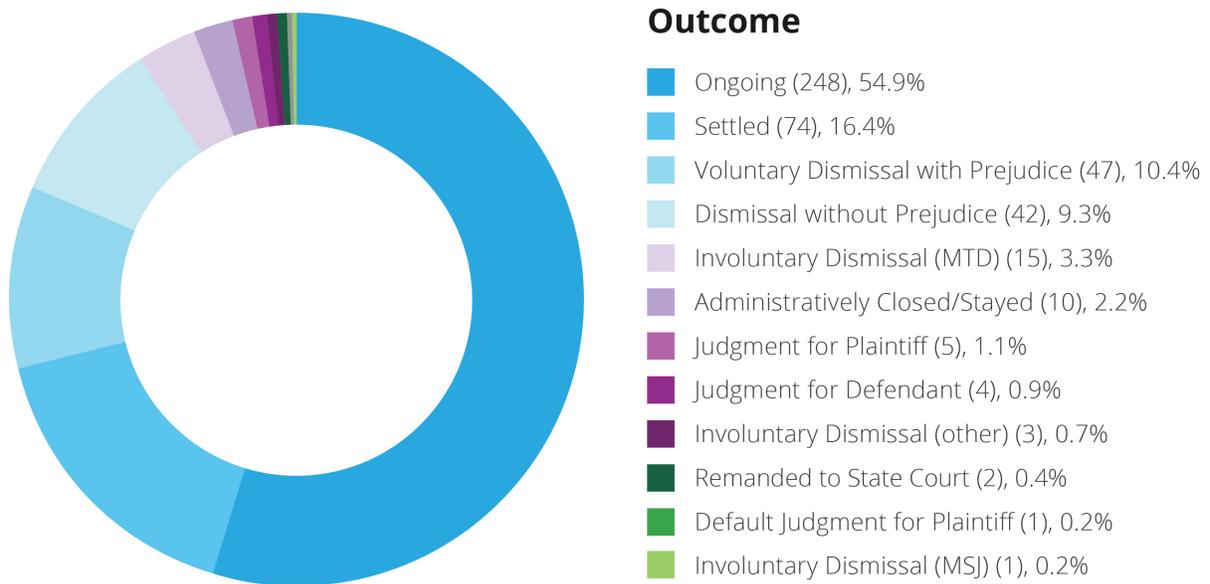
³⁹ See *S.M.A. v. Salesforce.com, Inc.*, No. 3:23-cv-00915 (N.D. Tex.) (lead case). This multidistrict litigation includes a total of 29 cases.

2. Outcomes in Sex Trafficking Cases from 2003 to 2023

Given the high volume of filings in recent years, a significant number of the sex trafficking cases remain ongoing. Of the 452 sex trafficking cases filed as of December 31, 2023, the number of ongoing cases was 248, a significant increase from the 160 cases that were ongoing as of December 31, 2022.⁴⁰ Of the 452 sex trafficking cases filed, 204 cases have been resolved. Of those 204 cases, 80 cases, or 39 percent, resulted in favorable outcomes for plaintiffs, with 74 cases resolved by settlement (both confidential and public). In addition, six cases were decided in favor of the plaintiffs through default judgment, judgment on the pleadings, or judgment at trial.

Conversely, of the 204 cases resolved, 23 cases, or 11 percent, were decided in favor of the defendants through involuntary dismissals, judgment on the pleadings, or judgment at trial. Courts have also dismissed approximately 23 percent of cases (47) without prejudice, providing plaintiffs with the opportunity to refile their claims. In the aggregate, of the sex trafficking cases that have been resolved so far, more cases have resulted in favorable outcomes than unfavorable outcomes for plaintiffs.

Figure 21: Sex Trafficking Cases by Outcome (2003-2023) (Total = 452)



⁴⁰ This data has been updated to include 21 newly identified cases that involved allegations of sex trafficking as well as one case that was inadvertently omitted as ongoing in the 2022 Civil Report. In addition, two cases previously included as ongoing have been removed, as subsequent research revealed that they had been resolved as of December 31, 2022.

Of the 248 sex trafficking cases brought against the hotel and hospitality industry between 2003 and 2023, 138 of the cases, or almost 56 percent, remained ongoing as of December 31, 2023. Of the 110 sex trafficking cases against hotels that resolved over the last twenty years, 69 percent settled (48) or were voluntarily dismissed with prejudice (28). The remaining cases were involuntarily dismissed (9),⁴¹ dismissed without prejudice (22), or resulted in a judgment for the defendant (1). In all but one case, the settlement amounts were confidential. In the one hotel sex trafficking case with a public settlement amount, the plaintiff received \$100,000.⁴²

More than half of the total cases brought against internet service providers (47 of 73 cases) remained ongoing as of December 31, 2023.⁴³ Of the 26 cases that have been resolved, four settled for undisclosed amounts and one case was voluntarily dismissed with prejudice. In contrast, eight cases were involuntarily dismissed,⁴⁴ and seven cases were dismissed without prejudice. As of December 31, 2023, there were no judgments for either the plaintiffs or the defendants in the cases against internet service providers.

In all, as of December 31, 2023, a total of \$517,541,487.95 in damages—public settlements and judgments—had been awarded in cases involving allegations of sex trafficking. A significant portion of these damages came from just two settlements, reached in 2023. Survivors of Jeffrey Epstein’s decades-long sex-trafficking venture filed cases against two financial institutions in 2022. Those two financial institutions, JPMorgan Chase Bank and Deutsche Bank, faced allegations that they knowingly participated in the sex trafficking venture. In 2023, the case against JPMorgan Chase Bank settled for \$290 million.⁴⁵ The case against Deutsche Bank settled for \$75 million.⁴⁶ The \$290 million settlement with JPMorgan Chase Bank is the highest settlement or award in the twenty-year history of the TVPRA.

The New York Times

Judge Approves JPMorgan’s \$290 Million Settlement With Epstein Victims

The nation’s largest bank was sued for ignoring red flags about Jeffrey Epstein’s sex-trafficking operation while he was a client.



More than 200 victims of the disgraced financier Jeffrey Epstein could receive payments from JPMorgan Chase. Hiroko Masuike/The New York Times



By Matthew Goldstein

Nov. 9, 2023

⁴¹ In each of these nine cases, the court granted the motion to dismiss. Thus, as of December 31, 2023, the hotel and hospitality industry defendants had only prevailed at the motion to dismiss stage in nine cases.

⁴² See Consent Judgment, *J.C. v. Yash Luv, LLC*, No. 1:22-cv-00846 (N.D. Ga. Feb. 24, 2023).

⁴³ The defendants in this category include Backpage, Mailchimp, Craigslist, KIK, Salesforce, MindGeek (owner of MG Freesites doing business as Pornhub), Twitter, WebGroup Czech Republic (owner of websites including XVideos), Reddit, Grindr, Omegle, Meta, Snap, Fenix Internet (owner of OnlyFans), Google, Telegram, Scruff, and Secure Live Media (owner of Camsoda).

⁴⁴ Seven of the eight cases involuntarily dismissed were on a motion to dismiss finding that the defendant was immune from suit under Section 230 of the Communications Decency Act. Section 230 provides immunity to online platforms from civil liability based on third-party content and for the removal of content in certain circumstances.

⁴⁵ *Doe v. JPMorgan Chase Bank*, No. 1:22-cv-10019 (S.D.N.Y.) (settled for \$290,000,000.00).

⁴⁶ *Doe v. Deutsche Bank Aktiengesellschaft*, No. 1:22-cv-10018 (S.D.N.Y.) (settled for \$75,000,000.00).

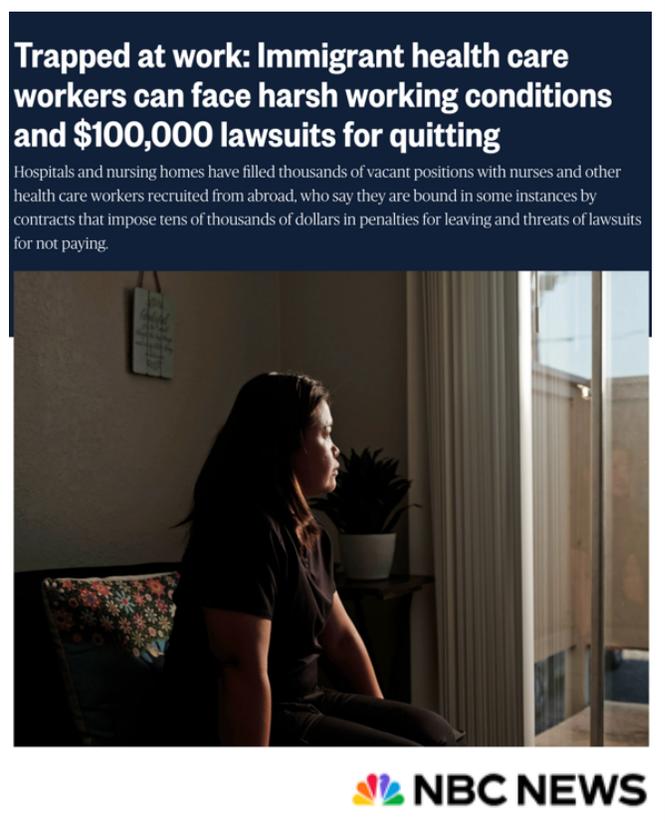
III. Civil Trafficking Litigation: Trends Over the Last Twenty Years

A. The Expansion of Forced Labor Litigation Since the First Domestic Worker Cases

Two decades ago, soon after the civil remedy became law, survivors of domestic servitude led the way, filing some of the first civil trafficking cases under Section 1595. In a sense, domestic workers invented civil litigation under the TVPRA. In 2004, plaintiffs filed six cases under Section 1595, the first cases filed under the civil remedy. Four of these six cases were filed by domestic workers who alleged forced labor. Over the last 20 years, forced labor cases brought by domestic workers have constituted more than a quarter of all civil cases involving allegations of forced labor and more than 13 percent of all civil cases filed. These cases reached their peak in 2011 and 2013, with 12 and 13 cases filed in each of those years, respectively. In the last five years, filings by domestic workers remained steady with an average of six cases filed per year. In total, as of 2023, domestic workers had filed 127 civil cases under Section 1595 alleging forced labor and domestic servitude.

Since those early filings, cases filed alleging forced labor have named defendants in an array of labor sectors. Labor trafficking and forced labor can be found in every part of our economy, even in sectors that one might assume would be immune from such exploitation. Twenty years of civil cases in the United States federal courts have revealed forced labor in detention facilities, boarding school programs for teenagers, and medical facilities employing foreign-born nurses.

For example, in the last six years, plaintiffs have filed 22 cases alleging forced labor in nursing. The first forced labor case filed by nurses was *Paguirigan v. Prompt Nursing Employment Agency LLC* in 2017.⁴⁷ The plaintiffs, nurses from the Philippines recruited by third-party recruitment agencies and nursing home owners to work in the United States, alleged that the recruiters held them in forced labor using exploitative contracts. These contracts included a \$25,000 penalty for any nurse who left their employment before the end of the contract.⁴⁸ The nurses alleged that the defendants engaged in wage theft, coercing the



⁴⁷ See *Paguirigan v. Prompt Nursing Emp. Agency LLC*, No. 1:17-cv-01302 (E.D.N.Y.).

⁴⁸ See Complaint at 9, *Paguirigan*, No. 1:17-cv-01302 (E.D.N.Y. Mar. 7, 2017).

nurses to continue working at wages lower than promised and under dangerous work conditions. Defendants threatened to enforce the contracts' penalty clause or pursue criminal charges against the nurses.⁴⁹

Defendants in these cases initiated civil lawsuits against 30 nurses to enforce the penalty contract clause and sought an additional \$250,000 in damages.⁵⁰ The defendants also sought the criminal prosecution of some of the nurses who left.⁵¹ In 2018, the U.S. District Court for the Eastern District of New York granted class certification under the TVPRA for the nurses.⁵² The case ultimately settled for \$3,211,305.06.⁵³

Since *Paguirigan*, foreign-born nurses have filed 21 more cases. The nurses, primarily from the Philippines, alleged that they were recruited under false pretenses and then forced to work in dangerous working conditions under the threat of legal action and serious financial harm. According to the allegations in these complaints, recruitment agencies and healthcare employers perpetuated this scheme of forced labor using illegal contracts to force nurses to continue working in understaffed facilities.⁵⁴ As in *Paguirigan*, recruiting and staffing agencies have used liquidated damages provisions, sometimes referred to as "breach fees" or "buyout fees," as high as \$90,000, to hold nurses in forced labor.⁵⁵ Several contracts also contained non-compete provisions and threats to report the employee to immigration authorities for deportation if they failed to complete the contract.⁵⁶

In *Vidal v. Advanced Care Staffing, LLC*, the plaintiff's contract contained a forced arbitration provision, mandating that all claims be resolved through arbitration. The contract also required the plaintiff, a nurse from the Philippines, to pay all associated attorneys' fees and costs.⁵⁷ Less than a month after the plaintiff resigned, the agency initiated arbitration proceedings against him.⁵⁸ Vidal sought to enjoin the arbitration and filed a complaint in the Eastern District of New York. In February 2023, the district court granted Vidal's motion for a preliminary injunction to stay the arbitration proceedings pending resolution of his civil case.⁵⁹ The court found that Vidal was likely to prevail in establishing that the provision violated the TVPRA and was unconscionable under state law.⁶⁰

⁴⁹ See *id.* at 10.

⁵⁰ See *id.* at 10-13.

⁵¹ See *id.* at 13-14. A New York state appellate court dismissed the case, finding that the prosecution violated the nurses' Thirteenth Amendment rights. See *Matter of Vinluan v. Doyle*, 873 N.Y.S.2d 72, 82 (App. Div. 2d Dep't 2009) ("[T]he speculative possibility that the nurses' conduct could have harmed the pediatric patients" does not justify "abridging the nurses' Thirteenth Amendment rights by criminalizing their resignations from the service of their private employer.").

⁵² See *Paguirigan*, No. 1:17-cv-01302, 2018 WL 4347799, at *1 (E.D.N.Y. Sept. 12, 2018).

⁵³ See *Paguirigan*, No. 1:17-cv-01302, 2022 WL 6564755, at *5 (E.D.N.Y. Apr. 7, 2022).

⁵⁴ Shannon Pettypiece, *Trapped at Work: Immigrant Health Care Workers Can Face Harsh Working Conditions and \$100,000 Lawsuits for Quitting*, NBC News, June 4, 2023, <https://www.nbcnews.com/politics/economics/trapped-work-immigrant-healthcare-workers-can-face-harsh-working-cond-rcna83979>.

⁵⁵ See, e.g., Complaint at 1, *Gonzales v. United Staffing Registry, Inc.*, No. 1:19-cv-06616 (E.D.N.Y. Nov. 22, 2019).

⁵⁶ See, e.g., Complaint at 1-2, *Magtoles v. United Staffing Registry, Inc.*, No. 1:21-cv-01850 (E.D.N.Y. Apr. 6, 2021).

⁵⁷ See Complaint at 6, *Vidal v. Advanced Care Staffing, LLC*, No. 1:22-cv-05535 (E.D.N.Y. Sept. 16, 2022).

⁵⁸ See Memorandum of L. In Support of Plaintiff's Motion for Preliminary Injunction at 5-6, *Vidal*, No. 1:22-cv-05535 (E.D.N.Y. Jan. 23, 2023).

⁵⁹ See *Vidal*, No. 1:22-cv-05535, 2023 WL 2469120, at *2 (E.D.N.Y. Feb. 24, 2023).

⁶⁰ See *id.* at *1.

B. Corporations as Defendants

1. The Development of Venture Liability for “Financially Benefiting”

In 2008, Congress amended the TVPRA to expand liability to individuals and entities who knowingly benefit from participation in a venture in violation of the sex trafficking or forced labor statutes. With this amendment, Congress significantly expanded the scope of who could be held accountable under the TVPRA.⁶¹ Often referred to as venture liability, this new 2008 provision allowed plaintiffs to bring suits not only against the direct perpetrators of trafficking, but also against the entities that benefited financially from their trafficking.

NATIONAL

Human Trafficking Survivor Settles Lawsuit Against Motel Where She Was Held Captive

FEBRUARY 20, 2020 · 5:00 AM ET FROM **nhpr**

HEARD ON ALL THINGS CONSIDERED

By **Todd Bookman**

4-Minute Listen



Lisa Ricchio sued the motel where she was sexually assaulted and held captive under the Trafficking Victims Protection Act.

Todd Bookman/New Hampshire Public Radio



In the first ten years after the addition of venture liability, trafficking survivors slowly began to use the provision. Plaintiffs filed civil trafficking suits using venture liability against a variety of defendants,⁶² including the owners of a motel at which the survivor was trafficked,⁶³ medical personnel,⁶⁴ and labor recruiters.⁶⁵ In the next five years, civil cases filed under venture liability surged. Survivors of sex trafficking used the expanded liability to file cases against hotels and the hospitality industry. Since the 2008 amendment, courts have grappled with the legal definition of “participation in a venture” and the scope of this liability.

The Court of Appeals for the Seventh Circuit was one of the first courts to establish a definition for “participation in a venture.”⁶⁶ In *G.G. v. Salesforce*, the plaintiff alleged that Salesforce knowingly benefited from participating in a venture with Backpage.com, LLC (“Backpage”), which plaintiffs alleged was running “the biggest and most notorious sex trafficking” website in the United States.⁶⁷ The district court initially dismissed the case, but the Seventh Circuit reversed and found sufficient facts alleged in the complaint to establish that Salesforce had knowingly benefited

⁶¹ See Brief of Members of Congress Senator Blumenthal et al., as Amici Curiae Supporting Respondents, *Nestle USA, Inc. v. Doe*, 593 U.S. 628 (2021) (Nos. 19-416, 19-453), 2020 WL 6322316; Brief for Senator Robert Menendez et al., as Amici Curiae in Support of Plaintiffs-Appellees and Affirmance, *Rodriguez v. Pan Am. Health Org.*, 29 F.4th 706 (D.C. Cir. 2022) (No. 20-7114), 2021 WL 3403786; Brief of Members of Congress Representative Nadler et al., as Amici Curiae in Support of Plaintiffs-Appellants, *Ratha v. Rubicon Res., LLC*, 111 F.4th 946 (9th Cir. 2024) (No. 23-55299). Copies of these amicus briefs are available at <https://htlegalcenter.org/resource-library/amicus-briefs/>.

⁶² See Alexandra F. Levy, *The Human Trafficking Legal Center, Federal Human Trafficking Civil Litigation: 15 Years of the Private Right of Action* 22-23 (December 2018).

⁶³ See e.g., *Ricchio v. McLean*, 853 F.3d 553 (1st Cir. 2017).

⁶⁴ See e.g., *Doe v. Dabbagh*, No. 2:15-cv-10724 (E.D. Mich.).

⁶⁵ See e.g., *Pattaiso v. Alahmad*, No. 1:14-cv-00041 (M.D. Pa.).

⁶⁶ *G.G. v. Salesforce.com, Inc.*, 76 F.4th 544, 558-64 (7th Cir. 2023).

⁶⁷ Third Amended Complaint at 6, *G.G. v. Salesforce.com, Inc.*, No. 1:20-cv-02335 (N.D. Ill. Oct. 4, 2021).

from participation in a venture engaged in sex trafficking.⁶⁸ The Court defined “participation” as “culpable assistance to a wrongdoer,” which requires only ‘a desire to promote the wrongful venture’s success,’ . . . though Section 1595 does not require actual knowledge of criminal wrongdoing.”⁶⁹ The Court further found that “culpable assistance” could be established by “showing a continuous business relationship between the participant and the trafficker, . . . [w]here the participant provides assistance, support, or facilitation to the trafficker through such a continuous business relationship.”⁷⁰ The Court concluded that the plaintiff sufficiently pled that Salesforce had a “continuous business relationship” that “facilitated the growth of Backpage’s business.”⁷¹ Salesforce entered a series of contracts to sell software specifically designed for Backpage and to provide active, personalized support to scale Backpage’s operations.⁷² The Seventh

The Seventh Circuit was one of the first appellate courts to provide a comprehensive definition of the meaning of “participation in a venture” under the sex trafficking provisions of the TVPRA.

Circuit was one of the first appellate courts to provide a comprehensive definition of the meaning of “participation in a venture” for the purposes of venture liability under the sex trafficking provisions of the TVPRA.⁷³ As of December 31, 2023, the case was ongoing.⁷⁴

As plaintiffs have increasingly used the venture liability provision to hold corporations benefiting from forced labor and sex trafficking accountable, corporate defendants have sought to limit the provision in order to evade liability. Recently, Congress acted in response to defendants’ efforts to limit venture liability, passing a technical and clarifying amendment to the TVPRA on the breadth of venture liability. On January 5, 2023,



⁶⁸ *G.G. v. Salesforce*, 76 F.4th 544, 548 (7th Cir. 2023).

⁶⁹ *Id.* at 559.

⁷⁰ *Id.* (internal citations omitted).

⁷¹ *See id.* at 560.

⁷² *See id.* at 560-61.

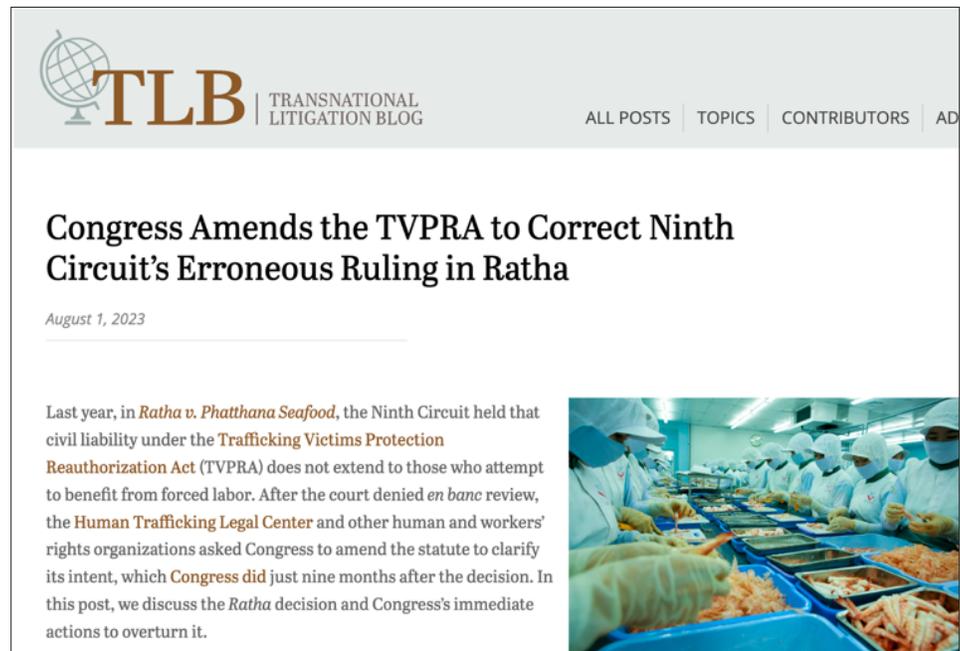
⁷³ Significantly, the Seventh Circuit rejected the defendant’s attempt to apply the definition of “participation in a venture” in Section 1591(e)(4) to Section 1595. *Id.* at 558. This definition, which includes a heightened knowledge standard, only applies in criminal sex trafficking cases and is not the proper definition to be applied in civil actions brought under Section 1595.

⁷⁴ Since the *Salesforce* decision, the Court of Appeals for the D.C. Circuit has also issued a decision with a detailed analysis of the meaning of “participation in a venture” in the forced labor context. *See Doe v. Apple Inc.*, 96 F.4th 403, 414-16 (D.C. Cir. 2024). In *Doe v. Apple*, children alleged to have been trafficked into forced labor in the cobalt mines in the Democratic Republic of the Congo brought a suit against several tech companies alleged to have knowingly benefited from the exploitation for the manufacture of electronic devices. The district court dismissed the complaint on multiple grounds, and the plaintiffs appealed. The D.C. Circuit affirmed the dismissal on the grounds that the plaintiffs had failed to sufficiently plead facts establishing that the defendants participated in a venture. *Apple*, 96 F.4th at 416. In reaching this conclusion, the Court relied on the “ordinary meaning of both terms” defining participation of a venture as “taking part or sharing in an enterprise or undertaking that involves danger, uncertainty, or risk, and potential gain.” *Id.* at 414-15. The Court emphasized that the defendants had no interest in their suppliers, did not share in suppliers’ profits and risks, and had engaged in an ordinary buyer-seller transaction. *Id.*

Congress passed the Abolish Trafficking Reauthorization Act of 2022 (“ATRA”), which clarified that attempt liability had always been available under Section 1595, not only for direct perpetrators but also for those who knowingly benefit. That clarification read: “[A]n individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, or *attempts or conspires to benefit*, financially or by receiving anything of value from participation in a venture . . .).”⁷⁵

Congress passed ATRA in response to the Ninth Circuit’s decision in *Ratha v. Phatthana Seafood Co.*,⁷⁶ in which the Ninth Circuit erroneously found that a defendant could not be held liable where it had only attempted to benefit from participation in a venture involving forced labor.⁷⁷ In finding that the civil remedy did not extend to those who attempted to benefit but did not successfully benefit, the Ninth Circuit created a circuit split and became the first federal appellate court to find that the civil remedy is not coextensive with the criminal liability provisions.⁷⁸ Less than seven months after the *Ratha* decision, Congress acted to clarify its intent with the passage of ATRA.⁷⁹

As noted above, corporate and institutional defendants account for more than 70 percent of defendants in forced labor civil cases and 91 percent of defendants in sex trafficking civil cases. Advocates for trafficking survivors should anticipate aggressive litigation by corporate defendants. Corporate defendants have sought to weaken Section 1595, much as these defendants (unsuccessfully) sought to end all Alien Tort Claims Act human rights litigation. Venture liability provides trafficking survivors with a powerful tool to hold additional parties accountable, beyond the individual trafficker.



The image is a screenshot of a blog post from the Transnational Litigation Blog (TLB). The header includes the TLB logo and navigation links for 'ALL POSTS', 'TOPICS', 'CONTRIBUTORS', and 'AD'. The main title of the post is 'Congress Amends the TVPRA to Correct Ninth Circuit's Erroneous Ruling in Ratha', dated August 1, 2023. The text of the post states: 'Last year, in *Ratha v. Phatthana Seafood*, the Ninth Circuit held that civil liability under the Trafficking Victims Protection Reauthorization Act (TVPRA) does not extend to those who attempt to benefit from forced labor. After the court denied *en banc* review, the Human Trafficking Legal Center and other human and workers' rights organizations asked Congress to amend the statute to clarify its intent, which Congress did just nine months after the decision. In this post, we discuss the *Ratha* decision and Congress's immediate actions to overturn it.' To the right of the text is a photograph showing several workers in white protective suits and hairnets working in a seafood processing facility, handling large quantities of seafood in blue trays.

⁷⁵ 18 U.S.C. § 1595 (emphasis added).

⁷⁶ 35 F.4th 1159 (9th Cir. 2022), modifying 26 F.4th 1029 (9th Cir. 2022).

⁷⁷ Maggie Lee & Martina E. Vandenberg, *Congress Amends the TVPRA to Correct Ninth Circuit's Erroneous Ruling in Ratha*, *Transnat'l Litig. Blog*, Aug. 1, 2023, <https://tlblog.org/congress-amends-the-tvpra-to-correct-ninth-circuits-erroneous-ruling-in-ratha>.

⁷⁸ Prior to this Court’s decision in *Ratha*, every circuit to address the issue interpreted the TVPRA as Congress intended, finding that the civil remedy is coextensive with the criminal liability provisions. See *Roe v. Howard*, 917 F.3d 229, 243 (4th Cir. 2019) (“[T]he text of § 1595 shows that it applies coextensively with its predicate offenses, omitting any qualifying or modifying language”); *Ricchio v. McLean*, 853 F.3d 553, 557–58 (1st Cir. 2017) (finding that the complaint properly pled claims for both attempting and conspiring to benefit from participation in a venture involving forced labor).

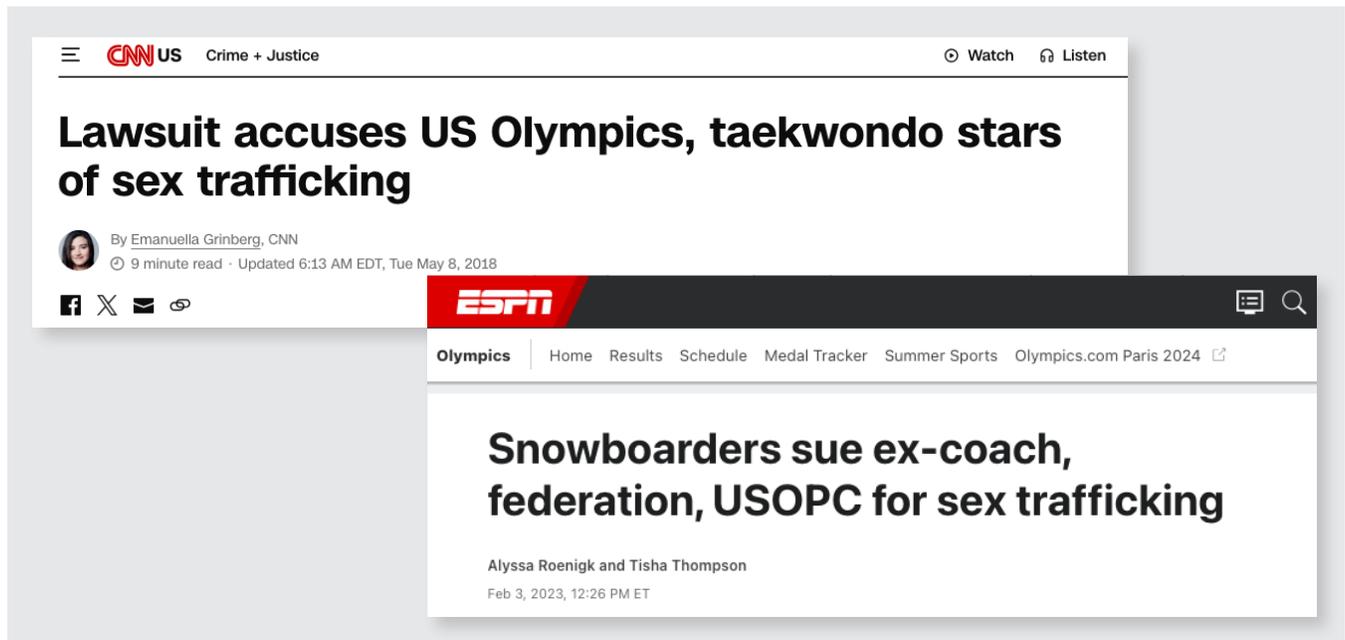
⁷⁹ While the “Technical and Clarifying Update” in ATRA clearly indicates that it is a clarification and should be applied retroactively, litigation remains ongoing in *Ratha* regarding the retroactive application of ATRA. In 2023, the district court refused to reopen the case and found that ATRA did not apply retroactively. See *Ratha v. Rubicon Res. LLC*, No. 2:16-cv-04271, 2023 WL 2762044 (C.D. Cal. 2023). That issue is still being litigated in the Ninth Circuit at the time of the publication of this report.

2. The Surge in Sex Trafficking Litigation

The 2008 expansion of the TVPRA to include venture liability spurred a surge in sex trafficking case filings. In 2022, cases brought by survivors of Jeffrey Epstein's sex trafficking crimes reached historic settlements with financial institutions alleged to have participated in the sex trafficking venture. But the vast majority of cases remain ongoing or have been resolved by settlements of unknown amounts.

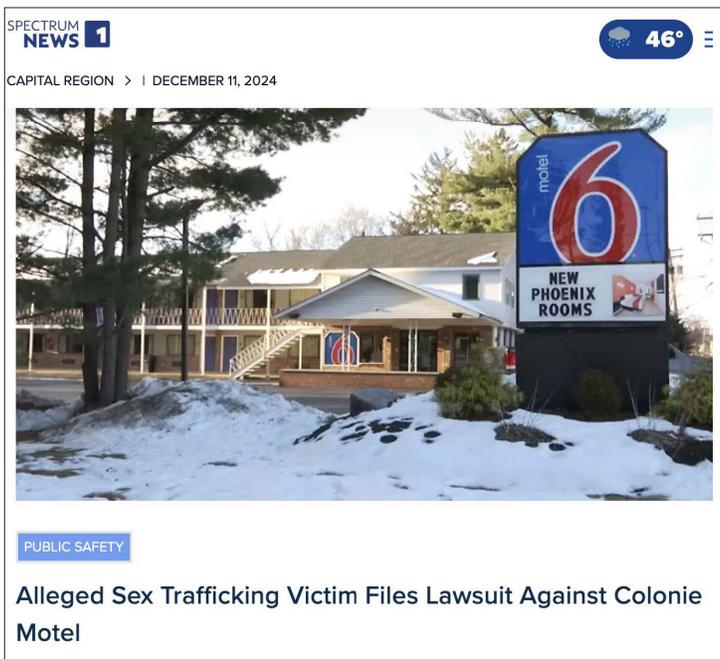
Plaintiffs filed more than 400 sex trafficking cases between 2019 and 2023. Of these cases, more than 90 percent named corporations or institutions as defendants. Cases against hotels, internet service providers, and financial institutions accounted for over three-quarters of the total number of cases alleging only sex trafficking filed as of December 31, 2023 (322 of 427) and nearly 81 percent of the total cases alleging only sex trafficking filed in the five years between 2019 and 2023 (321 of 397). Of those 321 cases, 53 resulted in public settlements. Three of those settlements resulted in some of the highest awards ever recorded, totaling \$365,100,000.⁸⁰ However, the vast majority of the settlement amounts were not disclosed.⁸¹

Cases against hotels, internet service providers, and financial institutions accounted for over three-quarters of the total number of cases alleging only sex trafficking filed as of December 31, 2023.



⁸⁰ See *Doe v. JPMorgan Chase Bank*, No. 1:22-cv-10019 (S.D.N.Y.) (settled for \$290,000,000.00); *Doe v. Deutsche Bank Aktiengesellschaft*, No. 1:22-cv-10018 (S.D.N.Y.) (settled for \$75,000,000.00); *J.C. v. Yash Luv, LLC*, No. 1:22-cv-00846 (N.D. Ga.) (settled for \$100,000.00).

⁸¹ As cases have surged against hotels and their corporate parents, so too have cases involving the defendants' insurers. Parties have engaged in extensive litigation over whether the alleged conduct falls within the insurance policy. In these actions, insurance companies often claim that the conduct alleged in the complaint falls within policy exclusions and, thus, is not covered by the insurance policy. See e.g., *Northfield Ins. Co. v. Northbrook Industries, Inc.*, No. 1:23-cv-03596, 2024 WL 4224628, at *1 (N.D. Ga. Sept. 16, 2024) (insurance company brought action against operator of hotel, as well as victim who was allegedly trafficked for sex as minor at hotel, seeking declaratory judgment as to its obligations to defend and indemnify operator in victim's underlying action alleging violation of the TVPRA and negligence). A court's decision on whether or not an insurer has a duty to defend can impact settlement negotiations and whether or not, particularly with smaller hotels, the plaintiffs will be able to recover damages.



The initial sex trafficking cases relying on the venture liability provision were filed against Backpage in 2010 and 2014.⁸² The court stayed these cases pending the end of criminal proceedings against Backpage, which remained ongoing as of December 31, 2023.⁸³ Since the initial cases against Backpage, plaintiffs have brought actions against several other internet service providers, including Salesforce, Craigslist, Google, Meta, and MindGeek, for allegedly benefiting from participation in a venture engaged in sex trafficking.

As of 2023, most of these cases remained ongoing (47 of 73). Of the ongoing cases, 30 were filed in 2023 as part of ongoing, consolidated litigation against Salesforce.⁸⁴ Of the closed cases, the results have been mixed.

Four cases settled for undisclosed amounts, seven were dismissed without prejudice on the plaintiff's motion, one was voluntarily dismissed with prejudice, and six were administratively closed or stayed. In addition, eight cases were involuntarily dismissed, primarily on grounds of Communications Decency Act Section 230 immunity.⁸⁵

As noted above, in addition to internet service providers, plaintiffs have brought significant sex trafficking civil cases that rely on venture liability against hotels and/or their corporate parents. *Ricchio v. McLean*, filed in 2015, was the first sex trafficking case in which the plaintiff used the venture liability provision to sue the owners of the motel where she was trafficked. After the district court dismissed the plaintiff's claims, the Court of Appeals for the First Circuit, in a decision written by Justice Souter sitting by designation, reversed the district court's dismissal and allowed the claims to proceed.⁸⁶ *Ricchio* was a landmark case that created important precedent for all trafficking survivors seeking to hold individuals or entities accountable under the venture liability provision. The case ultimately resulted in a confidential settlement.⁸⁷ In the five years following *Ricchio*, more than half of the cases alleging sex trafficking were brought against corporate defendants owning and operating hotels. While over half of these cases were ongoing as of 2023, 30 percent of cases ended in a public settlement or a voluntary dismissal with prejudice (which may indicate settlement).⁸⁸ The relatively high rate of settlement compared to unfavorable outcomes for plaintiffs may explain the surge of sex trafficking cases filed in recent years.

⁸² See generally *M.A. v. Village Voice Media Holdings, LLC*, No. 4:10-cv-01740 (E.D. Mo.); *Doe v. Backpage.com, LLC*, No. 1:14-cv-13870 (D. Mass.).

⁸³ See Order, *Fla. Abolitionist*, No. 6:17-cv-00218 (M.D. Fla. Dec. 6, 2018); Order, *Doe v. Backpage*, No. 1:17-cv-11069 (D. Mass. Nov. 30, 2018); Order, *Thompson v. Backpage.com, LLC*, No. 1:20-cv-06734 (S.D.N.Y. Oct. 13, 2020); Order, *Doe v. Backpage.com, LLC*, No. 3:23-cv-00508 (N.D. Tex. Apr. 4, 2023).

⁸⁴ See *supra* note 39.

⁸⁵ One case was dismissed without prejudice on a *sua sponte* order of the district court for failure to state a claim. See Order at 7-9, *Pyatt, Jr. v. Secure Live Media, LLC*, No. 1:21-cv-21328 (S.D. Fla. Mar. 29, 2022).

⁸⁶ See *Ricchio v. McLean*, 853 F.3d 553, 555 (1st Cir. 2017).

⁸⁷ See Electronic Clerk's Notes, *Ricchio*, No. 1:15-cv-13519 (D. Mass. Dec. 3, 2019).

⁸⁸ The outcomes of sex trafficking cases against hotels are detailed further *supra* Part II.C.2.

C. Extraterritorial Jurisdiction and TVPRA Litigation

Congress amended the TVPRA to include extraterritorial liability in 2008. Section 1596 allows survivors to sue defendants who are U.S. citizens, permanent residents, or present in the United States, in cases where some or all the trafficking crimes occurred abroad. In the fifteen years since this amendment, the provision remains underused. As of December 31, 2023, only 31 cases had invoked or relied upon the TVPRA's extraterritoriality provision.

One of the first cases to invoke the extraterritorial provision of the TVPRA was *Roe v. Howard*, a domestic servitude case filed in the Eastern District of Virginia against an American diplomat and her husband.⁸⁹ The plaintiff sued the defendants for the forced labor and sexual servitude that she suffered when Roe worked as the defendants' housekeeper in U.S. Embassy housing in Yemen.⁹⁰ After a trial, the jury found for the plaintiff, awarding her \$3 million in damages.⁹¹ The defendant appealed the verdict. In affirming the jury verdict, the Court of Appeals for the Fourth Circuit declined to reach the question of whether Section 1596 applies retroactively but applied the Supreme Court's extraterritoriality test in *RJR Nabisco, Inc. v. European Community*, finding that Section 1595 can be applied extraterritorially.⁹²

Even after the Fourth Circuit Court of Appeals ruling in *Roe*, defendants continued to attack the extraterritorial application of the TVPRA in litigation. Section 1595 and the extraterritorial provision of Section 1596 have tremendous potential to hold U.S. corporations accountable for profiting from forced labor in global supply chains. In 2016, plaintiffs who alleged that they had been trafficked from Cambodia to Thailand and forced to work in a seafood processing plant brought a civil action in the Central District of California, *Ratha v. Phatthana Seafood Co.* The defendants sought dismissal in the suit by arguing, in part, that Section 1596 was limited to criminal actions.⁹³ On appeal to the Ninth Circuit, the Court assumed without deciding that Section 1596 did apply to civil actions, refusing to adopt the defendants' attempts to eviscerate the statute.⁹⁴

The attacks against extraterritoriality under Section 1596 continued in *Doe v. Apple Inc.*, a child forced labor case filed in the District of Columbia.⁹⁵ In *Doe v. Apple*, the plaintiffs, children who alleged that they were held in forced labor occurring in cobalt mines in the Democratic Republic of the Congo, brought an action against a number of defendant corporations that sourced cobalt from the mines.⁹⁶ The defendants sought the dismissal of the complaint, arguing, among other things, that Section 1596 did not apply to civil actions.⁹⁷ In November 2022, the district court granted the defendants' motion to dismiss and became the first (and only) federal court to find that the TVPRA's extraterritoriality provision did not extend to civil actions.⁹⁸ The plaintiffs appealed to the Court of Appeals for the District of Columbia, and the appeal was pending as of December 31, 2023.⁹⁹

⁸⁹ See *Roe v. Howard*, No. 1:16-cv-00562 (E.D. Va.).

⁹⁰ See *Roe v. Howard*, No. 1:16-cv-00562, 2018 WL 284977, at *1 (E.D. Va. Jan. 3, 2018).

⁹¹ See Judgment, *Roe v. Howard*, No. 1:16-cv-00562 (E.D. Va. Oct. 26, 2017).

⁹² See *Roe v. Howard*, 917 F.3d 229, 239-42 (4th Cir. 2019).

⁹³ See *Ratha v. Phatthana Seafood Co.*, No. 2:16-cv-04271, 2016 WL 11020222, at *5-6 (C.D. Cal. Nov. 9, 2016).

⁹⁴ *Ratha v. Phatthana Seafood Co.*, 35 F.4th 1159, 1164 (9th Cir. 2022), cert. denied, 143 S. Ct. 491 (2022).

⁹⁵ See *Doe v. Apple Inc.*, No. 1:19-cv-03737 (D.D.C.).

⁹⁶ See *Doe v. Apple*, No. 1:19-cv-03737, 2021 WL 5774224, at *1-4 (D.D.C. Nov. 2, 2021).

⁹⁷ See *id.* at *4-5.

⁹⁸ See *id.* at *14-16.

⁹⁹ In March 2024, the D.C. Circuit decided the appeal. In its decision, the D.C. Circuit affirmed the dismissal of the complaint but did so on a significantly narrower basis. Significantly, the Court declined to adopt the district court's novel ruling on extraterritoriality. See *Doe v. Apple*, 96 F.4th 403, 414 n.4 (D.C. Cir. 2024). Moreover, in a recent decision, *United States ex rel. Hawkins v. Mantech Int'l Corp.*, No. 1:15-cv-02105, 2024 U.S. Dist. Lexis 175317 (D.D.C. Sep. 27, 2024), a district court in the District of Columbia explicitly rejected the reasoning in the *Apple* district court decision and found that Section 1596 *did* apply in the pending civil action.

D. Class Certification

Over the last two decades, plaintiffs have sought to bring a significant number of class actions—suits brought on behalf of a large group of similarly situated individuals—under the TVPRA. The results have been mixed. Courts have split about how to address class actions in the context of the TVPRA. In order to receive class certification, the district court must first determine whether “the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.”¹⁰⁰ Courts have adopted a varied, inconsistent analysis on whether TVPRA class claims can predominate over individual claims.

Obtaining class certification can be challenging. Plaintiffs have won some successes, particularly in a number of cases arising out of the allegations of forced labor in the detention context.¹⁰¹ In *Menocal v. GEO Group, Inc.*, a case brought by civil immigration detainees in an immigration facility in Colorado, the district court certified a TVPRA class based on allegations that the class plaintiffs were forced to work under threat of solitary confinement.¹⁰² Similarly, in *Owino v. CoreCivic, Inc.*, plaintiffs who were all civil immigration detainees at a facility in California filed a class action complaint in the Southern District of California and successfully obtained class certification under the TVPRA. In certifying the class, the district court noted the similarities to *Menocal*.¹⁰³ Specifically, the court looked to whether the defendant instituted uniform policies to determine the commonality of the plaintiffs’ claims and used an objective, “reasonable person” standard for the predominance test.¹⁰⁴ Finding that the defendant had “uniform sanitation and disciplinary policies” that “may have coerced detainees under threat of discipline,” the court certified a forced labor class.¹⁰⁵ The Court of Appeals for the Ninth Circuit affirmed the class certification decision, and the Supreme Court of the United States denied certiorari, leaving the class intact.¹⁰⁶

The existence of a uniform policy can be key to certifying a TVPRA class. But some courts have imposed an even higher burden on plaintiffs. In *Barrientos v. CoreCivic, Inc.*, for example, civil immigration detainees sought class certification in a case filed in the Middle District of Georgia. The district court declined to certify a forced labor class under the TVPRA.¹⁰⁷ Although the defendant maintained uniform policies, the court found that the plaintiffs failed to allege that the policies were “uniformly coercive,” such that “there [was] no other reasonable explanation for the labor other than coercion.”¹⁰⁸ In October 2023, *Barrientos* settled for an undisclosed amount, and, notably, as part of the settlement, CoreCivic agreed “it will provide every detainee who participates in Stewart Detention Center’s voluntary work program a document that will inform them of their right not to participate in the program, their right to refuse work at any time and their right to prompt compensation.”¹⁰⁹

¹⁰⁰ Fed. R. Civ. P. 23(b)(3).

¹⁰¹ See Alexandra F. Levy, *The Human Trafficking Legal Center, Fact Sheet: Human Trafficking & Forced Labor in For-Profit Detention Facilities* (2018).

¹⁰² See *Menocal v. GEO Grp., Inc.*, 320 F.R.D. 258, 270-71 (D. Colo. 2017), *aff’d*, 882 F.3d 905, 926 (10th Cir. 2018), *cert. denied sub nom. GEO Grp., Inc. v. Menocal*, 139 S. Ct. 143, 144 (2018). The case is currently on appeal on other grounds.

¹⁰³ See *Owino v. CoreCivic, Inc.*, No. 3:17-cv-01112, 2020 WL 1550218, at *19-22, *27-28 (S.D. Cal. Apr. 1, 2020).

¹⁰⁴ *Id.*

¹⁰⁵ See *id.* at *21-22.

¹⁰⁶ See *Owino*, 60 F.4th 437, 446-47 (9th Cir. 2022), *cert. denied*, 143 S. Ct. 2612 (2023).

¹⁰⁷ See *Barrientos v. CoreCivic, Inc.*, No. 4:18-cv-00070, 2023 WL 2666852, at *3-4 (M.D. Ga. Mar. 28, 2023).

¹⁰⁸ See *id.* at *4.

¹⁰⁹ See Notice of Settlement, *Barrientos*, No. 4:18-cv-00070 (M.D. Ga. Sept. 29, 2023). The settlement also requires CoreCivic to notify detainees of their rights. See Dwayne Fatherree, *Settlement Marks Step Toward Ending Abuses at For-profit Immigrant Prisons*, Southern Poverty Law Center, Nov. 9, 2023, <https://www.splcenter.org/news/2023/11/09/corecivic-for-profit-immigrant-prisons-settlement>.



Plaintiffs have also sought class certification in cases implicating many other sectors, such as agriculture, nursing, education programs, and transportation. For example, In *Doe v. Swift Transportation Co.*, a class of 19,000 truck drivers brought an action against a trucking company, alleging that the defendant company underpaid the drivers and trapped them in a leasing scheme that created significant debt.¹¹⁰ The defendants allegedly used the debt as part of a scheme to threaten the plaintiffs

and to force them into labor. In 2020, the parties reached a class settlement of \$100,000,000, one of the largest settlements in a forced labor case on record.

Class certification has also been used in recent cases brought against educational programs targeting vulnerable minors. In *Sherman v. Trinity Teen Solutions, Inc.*, the Court of Appeals for the Tenth Circuit issued a decision preserving the plaintiffs' ability to proceed as a TVPRA class action lawsuit.¹¹¹ The plaintiffs in *Sherman* were minors sent to Triangle Cross Ranch, a therapeutic wilderness treatment center in Wyoming.¹¹² The students performed unpaid manual labor at ranches in Wyoming and Montana under grueling working and living conditions, including being deprived of food, water and sleep. They alleged that they were housed in locked, uninsulated sheds.¹¹³ The plaintiffs filed a complaint in the District of Wyoming and sought class certification. After the district court denied the plaintiffs' motion for class certification, the Tenth Circuit reversed and remanded, finding that the district court had overemphasized the differences among the members of the proposed class in analyzing the class certification requirements of commonality, typicality, and predominance.¹¹⁴ Regarding predominance, the Court noted that the fact that the plaintiffs' damages calculations would require individualized inquiries was not sufficient to deny class certification.¹¹⁵ Instead, the Court found that the district court had failed to weigh which elements of plaintiffs' claims would necessitate class-wide evidence as opposed to individualized evidence.¹¹⁶

¹¹⁰ See Third Amended Complaint at 13-21, *Doe v. Swift Transp. Co.*, No. 2:10-cv-00899 (D. Ariz. Jan. 5, 2014).

¹¹¹ See *Sherman v. Trinity Teen Sols., Inc.*, 84 F.4th 1182, 1186 (10th Cir. 2023).

¹¹² See First Amended Complaint at 8, *Sherman*, No. 2:20-cv-00215 (D. Wyo. Feb. 12, 2021).

¹¹³ See *id.* at 9-12.

¹¹⁴ See *Sherman*, No. 2:20-cv-00215, 2022 WL 17573837, at *7 (D. Wyo. Oct. 5, 2022), *vacated*, 84 F.4th at 1193-96.

¹¹⁵ See *Sherman*, 84 F.4th at 1195-96.

¹¹⁶ See *id.* at 1195. After the case was remanded, the district court issued a decision in April 2024 and granted the plaintiffs' motion for class certification. See Order Granting Class Certification Following Remand, *Sherman*, No. 2:20-cv-00215 (D. Wyo. Apr. 22, 2024).

IV. Conclusion

Civil litigation is often the only path—especially for survivors of forced labor—to ensure accountability. A federal civil case is often the sole option to demand compensation from traffickers and those who seek to profit from ventures engaged in trafficking. In fiscal year 2023, the federal government initiated just 12 labor trafficking prosecutions.¹¹⁷ In contrast, trafficking survivors themselves brought 47 forced labor cases, nearly four times the number of forced labor prosecutions filed by the federal government. In the past two decades, survivors of forced labor were awarded more than \$400 million in publicly disclosed settlements and judgments. More than \$300 million of those awards occurred in the last five years.

The last five years have seen unprecedented growth in TVPRA litigation, with historic highs in case filings and the largest settlements in the history of the TVPRA. Plaintiffs have filed a wide array of cases, bringing to light the exploitation and abuse of workers occurring across industries. Through these cases, survivors have shown a light on abusive employment practices. The expansion of forced labor cases, such as those brought by foreign-national nurses, or by detainees held in immigration detention, has provided survivors with an opportunity for justice and a platform to increase awareness of patterns and practices of abuse. Not surprisingly, in response, defendants have sought to limit the power and scope of the TVPRA. Eager to avoid liability for perpetrating or benefiting from forced labor in global supply chains, corporate defendants continue to seek to undermine liability and have developed sophisticated and complex practices to evade liability. Despite these efforts, the cases continuously show plaintiffs succeeding in court. The litigation battles are long and taxing, but there is an encouraging trend: The cases are often resulting in significant resources in the hands of survivors.

The Human Trafficking Legal Center expects that the number of TVPRA cases filed will exceed 1,100 by the end of 2024. These cases will likely uncover abuses in new, previously overlooked sectors of the global economy. More survivors will seize the opportunity to hold their traffickers—as well as the entities and corporations that knowingly benefited from their exploitation—accountable in U.S. federal courts.

Over the last two years, survivors of trafficking have shown remarkable courage and resilience, bravely challenging their traffickers in federal court. Their attorneys, many of them pro bono, have shown tremendous skill and creativity, establishing the civil remedy of the TVPRA as the primary, and sometimes only, tool to remedy the harms of trafficking.

“A civil lawsuit against my trafficker provided me with a renewed opportunity for justice, specifically for the suffering I endured. Throughout my life, I faced discrimination due to my sexual orientation. Having a white male judge in Texas acknowledge my pain was a significant moment, as it not only recognized my personal experience but also highlighted the wider issues of discrimination and injustice...”

Jose Alfaro, Board Member,
Human Trafficking Legal Center

¹¹⁷ U.S. Dep't of State, *2024 Trafficking in Persons Report: United States (2024)*, <https://www.state.gov/reports/2024-trafficking-in-persons-report/united-states/>.

V. Appendices

Appendix A: Case Filings in 2023

1. Civil Trafficking Cases Filed in 2023 by Type

In 2023, the twentieth year of the civil remedy under Section 1595, the number of civil cases filed alleging violations of federal trafficking laws codified in the TVPRA reached a historic high. Plaintiffs filed 192 new civil cases in 2023 alone, a significant increase from the prior high of 150 cases filed in 2022.

In 2023, the cases alleging only sex trafficking far outpaced the cases involving forced labor, with 131 cases alleging only sex trafficking, 47 cases alleging only forced labor, and 14 cases alleging both sex trafficking and forced labor. Although sex trafficking cases filed in 2023 far exceeded the forced labor cases filed that year, 2023 was still a historic year for forced labor filings. Plaintiffs filed 47 forced labor cases in 2023, the highest number of forced labor cases filed in a single year since the enactment of the civil remedy.

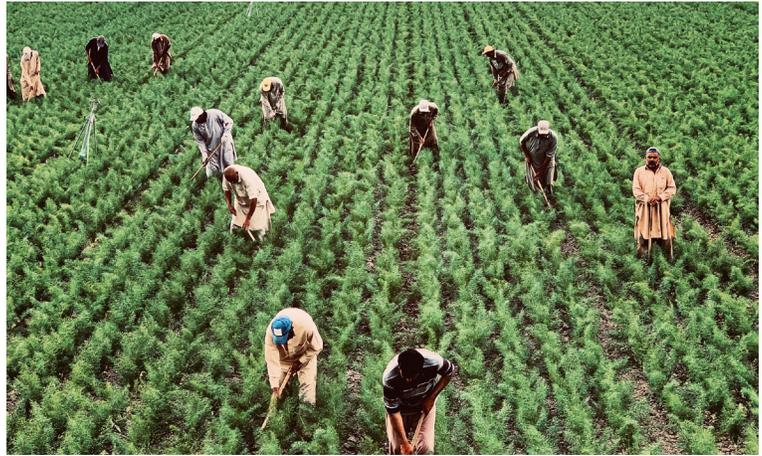
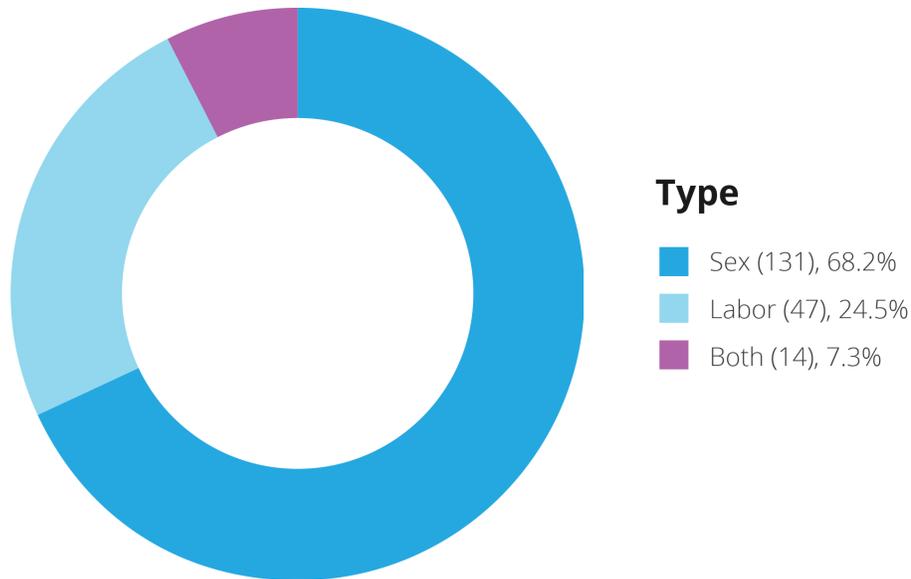


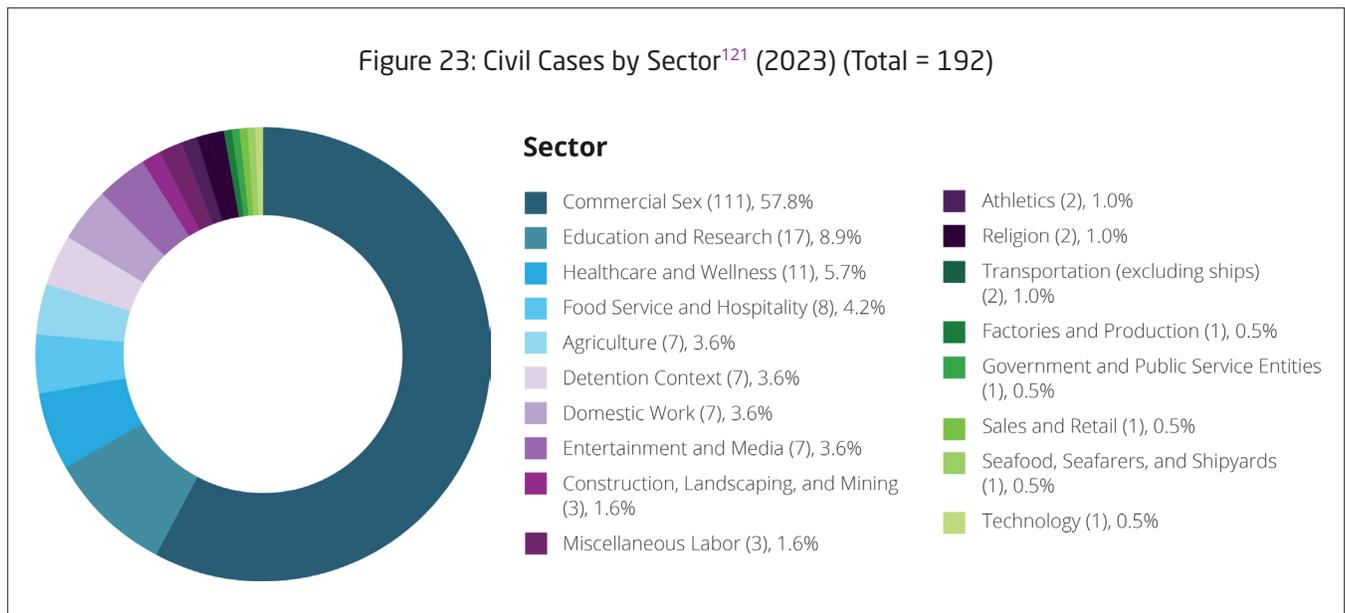
Figure 22: Civil Cases by Type (2023) (Total = 192)



2. Civil Trafficking Cases Filed in 2023 by Sector

In 2023, plaintiffs filed a significant number of sex trafficking cases against hotels (71), a slight decrease from the historic high of 80 cases filed against hotels in 2022. The number of cases brought against internet service providers surged in 2023. In 2023 alone, plaintiffs brought 37 cases against internet service providers, more than the last 19 years combined (36). The 2023 internet service provider cases have primarily targeted Salesforce as part of a multi-district litigation.¹¹⁸ As of December 31, 2023, plaintiffs had filed a total of 73 cases against internet service providers. Of those 73 cases, four settled for undisclosed amounts and the majority were ongoing (47).

Of the 47 cases filed in 2023 that alleged only forced labor, nearly a fifth of the cases (9) involved forced labor in the healthcare and wellness sector, continuing a trend first identified in the 2021 Civil Litigation Report.¹¹⁹ The forced labor cases filed in 2023 also demonstrated the pervasiveness of forced labor across industries, with at least seven cases each filed in three sectors: agriculture, domestic work, and food service and hospitality. In addition, in 2023, one new forced labor case was filed invoking the extraterritorial jurisdiction provision of the TVPRA.¹²⁰ The plaintiffs, Filipino construction workers who were trafficked into Qatar, alleged that they were lied to about the conditions of employment and their passports seized. The plaintiffs also alleged that the employers subjected them to abuse and inhumane working conditions. This case was just the 31st civil trafficking case in history to rely on Section 1596, the extraterritorial provision of the TVPRA. As of December 31, 2023, the case was still pending.



¹¹⁸ See *supra* note 39.

¹¹⁹ See Merrick M. Black, *The Human Trafficking Legal Center, Using Civil Litigation to Combat Human Trafficking: Federal Human Trafficking Civil Litigation: 2021 Data Update 6* (December 2022).

¹²⁰ See *F.C. v. Jacobs Sols. Inc.*, No. 1:23-cv-02660 (D. Colo.).

¹²¹ “Sector” does not reflect the nature of the trafficking—forced labor or sex trafficking or both—but rather refers to the actual sector or industry in which the plaintiff was trafficked. The “commercial sex” sector is only used for sex trafficking cases in which an individual is forced into commercial sex work outside of any specific industry.

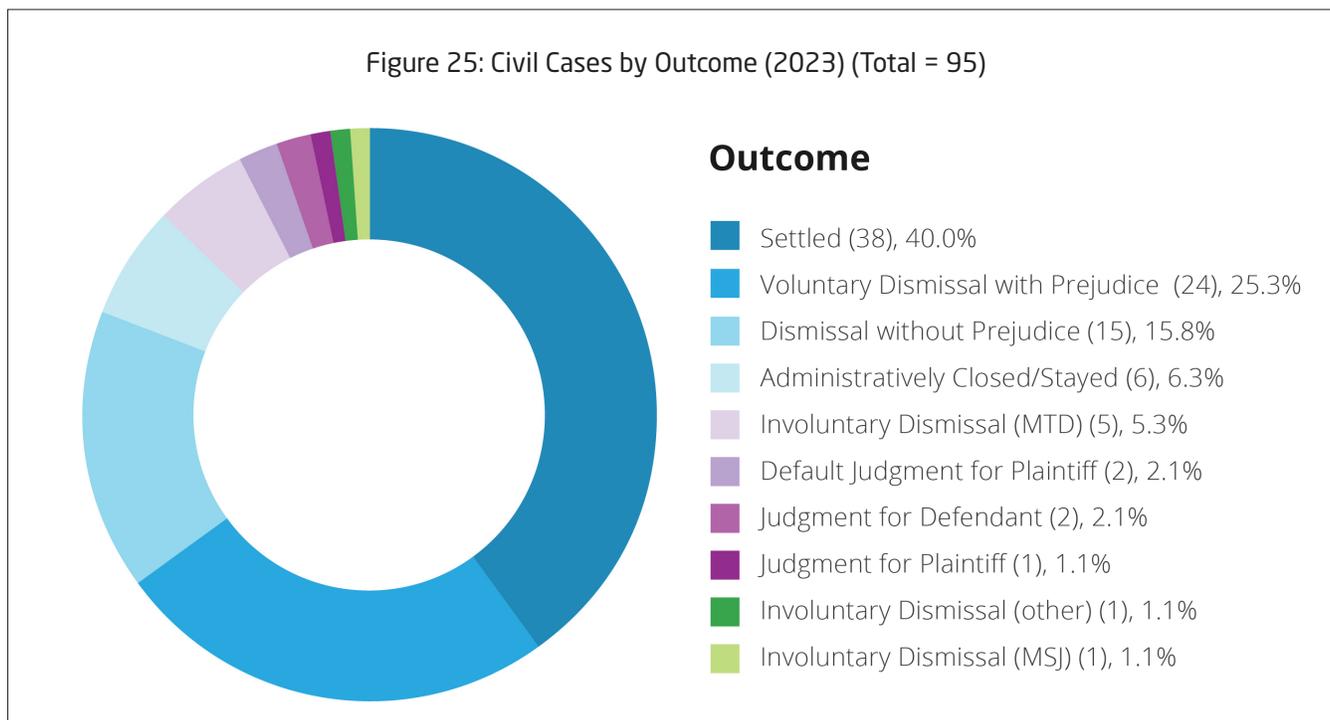
Figure 24: Civil Cases by Sector (Table) (2023)

Sector	# of cases filed in 2022
Commercial Sex	111
Education and Research	17
Healthcare and Wellness	11
Food Service and Hospitality	8
Agriculture	7
Detention Context	7
Domestic Work	7
Entertainment and Media	7
Construction, Landscaping, and Mining	3
Miscellaneous Labor	3
Athletics	2
Religion	2
Transportation (excluding ships)	2
Factories and Production	1
Government and Public Service Entities	1
Sales and Retail	1
Seafood, Seafarers, and Shipyards	1
Technology	1
Total	192

3. Outcomes in Federal Civil Trafficking Cases in 2023

An analysis of the cases that resolved in 2023 shows a modest decrease in the number of cases that resulted in favorable outcomes for plaintiffs.¹²² Specifically, in 2023, three cases resulted in judgments for the plaintiffs and 38 cases resulted in public settlements. Notably, this number does not include cases that were resolved by a voluntary dismissal with prejudice (24), which is approximately a quarter of the final dispositions and may indicate a confidential settlement. In comparison, in 2022, two cases resulted in judgments for the plaintiffs, 59 cases resulted in public settlements, and 19 cases resulted in voluntary dismissals with prejudice. In 2023, there were two judgments for the defendants and seven involuntary dismissals. In addition, 15 cases were dismissed without prejudice in 2023. In comparison, in 2022, there were three judgments for the defendant, six involuntary dismissals, and eight dismissals without prejudice.

Figure 25: Civil Cases by Outcome (2023) (Total = 95)



Among the forced labor cases resolved in 2023, 22 resulted in favorable outcomes for the plaintiffs. Specifically, 19 cases publicly settled, and three cases resulted in judgments for the plaintiffs. In comparison, in 2022, 25 cases publicly settled, and one case resulted in a judgment for the plaintiff. Although public settlements decreased in 2023, nine cases were voluntarily dismissed with prejudice in 2023, indicating possible settlement. No forced labor civil cases were voluntarily dismissed with prejudice in 2022.¹²³ Additionally, of the cases resolved in 2023, fewer forced labor cases resulted in unfavorable outcomes for plaintiffs. Only two cases were involuntarily dismissed, and there were no judgments for the defendant. In contrast, in 2022, four cases were involuntarily dismissed with prejudice and two cases ended in judgments for the defendant.

¹²² The 2022 Civil Report noted that 239 cases were ongoing as of December 31, 2022. As noted, *supra* note 4, 59 additional cases were identified that had been filed on or before December 31, 2022, and 19 of them remained ongoing as of December 31, 2022. In addition, subsequent research identified three cases that should have been included as ongoing and nine cases that had resolved as of that date. As a result, the number of ongoing cases as of December 31, 2022, has been updated to 252.

¹²³ As previously noted, voluntary dismissals with prejudice can be indicative of confidential settlements.



With respect to the sex trafficking cases resolved in 2023, 58 cases involving sex trafficking allegations were resolved. Of the 58 sex trafficking cases resolved in 2023, 19 resulted in favorable outcomes for the plaintiffs. Specifically, 19 cases publicly settled. No cases resulted in a judgment for the plaintiff. In comparison, in 2022, 34 cases publicly settled, and one case resulted in a judgment for the plaintiffs. In addition, in 2023, 18 sex trafficking civil cases were voluntarily dismissed with prejudice, which is similar to the 19 sex trafficking cases voluntarily dismissed with prejudice in 2022. Overall, the most significant change in 2023 was the decline in public settlements from 34 to 19. Additionally, of the cases resolved in 2023, more sex trafficking cases resulted in unfavorable outcomes for plaintiffs. Five cases were involuntarily dismissed, and two cases resulted in a judgment for the defendant. Three of the cases were dismissed based on Section 230 of the Communications Decency Act. In contrast, in 2022, only two cases were involuntarily dismissed and one case ended in a judgment for the defendant.

Appendix B

As of December 31, 2023, plaintiffs had filed federal civil human trafficking cases in 47 states, the District of Columbia, and two territories. In 2023, New Mexico saw its first trafficking cases filed with plaintiffs filing two cases. But, as of December 31, 2023, no trafficking cases had ever been filed in Guam, Montana, Nebraska, Puerto Rico, or Vermont. Eight states—Alaska, Delaware, Hawaii, Idaho, Kansas, New Hampshire, Rhode Island, and West Virginia—tied for having the lowest number of cases filed, with one trafficking case filed in federal court in each of these states. Of the states with cases filed, the highest number had been brought in New York (152), Texas (103), Florida (102), California (74), Georgia (69), and Ohio (61).

Appendix B: Number of Cases Filed Under 18 U.S.C. § 1595 by State/Territory (2003-2023)

State/Territory	#	State/Territory	#	State/Territory	#
Alabama	11	Kentucky	9	Ohio	61
Alaska	1	Louisiana	14	Oklahoma	5
Arizona	4	Maine	2	Oregon	15
Arkansas	12	Maryland	16	Pennsylvania	15
California	74	Massachusetts	8	Rhode Island	1
Colorado	21	Michigan	13	South Carolina	13
Connecticut	11	Minnesota	9	South Dakota	3
Delaware	1	Mississippi	3	Tennessee	12
District of Columbia	20	Missouri	18	Texas	103
Florida	102	Nevada	4	U.S. Virgin Islands	2
Georgia	69	New Hampshire	1	Utah	5
Hawaii	1	New Jersey	16	Virginia	27
Idaho	1	New Mexico	2	Washington	10
Illinois	20	New York	152	West Virginia	1
Indiana	12	North Carolina	10	Wisconsin	4
Iowa	4	North Dakota	3	Wyoming	4
Kansas	1	Northern Mariana Islands	3		

Appendix C

In 2023, plaintiffs won \$519,175,534.09 in damages through judgments and public settlement agreements in 10 separate cases. This was the highest amount of recovery in the history of the TVPRA and was largely attributable to three cases.¹²⁴ The amounts set forth below do not include confidential settlements, where the amount agreed upon is not publicly available.

Appendix C: Total Damages in Federal Civil Trafficking Cases (2003-2023)¹²⁵

Year Cases Closed	Total Damages Awarded	Number of Cases Resolved with Known Damages
2003	\$0.00	–
2004	\$0.00	–
2005	\$0.00	–
2006 ¹²⁶	\$285,433.20	1
2007	\$15,000.00	1
2008	\$8,770,374.05	2
2009	\$9,000,966.58	3
2010	\$500,000.00	1
2011	\$3,538,445.72	3
2012 ¹²⁷	\$19,789,838.93	7
2013	\$11,288,427.29	9
2014 ¹²⁸	\$732,562.24	2
2015 ¹²⁹	\$15,345,951.00	5
2016	\$18,269,298.71	11

¹²⁴ See *Doe v. JPMorgan Chase Bank*, No. 1:22-cv-10019 (S.D.N.Y.) (settled for \$290,000,000.00); *Bistline v. Jeffs*, No. 2:16-cv-00788 (D. Utah) (judgment for plaintiff in the amount of \$152,159,200.00); *Doe v. Deutsche Bank Aktiengesellschaft*, No. 1:22-cv-10018 (S.D.N.Y.) (settled for \$75,000,000.00).

¹²⁵ The total damages awarded in all years has been updated to include attorneys' fees and costs.

¹²⁶ The total damages awarded for 2006 has been updated to include an additional \$48,204 in liquidated damages under the Fair Labor Standards Act awarded in *Cruz v. Toliver*, No. 5:04-cv-00231 (W.D. Ky. Sept. 19, 2006).

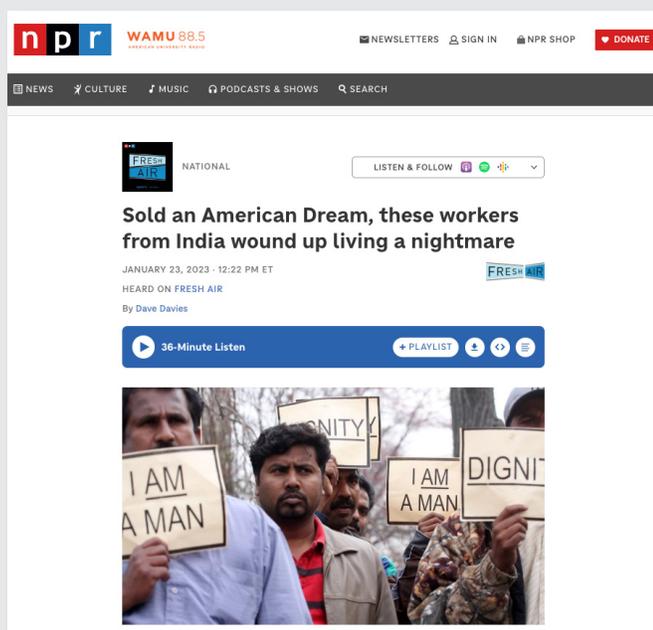
¹²⁷ The total damages awarded for 2012 has been updated to remove the award in *Lainez v. Baltazar, Sr.*, No. 5:11-cv-00167 (E.D.N.C.), which has now been included in the damages awarded in 2013, and to correct the damages amount in *Reabroy v. Typhoon!, Inc.*, No. 3:08-cv-01178 (D. Or.), from \$214,620.12 to \$268,150.74.

¹²⁸ The total damages awarded for 2014 has been updated to remove \$49,375.45, which had been incorrectly included.

¹²⁹ The total damages awarded for 2015 has been updated to correct the award amount in *David v. Signal International, LLC*, No. 2:08-cv-01220 (E.D. La.), from \$14,100,000 to \$14,088,600.

Appendix C: Total Damages in Federal Civil Trafficking Cases (2003-2023) (continued)

Year Cases Closed	Total Damages Awarded	Number of Cases Resolved with Known Damages
2017	\$13,840,753.94	7
2018 ¹³⁰	\$9,088,943.62	7
2019 ¹³¹	\$66,038,495.59	11
2020 ¹³²	\$184,447,070.68	7
2021 ¹³³	\$14,427,179.87	11
2022 ¹³⁴	\$29,024,207.72	11
2023	\$519,175,534.09	10
Total	\$923,578,483.23	109



¹³⁰ The total damages awarded for 2018 has been updated to include the amended damages award in *Echan v. Sackett*, No. 1:14-cv-03420 (D. Colo.).

¹³¹ The total damages awarded for 2019 has been updated to exclude one case previously included.

¹³² The total damages awarded for 2020 has been updated to correct the award amount in *Doe v. Swift Transportation Co.*, No. 2:10-cv-00899 (D. Ariz.), from \$750,000 to \$100,000,000.

¹³³ The total damages awarded for 2021 has been updated to include a \$164,736.00 default judgment for plaintiff in *Saiyed v. Archon, Inc.*, No. 2:16-cv-09530 (D.N.J.), and a \$234,195.90 settlement in *Diaz v. Amezquita*, No. 0:20-cv-62583 (S.D. Fla.) (newly identified case), and to correct the settlement amount in *Vasquez v. Libre by Nexus, Inc.*, No. 4:17-cv-00755 (N.D. Cal.), from \$80,000.00 to \$3,200,000.00.

¹³⁴ The total damages awarded for 2022 has been updated to include a \$110,000.00 settlement in *Song v. TH NYC Rest.*, No. 1:20-cv-08624 (S.D.N.Y.) (newly identified), and a \$75,000.00 settlement in *Butler v. ATS Inc.*, No. 0:20-cv-01631 (D. Minn.) (newly identified), and exclude two cases that went on appeal and one case inadvertently included.



About The Human Trafficking Legal Center

The Human Trafficking Legal Center is a bridge to justice, connecting trafficking survivors to pro bono representation and demanding accountability from traffickers, from governments, and from corporations. We shine a light on the system failures that allow trafficking to flourish. We advocate for survivors as agents of change and as leaders in the movement. We fight for systems change to end forced labor, including forced labor in global supply chains.

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