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Elizabeth A. Brown
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IN THE SUPREME COURT OF THE STATE OF NEVADA

ABEL CANTARO CASTILLO,

Appellant,

vs.

WESTERN RANGE ASSOCIATION,

Appellee.

Supreme Court No: 85926

NOTICE OF CORRECTED APPENDIX PAGES

Counsel for Appellant became aware that certain pages in volume 5 of Appellant's Appendix, filed March 27, 2023 did not upload correctly, and the full page is not visible. Attached herewith are corrected copies of Appellant's Appendix pages 684-690 and 698-721. We apologize for the inconvenience.

DATED this 14th day of June, 2023.

SUBMITTED BY:

COHEN MILSTEIN SELLERS & TOLL PLLC

By: /s/Christine E. Webber

Christine E. Webber (DC Bar #439368)
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EXHIBIT 32

DECLARATION OF CESARIO YAURI GARCIA

Cesario Yauri Garcia hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I am able to speak and write in Spanish. Through an interpreter, I was able to make any and all changes that I felt were necessary or appropriate to this Declaration before I signed it. Specifically, the interpreter read it to me, line by line, and I was able to have the interpreter repeat anything that I requested and I was able to change anything that I felt needed to be changed.

4. I am an employee of El Tejon Sheep Company (hereinafter "El Tejon"). I have been working for El Tejon since July 20, 2006 to the present. During that time I have had all promises made to me by El Tejon fulfilled.

5. Other than the fact that I was recruited by and given the formal employment offer from Western Range Association, during the prior 3 year time period, I have not worked in the United States as a sheep herder for any other company than El Tejon.

6. Since I have worked for El Tejon for almost 10 years, and I cannot recall the exact dates we moved sheep from one location to another, I am giving my general memory of the schedule since it is similar each year, depending on feed and other environmental factors.

7. It is my understanding that the government issued permit allows El Tejon to graze sheep in the Mojave Desert, in California, from March 1 to June 1. However, based on feed conditions, the sheep are normally moved to Elko county around April 1 of each year.

8. This Mojave Desert area, in California, is very rural range land, it is the desert. There are no permanent structures, the roads that we take to get close to our herding areas are dirt and some



1 require 4x4 trucks to travel on these roads, our housing is a trailer that must be brought in by trucks
2 and there is no power. I work this rugged area by walking. This area is uncultivated and I do not
3 know acres or other means to measure how large it is. This area does not include feedlots or corrals,
4 they feed on natural habitat (grass, leaves, etc.). The grazing area is not near El Tejon's headquarters,
5 this is far away from the office. We work this area in pairs of two, he tends one set of sheep and I
6 care for another and we do not camp together. There is a far distance from each other. A supervisor
7 brings food and water in the morning and only stays about 2 hours. The rest of the day I am alone
8 and my activities are not monitored. Thus, no one but me can testify as to my daily work activities or
9 work time. Similarly, since I am alone, I cannot testify as to the work time or work activities of
10 other sheep herders working for El Tejon, much less herders working for other employers.

11 9. Depending on feed conditions, we move the sheep by truck from the Mojave Desert to
12 Elko county around early April. The sheep remain in this area from April 1 up to the end of May.
13 Specifically, we are about 1 hours north of Rendon, Nevada, and it is all dirt roads. You have to
14 drive slow. There are no permanent structures. My housing consists of a tipi tents and items that can
15 be brought in by 4x4 and there is no power. I work this rugged area by walking. This area is
16 uncultivated. The area is too big for me to estimate its size. This area does not include feedlots or
17 corrals, the sheep eat natural grass and leaves. It is not near El Tejon's headquarters.

18 10. From the end of May or early June through approximately October, the sheep are
19 moved to Columbia basin and Jack creek areas. The specific area that I worked on during this time
20 period is in a very remote location in the mountains with only dirt roads. The roads that I took to get
21 close to my herding area was dirt and required a 4x4 truck to travel on these roads. My housing
22 consists of tents, a cot and must be brought in by 4x4 trucks. There is no power. I work this rugged
23 area by walking. This area is uncultivated and is about 8-10 square miles. This area does not include
24 feedlots or corrals, and is not near El Tejon's headquarters.

25 11. There are no other herders with me in the Nevada locations. A supervisor brings food
26 and checks on me, according to weather and how others are doing, about every other day. When the
27 supervisor visits he typically stays about 1 hour. Thus, no one but me can testify as to my daily work
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1 activities or work time. Similarly, since I am alone, I cannot testify as to the work time or work
2 activities of other sheep herders working for El Tejon, much less herders working for other
3 employers.

4 12. Between October 1 to October 15 all the sheep are trucked back to California. The
5 nearest large city is Bakersfield and is about a 1/2 hour drive away. El Tejon's headquarters is not
6 located where we are grazing. The area is completely rural and consist of dirt roads. The
7 accommodations are portable units that have to be towed to the grazing areas. We do not have
8 electricity. The sheep and herders are here from October 1-15 through approximately the end of
9 January.

10 13. The lambing season starts about mid November and lasts until the end of December.
11 All of this varies with the weather and how dry/wet it is that particular year.

12 14. During February and March, depending on availability of feed, the sheep are moved
13 to rural areas west of Bakersfield, about 1 hour and 45 mins away from Bakersfield. Specifically, the
14 leases are mostly on oil fields and is not cultivated. While there are some dirt roads and no
15 permanent housing. We use the same housing we use in the Mojave Desert. This area does not
16 include feedlots or corrals, and is not near El Tizon's headquarters. There are no other herders with
17 me in this location and the supervisor situation is the same as I described in the Mojave desert, since
18 like the desert there is no water and water has to be brought out to the sheep in a big water truck. In
19 Nevada, the areas all have natural streams and water is not brought in for the sheep.

20 15. As mentioned above, at the end of March, we move the sheep to the Mojave desert or
21 Nevada, depending on feed and weather, and the cycle starts again.

22 16. To be specific, this breaks down to about 6 months in Nevada and 6 months in
23 California. The exact time may vary, but this is a fair general characterization. About 1 month in
24 California is spent in the Mojave Desert. Further, about 2 months in California are spent on rural oil
25 field lands. The remaining time in California (only about 3 months) is spent on cultivated fields.

26 17. From my personal experience, I conclude that I worked in range land (e.g.,
27 uncultivated land which consists of thousands of acres, is located in a remote and isolated area, range
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1 housing is required, there are no feedlots or corrals, and are not near El Tejon's headquarters) for
2 significantly more than 50% of every year that I worked for El Tejon. As I mentioned above, for
3 almost the entire year each herder works alone and in different geographic locations. This means that
4 while I personally worked on range land, other herders were not with me and my area of work is not
5 the same as another sheep herder's area of work. Thus, while I worked on range land, this says
6 nothing about other herders working for El Tejon and certainly my work locations and time in each
7 location cannot be equated to herders working for other employers.

8 18. In a very general sense, and not during lambing season, while in Nevada and the
9 Mojave Desert in California, the sheep have a pretty standard routine, as follows:

- 10 a. The sheep bed down from just after sunset until just before sunrise. Obviously, the
11 time of sunrise/set varies with the time of the year. The sheep need no attention from
12 me during this time period.
- 13 b. Around 5 am I get up and go the where the sheep are sleeping. I check on them and
14 direct them to the water. The sheep are at water 8-9 am. I leave them and go back and
15 eat and take a nap at same time they do.
- 16 c. Around 2-3 pm I go to the sheep and direct them toward the area I want them to move
17 that night. I am with the sheep about 2-3 hours and go back to camp and I can eat
18 sleep. This can be longer or shorter, based on where I plan to send them the next day,
19 by checking out that area.
- 20 d. The tipi is normally located where a vehicle can get to it and the sheep are 30-45
21 minutes away.

22 19. The schedule set forth above varies a little when I am in California, not including
23 lambing season, in that it is less work.

24 20. During lambing season, the time worked is a little more than the time in Nevada.

25 21. During my employment, I was paid the same wage rate for the time periods that I
26 worked in California that I was paid when I worked in Nevada. Specifically, during 2014 and 2015,
27 I was paid \$1,661.72 per month. Beginning on January 1, 2016, I was paid twice a month at a rate of
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1 \$888.99 per pay period. In addition, part of my wage is room and board. This was explicitly agreed
2 to as part of my compensation in my employment offer. I am also permitted to slaughter a lamb to
3 eat. I am supplied with meals every day and a place to stay. I believe that it is a fair estimate to say
4 that the value of my food is \$12/day or \$82/week. I also believe that a fair value for my housing is
5 \$300-400/month.

6 22. I estimate that I actually perform work an average of 56 hours per week, taking the
7 full year into account. I truly believe I work an average of 8 hours per day.

8 23. I was also given 2 weeks of paid vacation time each year by El Tejon. I have also
9 received surprise discretionary bonus, based on their judgment of my work, of about \$1,000 in 2014
10 and 2015.

11 24. As a result, I do not believe that I was paid below Nevada's minimum wage of
12 \$8.25/hour during any time period that I worked in Nevada.

13 I hereby declare under penalty of perjury under the laws of the United States and the State of
14 Nevada that the foregoing is true and correct to the best of my knowledge.

15 Date: This 18th day of July, 2016.

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19 CESARIO YAURI GARCIA
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DECLARATION OF INTERPRETATION

Ruben Burnias, hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I hereby certify that I am currently working with Interpreting Enterprises and have previously worked as a State and Federal Court Interpreter for over 25 years. I have also served in my capacity of Spanish Court Interpreter in over 1800 depositions.

4. I am fluent in both English and Spanish languages and I am competent to translate from Spanish to English and English to Spanish.

5. I personally attended the witness interview of Cesario Yauri Garcia ("Garcia") in Elko, Nevada, along with Anthony L. Hall, Esq. I have acted as an interpreter throughout the witness interview in order to ensure accuracy.

6. Following the witness interview, I certify that I read the Declaration of Garcia to him in a language that he understood (Spanish), and that he was given the opportunity to ask any questions and to make any changes or corrections that he felt were appropriate. I also certify that my translation of his declaration to him was true and correct. I certify that Garcia confirmed that he understood and agreed with his Declaration before signing it.

I hereby declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Date: This 19th day of July, 2016.



Ruben Burnias
Interpreting Enterprises

ETS000067

DECLARATION OF WILLIAM ARCHI LOZANO

William Archi Lozano hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I am able to speak and write in Spanish. Through an interpreter, I was able to make any and all changes that I felt were necessary or appropriate to this Declaration before I signed it. Specifically, the interpreter read it to me, line by line, and I was able to have the interpreter repeat anything that I requested and I was able to change anything that I felt needed to be changed.

4. I am an employee of El Tejon Sheep Company (hereinafter "El Tejon"). I have been working for El Tejon since October 14, 2015 to the present. During that time I have had all promises made to me by El Tejon fulfilled.

5. Other than the fact that I was recruited by and given the formal employment offer from Western Range Association, during the prior 3 year time period, I have not worked in the United States as a sheep herder for any other company than El Tejon.

6. My October 2015 employment began in California and I worked 3 months in cultivated alfalfa fields and then 3 months in the uncultivated oil fields to the west of Bakersfield. I did not work in the Mojave desert.

7. This area is also very rural. To be more specific, this area is uncultivated. The range housing is a trailer that is towed. This area does not include feedlots or corrals, and is not near El Tejon's headquarters. There are no other herders with me in this location and my daily activities are not monitored. The supervisor comes and visits me to bring water and food. The supervisor is only with me for about 1 hour. Thus, no one but me can testify as to my daily work activities or work

1 time. Similarly, since I am alone I cannot testify as to the work time or work activities of other
2 sheep herders working for El Tejon, much less herders working for other employers.

3 8. On or about April 10 of 2016, we moved the sheep by truck from the oil fields to Elko
4 county. The sheep remained in this area from April 10 up to June 5 of this year. This area is about an
5 hour by truck on dirt roads north of Rendon, Nevada. This area is uncultivated and isolated area.
6 My range housing is a tipi tents. There are no permanent structures. This area does not include
7 feedlots or corrals, and is not near El Tejon's headquarters. The sheep feed on natural growing grass.

8 9. From June 5 until the present, we moved my band of sheep to the Columbia basin,
9 Nevada. The specific area that I worked on during this time period is in a very remote location in the
10 mountains with only dirt roads. There is no power. I work this rugged area by walking. This area is
11 uncultivated, so the sheep eat natural growing grasses. My range housing is the same tipi tent. There
12 are no permanent structures. This area does not include feedlots or corrals, and is not near El Tejon's
13 headquarters.

14 10. In both Nevada locations, there are no other herders with me and my daily activities
15 are not monitored. My supervisor comes to see me about 2-3 times per week and his stay with me
16 varies depending on what needs to be done. Thus, no one but me can testify as to my daily work
17 activities or work time with the exception of the hours my supervisor is present. Similarly, since I
18 am alone, I cannot testify as to the work time or work activities of other sheep herders working for El
19 Tejon, much less herders working for other employers.

20 11. To be specific, during my 9 months of employment, I have spent 3 months in Nevada
21 and 6 months in California. Further, 3 months in California was spent on rural uncultivated oil field
22 lands. The remaining time in California (only about 3 months) was spent on cultivated fields.

23 12. From my personal experience, I conclude that I worked in range land (e.g.,
24 uncultivated land, is located in a remote and isolated area, range housing is required, there are no
25 feedlots or corrals, and are not near El Tejon's headquarters) for significantly more than 1/2 of my
26 employment. As I mentioned above, for almost the entire year each herder works alone and in
27 different geographic locations. This means that while I personally worked on range land, other
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herders were not with me and my area of work is not the same as another sheep herder's area of work. Thus, while I worked on range land, this says nothing about other herders working for El Tejon and certainly my work locations and time in each location cannot be equated to herders working for other employers.

13. In a very general sense, while in Nevada and the oil fields, the sheep and I have a pretty standard routine, as follows:

- a. I get up around 4 am and make breakfast.
- b. I start walking to where the sheep are at about 5 am and it takes me 30-60 minutes to get to the sheep.
- c. I direct the flock to feed and water. I typically head back to camp around 10 am or a bit before or after, depending on circumstances.
- d. The sheep bed down after they have morning food and water and sleep for 4-6 hours depending on how hot it is. The hotter it is, the more they sleep. They do not need my attention when they sleep (during the day or at night), so I head back to camp and may my meal, clean my possessions, wash my clothes and myself, etc.
- e. Later in the afternoon, I direct them to where I want them that night. I spend about 2-3 hours with them before I walk back to camp.

14. When the sheep are on cultivated land, we work less time, because this is during the winter and the days are shorter.

15. During my employment, I was paid the same wage rate for the time periods that I worked in California that I was paid when I worked in Nevada. Specifically, from October 2015 through December 31, 2015, I was paid \$1,661.72 per month. Beginning on January 1, 2016, I was paid twice a month at a rate of \$888.99 per pay period. In addition, part of my wage is room and board. This was explicitly agreed to as part of my compensation in my employment offer. I can also slaughter a sheep and I do this about 1 time per month. I am supplied with meals every day and a place to stay. I do not know the cost of food well enough in America to estimate the value of my meals or my lodging.

1 16. I estimate that I actually perform work an average of 8 hours per day, taking the full
2 year into account.

3 17. I was also given 2 weeks of paid vacation time each year by El Tejon. I have also
4 received surprise discretionary bonus of \$500 around October of 2015.

5 18. As a result, I do not believe that I was paid below Nevada's minimum wage of
6 \$8.25/hour during any time period that I worked in Nevada.

7 I hereby declare under penalty of perjury under the laws of the United States and the State of
8 Nevada that the foregoing is true and correct to the best of my knowledge.

9 Date: This 19th day of July, 2016.

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13 WILLIAM ARCHI LOZANO
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Holland & Hart LLP
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

DECLARATION OF INTERPRETATION

Ruben Burnias, hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I hereby certify that I am currently working with Interpreting Enterprises and have previously worked as a State and Federal Court Interpreter for over 25 years. I have also served in my capacity of Spanish Court Interpreter in over 1800 depositions.


4. I am fluent in both English and Spanish languages and I am competent to translate from Spanish to English and English to Spanish.

5. I personally attended the witness interview of William Archi Lozano ("Lozano") in Elko, Nevada, along with Anthony L. Hall, Esq. I have acted as an interpreter throughout the witness interview in order to ensure accuracy.

6. Following the witness interview, I certify that I read the Declaration of Lozano to him in a language that he understood (Spanish), and that he was given the opportunity to ask any questions and to make any changes or corrections that he felt were appropriate. I also certify that my translation of his declaration to him was true and correct. I certify that Lozano confirmed that he understood and agreed with his Declaration before signing it.

I hereby declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Date: This ____ day of July, 2016.


Ruben Burnias
Interpreting Enterprises

ETS000093

EXHIBIT 35

DECLARATION OF ELMER ALCIDES CANTARO OTEO

Elmer Alcides Cantaro Oteo hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I am able to speak and write in Spanish. Through an interpreter, I was able to make any and all changes that I felt were necessary or appropriate to this Declaration before I signed it. Specifically, the interpreter read it to me, line by line, and I was able to have the interpreter repeat anything that I requested and I was able to change anything that I felt needed to be changed.

4. I am an employee of El Tejon Sheep Company (hereinafter "El Tejon"). I have been working for El Tejon since September 18, 2014 to the present. During that time I have had all promises made to me by El Tejon fulfilled. I was initially a sheepherder and I became a supervisor in January of 2016.

5. Other than the fact that I was recruited by and given the formal employment offer from Western Range Association, during the prior 3 year time period, I have not worked in the United States as a sheep herder for any other company than El Tejon.

6. Since I have worked for El Tejon for almost 2 years, and I cannot recall the exact dates we moved sheep from one location to another, I am giving my general memory of the schedule since it is similar each year, depending on feed and other environmental factors.

7. I started in Nevada in the Snow Canyon and Columbia Basin allotments. I worked these areas from September through early October. The areas are not cultivated. The roads that we take to get close to our herding areas are dirt and require trucks to travel on these roads for about 40 minutes. This area does not include feedlots or corrals, and is not near El Tejon's headquarters. My



1 Supervisor visited me 2-3 times per week and would stay with me about 2-3 hours, depending on
2 what needs to be accomplished.

3 8. Between October 1 to October 15, all the sheep are trucked back to California. 3
4 months were on cultivated land as a sheepherder, until about the end of January.

5 9. At the end of January, we moved the sheep and myself to oil fields west of
6 Bakersfield. We were on these fields until March 17, 2015. This area is also very rural. Our range
7 housing is a towed trailer. The area is uncultivated. This area does not include feedlots or corrals,
8 and is not near El Tijon's headquarters. The sheep eat naturally growing grasses. There are no other
9 herders with me in this location and my daily activities are not monitored. Thus, no one but me can
10 testify as to my daily work activities or work time. My supervisor visited me daily since he had to
11 bring water for the sheep and would typically stay only about 1-1 1/2 hours. Unlike in Nevada,
12 where the sheep have streams, the water must be brought in. Similarly, since I am alone I cannot
13 testify as to the work time or work activities of other sheep herders working for El Tijon, much less
14 herders working for other employers.

15 10. After March 17, 2015 until April 19, 2015, we were on the Mojave Desert, in
16 California. This area is also very rural. Our range housing is a towed trailer. The area is
17 uncultivated. This area does not include feedlots or corrals, and is not near El Tijon's headquarters.
18 The sheep eat naturally growing grasses. There are no other herders with me in this location and my
19 daily activities are not monitored. Thus, no one but me can testify as to my daily work activities or
20 work time. My supervisor visited me daily since he had to bring water for the sheep and would
21 typically stay only about 1-1 1/2 hours. Unlike in Nevada, where the sheep have streams, the water
22 must be brought in. Similarly, since I am alone I cannot testify as to the work time or work activities
23 of other sheep herders working for El Tijon, much less herders working for other employers.

24 11. April 19 through the beginning of October, 2015, I was in Nevada. My first location
25 was in an area I call La Cantina (which is about an hour north of Rendon by dirt road). The second
26 area was Snow Canyon area (moved here at beginning of June). These areas are also very rural. Our
27 range housing is a tipi tent. The areas are uncultivated. This areas do not include feedlots or corrals,
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1 and are not near El Tijon's headquarters. The sheep eat naturally growing grasses. There are no other
2 herders with me in this location and my daily activities are not monitored. Thus, no one but me can
3 testify as to my daily work activities or work time. My supervisor visited me 2-3 days per week and
4 would typically stay only about 2-3 hours. Since I am alone I cannot testify as to the work time or
5 work activities of other sheep herders working for El Tijon, much less herders working for other
6 employers.

7 12. From the end of October 2015 through December 2015, I was a herder on cultivated
8 land.

9 13. On January 2016, I became a supervisor.

10 14. As a supervisor, I help the herder decide where to direct the sheep, ship water to the
11 sheep when needed, supply food and water for herders, help tend for sick sheep and when camps are
12 moved I tow the trailers and move gear.

13 15. As a supervisor, I only spend a few hours a day with each herder, depending on what
14 is going on. I cannot say what they do except for the limited time I am with them. Since the area is
15 so rural and the roads are so rough, I spend a lot of my time traveling from one herder's area to the
16 other.

17 16. I have to get supplies from Elko about 3 times every two weeks. I have to go to Elko
18 to get provisions. When my herders are in the Columbia basin and Snow Mountain areas, it takes me
19 1 hour and 50 minutes to get to Elko. When my herders are in El Cantina area, it takes me about 1
20 hour and 10 minutes to get to Elko. The vast majority of both trips is dirt roads.

21 17. As a herder, I conclude that I worked in range land (e.g., uncultivated land, is located
22 in a remote and isolated area, range housing is required, there are no feedlots or corrals, and are not
23 near El Tejon's headquarters) for significantly more than 1/2 of every year that I worked for El
24 Tejon.

25 18. In a very general sense, while in Nevada, the oil fields and the Mojave Desert in
26 California, the sheep and I have a pretty standard routine, as follows:

- a. I would wake up around 3:30 or 4 am, and I make breakfast. I would typically start walking to the sheep anywhere from 4:30 – 5 am. The walk to the sheep would take 30 minutes – 1 1/2 hours, depending on circumstances.
- b. When I get to the sheep, I feed the dogs first. I then start moving the sheep and watching for any that are hurt or sick. I direct them to water and food.
- c. I typically start walking back to camp 9 – 10:30 am, depending. It totally depends on the circumstances.
- d. When I get back to camp, I would make a meal, sleep, read, wash clothes, etc.
- e. I start the walk back to the sheep around 2 or later. I arrive to sheep and give them direction and watch to see how they are proceeding, I am with them from 1-2 hours and then walk back to camp.

19. As a supervisor, I start my day around earlier, but I work about the same total hours as I did as a herder.

20. During my employment, I was paid the same wage rate for the time periods that I worked in California that I was paid when I worked in Nevada. Specifically, during 2014 and 2015, I was paid \$1,661.72 per month. Beginning on January 1, 2016, I was paid twice a month at a rate of \$888.99 per pay period. In addition, part of my wage is room and board. This was explicitly agreed to as part of my compensation in my employment offer. I can also slaughter a lamb for food and I do this about twice per month. I am supplied with meals every day and a place to stay. As the supervisor I buy the food, and I believe that it is a fair estimate to say that the value of the food I give to the herders is \$11-12/day. I also believe that a fair value for my housing is \$300-320/month.

21. I estimate that I actually perform work, both as a herder and a supervisor, an average of 8 hours per day, taking the full year into account.

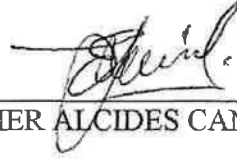
22. I was also given 2 weeks of paid vacation time each year by El Tejon. I have also received surprise discretionary bonus of \$1,000 at the end of 2015.

23. I do not believe that I was paid below Nevada's minimum wage of \$8.25/hour during any time period that I worked in Nevada.



1 I hereby declare under penalty of perjury under the laws of the United States and the State of
2 Nevada that the foregoing is true and correct to the best of my knowledge.

3 Date: This 19th day of July, 2016.

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5 ELMER ALCIDES CANTARO OTEO
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Holland & Hart LLP
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

DECLARATION OF INTERPRETATION

Ruben Burnias, hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I hereby certify that I am currently working with Interpreting Enterprises and have previously worked as a State and Federal Court Interpreter for over 25 years. I have also served in my capacity of Spanish Court Interpreter in over 1800 depositions.

4. I am fluent in both English and Spanish languages and I am competent to translate from Spanish to English and English to Spanish.

5. I personally attended the witness interview of Elmer Alcides Cantaro Oteo ("Oteo") in Elko, Nevada, along with Anthony L. Hall, Esq. I have acted as an interpreter throughout the witness interview in order to ensure accuracy.

6. Following the witness interview, I certify that I read the Declaration of Oteo to him in a language that he understood (Spanish), and that he was given the opportunity to ask any questions and to make any changes or corrections that he felt were appropriate. I also certify that my translation of his declaration to him was true and correct. I certify that Oteo confirmed that he understood and agreed with his Declaration before signing it.

I hereby declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Date: This ___ day of July, 2016.


Ruben Burnias
Interpreting Enterprises

ETS000078

EXHIBIT 36

DECLARATION OF ELIAS MAXIMO ASCANOA ALANIA

Elias Maximo Ascanoa Alania hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I am able to speak and write in Spanish. Through an interpreter, I was able to make any and all changes that I felt were necessary or appropriate to this Declaration before I signed it. Specifically, the interpreter read it to me, line by line, and I was able to have the interpreter repeat anything that I requested and I was able to change anything that I felt needed to be changed.

4. I am an employee of El Tejon Sheep Company (hereinafter "El Tejon"). I have been working for El Tejon since May 22, 2014 to the present. During that time I have had all promises made to me by El Tejon fulfilled.

5. Other than the fact that I was recruited by and given the formal employment offer from Western Range Association, during the prior 3 year time period, I have not worked in the United States as a sheep herder for any other company than El Tejon.

6. Since I have worked for El Tejon for more than 2 years, and I cannot recall the exact dates we moved sheep from one location to another, I am giving my general memory of the schedule since it is similar each year, depending on feed and other environmental factors.

7. I, personally, have not herded sheep in the Mojave Desert. Instead, I stayed in the oil field area, that I will describe below.

8. Depending on feed conditions, we move the sheep by truck from California to Nevada. The sheep remain in this area from April 1 up to first weeks of June. This area is about 40 minutes north of Rendon, by truck. The roads are all dirt in the area that we herd the sheep. There

are no permanent structures. My housing consists of tents and items that can be brought in by 4x4 and there is no power. This area is uncultivated and unfenced. This area does not include feedlots or corrals, and is not near El Tejon's headquarters. Sheep feed on natural grass in this area and water from streams. There are no other herders with me in this location.

9. From the beginning of June, I moved with my sheep to the Jack Creek area of Nevada. I stayed in this area to mid-October. Specifically, me and my band of sheep were in the Snow Canyon allotment. The specific area that I worked on during this time period is in a very remote location in the mountains with only dirt roads. My housing consists of tents and a cot. There is no power. This area is uncultivated. This area does not include feedlots or corrals, and is not near El Tejon's headquarters.

10. For both areas in Nevada, the supervisor comes around every other day or so and only stays about 20-30 minutes. Thus, no one but me can testify as to my daily work activities or work time. Similarly, since I am alone, I cannot testify as to the work time or work activities of other sheep herders working for El Tejon, much less herders working for other employers.

11. In mid-October all the sheep are trucked back to California and are in an area that is East of Bakersfield. They sheep stay here until mid to late January.

12. The lambing season starts about November 10 and lasts until the end of December.

13. During February and March, depending on availability of feed, the sheep are moved to rural areas west of Bakersfield to oil fields. This area is also very rural. While there are some roads (mostly dirt) near the grazing areas that I worked and there is no power. This area is uncultivated. We live in a trailer that is towed to the location. This area does not include feedlots or corrals, and is not near El Tizon's headquarters. The sheep eat natural grown (not cultivated) grass. Water for the sheep is brought in by truck. There are no other herders with me in this location and my daily activities are not monitored. The supervisor visits daily to bring water and he typically stays about 1 hour. Thus, no one but me can testify as to my daily work activities or work time. Similarly, since I am alone, I cannot testify as to the work time or work activities of other sheep herders working for El Tizon, much less herders working for other employers.

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1 14. As mentioned above, my band moved back to Nevada each year around April 10.

2 15. To be specific, this breaks down to about 6 months in Nevada and 6 months in
3 California. The exact time may vary, but this is a fair general characterization. For me, I spent about
4 2 months in California in uncultivated oil field lands.

5 16. From my personal experience, I conclude that I worked in range land (e.g.,
6 uncultivated land that is located in a remote and isolated area, range housing is required, there are no
7 feedlots or corrals, and are not near El Tejon's headquarters) for significantly more than 1/2 of every
8 year that I worked for El Tejon. As I mentioned above, for almost the entire year each herder works
9 alone and in different geographic locations. This means that while I personally worked on range
10 land, other herders were not with me and my area of work is not the same as another sheep herder's
11 area of work. Thus, while I worked on range land, this says nothing about other herders working for
12 El Tejon and certainly my work locations and time in each location cannot be equated to herders
13 working for other employers.

14 17. In a very general sense, and not during lambing season, while in Nevada and the oil
15 fields of California, the sheep have a pretty standard routine, as follows:

- 16 a. The sheep bed down from just after sunset until just before sunrise. Obviously, the
17 time of sunrise/set varies with the time of the year. The sheep need no attention from
18 me during this time period.
- 19 b. I get up around 4-4:30 am and prepare my breakfast. I start walking to the sheep
20 around 5 am. The walk to the sheep is normally around 20-25 minutes.
- 21 c. I direct the flock to food and water and check on them. My routine varies depending
22 on the situation. I prepare my lunch when the sheep sleep during the day. The sheep
23 sleep about 5 hours or more each mid-day. I also go back to camp to eat during the
24 day and sleep during this time period.
- 25 d. The sheep need no attention from me, since they drink water, nap and graze during
26 this time period.

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1 e. I go back to the sheep around 2 pm and stay with them about 2 hours, to direct them
2 to where I want them heading for the evening.

3 18. The schedule set forth above varies a little when I am in California, on cultivated
4 land, my day is shorter. This is mostly because this is winter and the day light hours are shorter.

5 19. During my employment, I was paid the same wage rate for the time periods that I
6 worked in California that I was paid when I worked in Nevada. Specifically, in 2015 I earned
7 \$1,661.72 per month. Beginning on January 1, 2016, I was paid twice a month at a rate of \$888.99
8 per pay period. In addition, part of my wage is room and board. This was explicitly agreed to as part
9 of my compensation in my employment offer. I am also allowed to slaughter lamb for food. I am
10 supplied with meals every day and a place to stay. I believe that it is a fair estimate to say that the
11 value of my food is \$10/day or \$70/week. I also believe that a fair value for my housing is \$150-
12 200/month.

13 20. I estimate that I actually perform work an average of 8 hours each day.

14 21. I was also given 2 weeks of paid vacation time each year by El Tejon. I have also
15 received surprise discretionary bonus of \$1,000 each year.

16 22. As a result, believe that I was paid above Nevada's minimum wage of \$8.25/hour
17 during all time periods that I worked in Nevada.

18 I hereby declare under penalty of perjury under the laws of the United States and the State of
19 Nevada that the foregoing is true and correct to the best of my knowledge.

20 Date: This 18th day of July, 2016.

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22 ELIAS MAXIMO ASCANOA ALANIA
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DECLARATION OF INTERPRETATION

Ruben Burnias, hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I hereby certify that I am currently working with Interpreting Enterprises and have previously worked as a State and Federal Court Interpreter for over 25 years. I have also served in my capacity of Spanish Court Interpreter in over 1800 depositions.

4. I am fluent in both English and Spanish languages and I am competent to translate from Spanish to English and English to Spanish.

5. I personally attended the witness interview of Elias Maximo Ascanoa Alania ("Alania") in Elko, Nevada, along with Anthony L. Hall, Esq. I have acted as an interpreter throughout the witness interview in order to ensure accuracy.

6. Following the witness interview, I certify that I read the Declaration of Alania to him in a language that he understood (Spanish), and that he was given the opportunity to ask any questions and to make any changes or corrections that he felt were appropriate. I also certify that my translation of his declaration to him was true and correct. I certify that Alania confirmed that he understood and agreed with his Declaration before signing it.

I hereby declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Date: This 18th day of July, 2016.



Ruben Burnias
Interpreting Enterprises

ETS000072

EXHIBIT 37

DECLARATION OF GILMAR JHONNY MELO CASTILLO

Gilmar Jhonny Melo Castillo hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I am able to speak and write in Spanish. Through an interpreter, I was able to make any and all changes that I felt were necessary or appropriate to this Declaration before I signed it. Specifically, the interpreter read it to me, line by line, and I was able to have the interpreter repeat anything that I requested and I was able to change anything that I felt needed to be changed.

4. I am an employee of El Tejon Sheep Company (hereinafter "El Tejon"). I have been working for El Tejon since August 7, 2015 to the present. During that time I have had all promises made to me by El Tejon fulfilled.

5. Other than the fact that I was recruited by and given the formal employment offer from Western Range Association, during the prior 3 year time period, I have not worked in the United States as a sheep herder for any other company than El Tejon.

6. When I started, in August of 2015, I started in California and did work to prepare the winter grazing area for the sheep. I did this work until October, when the sheep were brought back from Nevada. I started tending sheep from October through about the end of January.

7. In February up to April 10, 2016, me and my band of sheep moved to a rural area west of Bakersfield on oil fields. This area is also very rural. While there are some roads (mostly dirt) near the grazing areas that I worked, there is no power and permanent housing. This area is uncultivated and the sheep eat natural growing grasses and plants. This area does not include feedlots or corrals, and is not near El Tejon's headquarters. There are no other herders with me in this



1 location and my daily activities are not monitored. My supervisor visits daily to bring water for the
2 sheep and supplies. He stays with me only about 30-60 minutes, but maybe more depending on
3 circumstances. Thus, no one but me can testify as to my daily work activities or work time.
4 Similarly, since I am alone, I cannot testify as to the work time or work activities of other sheep
5 herders working for El Tejon, much less herders working for other employers.

6 8. On April 10, 2016, we moved the sheep that I tended and myself to Nevada. My band
7 of sheep and I were about 40 minutes on dirt roads north of Rendon, Nevada. I was in this area until
8 the end of June. At the end of June to the present, we moved to Snow Canyon and then to Columbia
9 basin area. The specific areas that I worked during all of the time in Nevada is very remote locations
10 with only dirt roads. My housing in these areas is tipi tents and a cot and must be brought in by 4x4
11 trucks. There is no electricity. I work this rugged area by walking. This areas are uncultivated and
12 there are no permanent structures. This area does not include feedlots or corrals, and is not near El
13 Tejon's headquarters. There are no other herders with me in this location and my daily activities are
14 not monitored. My supervisor visits me about 3-4 times a week and he typically only stays about 2
15 hours. Thus, no one but me can testify as to my daily work activities or work time. Similarly, since I
16 am alone, I cannot testify as to the work time or work activities of other sheep herders working for El
17 Tejon, much less herders working for other employers.

18 9. To be specific, this breaks down to about 3 months in Nevada and 7 months in
19 California. Further, about 3 months of the California time is spent on rural oil field lands that were
20 uncultivated. The remaining time in California (only about 4 months) is spent on cultivated fields.

21 10. From my personal experience, I conclude that I worked in range land (e.g.,
22 uncultivated land, is located in a remote and isolated area, range housing is required, there are no
23 feedlots or corrals, and are not near El Tejon's headquarters) for significantly more than 1/2 of the
24 year. As I mentioned above, for almost the entire year each herder works alone and in different
25 geographic locations. This means that while I personally worked on range land, other herders were
26 not with me and my area of work is not the same as another sheep herder's area of work. Thus, while
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1 I worked on range land, this says nothing about other herders working for El Tejon and certainly my
2 work locations and time in each location cannot be equated to herders working for other employers.

3 11. In a very general sense, while in Nevada and the California oil fields, the sheep and I
4 have a pretty standard routine, as follows:

- 5 a. I get up about 4-4:30 and make breakfast. I start walking to the sheep around 5 am,
6 and it takes 15-45 minutes to walk to the sheep, depending on conditions and the
7 location of the sheep.
- 8 b. When I get to the sheep in the morning, I make a count of the number of sheep with
9 bells (I am supposed to have 9 sheep with bells at present). I then direct them to water
10 and food that I want them to use that day.
- 11 c. After the sheep feed and water they typically sleep. How long they sleep depends on
12 how hot it is, the hotter it is the longer they sleep. I typically start walking back to
13 camp around 10 am, this can be earlier or later depending on circumstances.
- 14 d. When I get back to camp I sleep, prepare my meal, engage in activities to distract
15 myself like write letters, play the guitar, wash my clothes, take care of personal
16 hygiene, etc.
- 17 e. I start walking back to the sheep around 2:30-3 pm and I stay with them about 1-3
18 hours, depending on circumstances.
- 19 f. The sheep bed down from just after sunset until just before sunrise. The sheep need
20 no attention from me during sleep periods or when they moving in the direction I sent
21 them, if they are moving appropriately. I use my discretion to decide this.

22 12. During the time the sheep are on cultivated fields, my day is shorter (days are shorter
23 in the winter), though we have more work to do in the shorter time period.

24 13. During my employment, I was paid the same wage rate for the time periods that I
25 worked in California that I was paid when I worked in Nevada. Specifically, from August 2015
26 through December 31, 2015, I was paid \$1,661.72 per month. Beginning on January 1, 2016, I was
27 paid twice a month at a rate of \$888.99 per pay period. In addition, part of my wage is room and
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1 board. This was explicitly agreed to as part of my compensation in my employment offer. I can also
2 slaughter a lamb to eat and I do this about once every 2 weeks. I am supplied with meals every day
3 and a place to stay. I have not been in America long enough to be able to estimate the value of my
4 food and lodging.

5 14. I estimate that I actually perform work an average of 7-8 hours per day, if that. In fact,
6 that may be an over estimate.

7 15. I was also given 2 weeks of paid vacation time each year by El Tejon. I have also
8 received surprise discretionary bonus of \$400 around the end of 2015.

9 16. As a result, I do not believe that I was paid below Nevada's minimum wage of
10 \$8.25/hour during any time period that I worked in Nevada.

11 I hereby declare under penalty of perjury under the laws of the United States and the State of
12 Nevada that the foregoing is true and correct to the best of my knowledge.

13 Date: This 19th day of July, 2016.

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17 GILMAR JHONNY MELO CASTILLO
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DECLARATION OF INTERPRETATION

Ruben Burnias, hereby deposes and says as follows:

1. I am over eighteen years of age and have personal knowledge of the matters set forth in this Declaration, except as to the matters stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify to the matters contained herein and if called as a witness, I could and would competently testify to the information that this Declaration contains.

2. This declaration is freely given by me and not as a result of coercion, threats or promises of any benefit to me or my family.

3. I hereby certify that I am currently working with Interpreting Enterprises and have previously worked as a State and Federal Court Interpreter for over 25 years. I have also served in my capacity of Spanish Court Interpreter in over 1800 depositions.


4. I am fluent in both English and Spanish languages and I am competent to translate from Spanish to English and English to Spanish.

5. I personally attended the witness interview of Elmer Alcides Cantaro Castillo ("Castillo") in Elko, Nevada, along with Anthony L. Hall, Esq. I have acted as an interpreter throughout the witness interview in order to ensure accuracy.

6. Following the witness interview, I certify that I read the Declaration of Castillo to him in a language that he understood (Spanish), and that he was given the opportunity to ask any questions and to make any changes or corrections that he felt were appropriate. I also certify that my translation of his declaration to him was true and correct. I certify that Castillo confirmed that he understood and agreed with his Declaration before signing it.

I hereby declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Date: This 19th day of July, 2016.



Ruben Burnias
Interpreting Enterprises

ETS000088