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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:14-cv-02887-JLK

RULE 30(b)(6) DEPOSITION OF:
MELODY JEAN FURST - Volume I
March 29, 2016
The GEO Group, Inc.

ALEJANDRO MENOCA, et al.,
Plaintiffs,
v.
THE GEO GROUP, INC.,
Defendant.

PURSUANT TO NOTICE, the Rule 30(b)(6) deposition of MELODY JEAN FURST, THE GEO GROUP, INC., was taken on behalf of the Plaintiffs at 600 Grant Street, Suite 450, Denver, Colorado 80203, on March 29, 2016, at 3:08 p.m., before Darcy Curtis, Registered Professional Reporter and Notary Public within Colorado.



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<p>1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO</p> <p>Civil Action No. 1:14-cv-02887-JLK</p> <hr/> <p style="text-align: center;">RULE 30(b)(6) DEPOSITION OF: MELODY JEAN FURST - Volume I March 29, 2016 The GEO Group, Inc.</p> <hr/> <p>ALEJANDRO MENOCA, et al., Plaintiffs, v. THE GEO GROUP, INC., Defendant.</p> <hr/> <p>PURSUANT TO NOTICE, the Rule 30(b)(6) deposition of MELODY JEAN FURST, THE GEO GROUP, INC., was taken on behalf of the Plaintiffs at 600 Grant Street, Suite 450, Denver, Colorado 80203, on March 29, 2016, at 3:08 p.m., before Darcy Curtis, Registered Professional Reporter and Notary Public within Colorado.</p>	<p>3</p> <p style="text-align: center;">I N D E X</p> <p>EXAMINATION OF MELODY JEAN FURST: PAGE March 29, 2016 - Volume I</p> <p>By Mr. Free 4</p> <p>DEPOSITION EXHIBITS: INITIAL REFERENCE</p> <p>Exhibit 10 The GEO Group, Inc., Batch Summary, 5/14/14 25</p> <p>Exhibit 11 E-mail to Hood from Felton, 3/9/16, Subject: Menocal - 30(b)(6), with various e-mails attached 25</p> <p>Exhibit 12 E-mail to Gentlemen from Felton, 1/12/16, with e-mail attached 28</p> <p>Exhibit 13 Detainee Grievance Form, Case No. 14-163, with attachment 39</p> <p>Exhibit 14 Detainee Grievance Form, Case No. 14-189, with attachment 40</p> <p>DEPOSITION EXHIBITS: (Previously Marked)</p> <p>Exhibit 1 Amended Notice of FRCP 30(b)(6) Deposition of Defendant The GEO Group, Inc. 10</p> <p>Exhibit 2 Defendant's Initial 26(a)(1) Disclosures, with attachments (CONFIDENTIAL) Letter to Sanchez from Choate, 12/10/12, with attachments 34</p> <p>Exhibit 9 (CONFIDENTIAL) Letter to Sanchez from Choate, 12/10/12, with attachments 40</p>
<p>2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>For the Plaintiffs:</p> <p>ANDREW FREE, ESQ. Law Office of R. Andrew Free 1212 7th Avenue North Nashville, Tennessee 37208</p> <p>ALEXANDER HOOD, ESQ. Towards Justice 1535 High Street Suite 300 Denver, Colorado 80218</p> <p>ANDREW H. TURNER, ESQ. Buescher, Kelman, Perera & Turner, P.C. 600 Grant Street Suite 450 Denver, Colorado 80203</p> <p>For the Defendant:</p> <p>SHELBY A. FELTON, ESQ. Vaughan & DeMuro 720 South Colorado Boulevard Penthouse, North Tower Denver, Colorado 80246</p>	<p>4</p> <p>1 WHEREUPON, the following proceedings 2 were taken pursuant to the Federal Rules of Civil 3 Procedure. 4 * * * * * 5 MELODY JEAN FURST, 6 having been first duly sworn to state the whole truth, 7 testified as follows: 8 (At this time Mr. Hood was not present.) 9 THE COURT REPORTER: This is Darcy 10 Curtis, the court reporter. It is March 29, 2016, at 11 3:07 p.m. We are on the record. I am with Hunter + 12 Geist, 1900 Grant Street, Suite 1025, Denver, Colorado 13 80203. Present in the room are counsel and the 14 deponent. Parties, please, state your appearances. 15 MR. FREE: Andrew Free for the 16 plaintiffs. 17 MR. TURNER: Andrew Turner for the 18 plaintiffs. 19 MS. FELTON: Shelby Felton for the 20 defendant. 21 EXAMINATION 22 BY MR. FREE: 23 Q. Good afternoon, Ms. Furst. 24 A. Hi. 25 Q. Can you state your full name for the</p>

5	<p>1 record, please.</p> <p>2 A. Melody Jean Furst.</p> <p>3 Q. What is your occupation?</p> <p>4 A. I am assistant business manager for The</p> <p>5 GEO Group.</p> <p>6 Q. Do you understand that you are here today</p> <p>7 to testify on behalf of The GEO Group about certain</p> <p>8 subjects?</p> <p>9 A. Yes.</p> <p>10 Q. Are you prepared to do so?</p> <p>11 A. Yes.</p> <p>12 (At this time Mr. Hood entered the room.)</p> <p>13 Q. If you would please open your binder to</p> <p>14 Tab 1. We're going to go to page 3. It's my</p> <p>15 understanding that you have been designated by The GEO</p> <p>16 Group to provide testimony today regarding 3 b, the</p> <p>17 number of participants in the voluntary work program</p> <p>18 and documents pertaining to that number. Is that your</p> <p>19 understanding?</p> <p>20 A. Correct. Yes.</p> <p>21 Q. Are you prepared to testify on that</p> <p>22 subject today?</p> <p>23 A. Yes.</p> <p>24 Q. It's also my understanding that you are</p> <p>25 prepared to provide testimony on 3 c?</p>	7	<p>1 of the road here and what we need to do in order to be</p> <p>2 efficient and effective with our time and also to make</p> <p>3 sure that your testimony is clear going forward.</p> <p>4 Okay.</p> <p>5 So as I said, I represent the plaintiffs</p> <p>6 in this case. I'm going to be asking you some</p> <p>7 questions. You are here to testify on behalf of GEO.</p> <p>8 You're going to be providing some responses. It's not</p> <p>9 an endurance contest. I know it's late in the</p> <p>10 afternoon. If you get tired or you need a restroom</p> <p>11 break or you need something to drink, please feel free</p> <p>12 to just tell me. Okay. With one exception, if there</p> <p>13 is a pending question that has not yet been answered,</p> <p>14 I would appreciate it if you could provide an answer</p> <p>15 before we take a break.</p> <p>16 A. Okay.</p> <p>17 Q. During those breaks, I would ask that you</p> <p>18 not consult with your counsel about anything other</p> <p>19 than whether you're going to assert a privilege not to</p> <p>20 provide a response. Okay. But anything about your</p> <p>21 testimony we would ask that you not discuss with your</p> <p>22 counsel, because you're under oath and it's just like</p> <p>23 testifying in open court. Okay?</p> <p>24 A. Okay.</p> <p>25 Q. If you don't understand a question that I</p>
6	<p>1 A. Yes.</p> <p>2 Q. And 3 d?</p> <p>3 A. Yes.</p> <p>4 Q. 3 e?</p> <p>5 MS. FELTON: With the exception of other</p> <p>6 GEO facilities.</p> <p>7 MR. FREE: Noted.</p> <p>8 Q. (BY MR. FREE) But with that exception,</p> <p>9 which has been lodged through an objection by counsel,</p> <p>10 you are prepared to provide testimony on topic 3 e</p> <p>11 today?</p> <p>12 A. Yes.</p> <p>13 Q. And 3 f?</p> <p>14 A. Yes.</p> <p>15 Q. 3 g?</p> <p>16 A. Yes.</p> <p>17 Q. Anything else that you understand you're</p> <p>18 going to be testifying about today?</p> <p>19 A. This is -- I mean, this is what I've been</p> <p>20 brought in for.</p> <p>21 Q. That's what I thought. Have you ever</p> <p>22 given a deposition before?</p> <p>23 A. Years and years and years ago.</p> <p>24 Q. Well, since it's been a while, I'm going</p> <p>25 to take a second and just walk you through the rules</p>	8	<p>1 ask, which happens from time to time, I'm going to</p> <p>2 trust that you will let me know before answering. Is</p> <p>3 that fair?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. If you need me to rephrase a</p> <p>6 question or if anything is unclear to you, feel free</p> <p>7 to speak up. I am happy to take another go at it.</p> <p>8 Fair?</p> <p>9 A. Fair.</p> <p>10 Q. Otherwise, if you do answer the question,</p> <p>11 I'm going to assume and future readers of your</p> <p>12 deposition are going to assume that you understood the</p> <p>13 question that I was asking. Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. Similarly, if you are confused in any way</p> <p>16 about terminology or any other part of a document that</p> <p>17 we're looking at, take all of the time you need to</p> <p>18 review that document and just let me know when you're</p> <p>19 ready. I will try to guide you toward what we're</p> <p>20 going to talk about so that you don't spend your time</p> <p>21 reading a bunch of paper that is not going to be</p> <p>22 relevant for my question. Okay?</p> <p>23 A. Okay.</p> <p>24 Q. But I do want you to feel free to ask for</p> <p>25 time to look at what we're going to look at. If you</p>

9	<p>1 get confused, if you get tired, let me know. If you</p> <p>2 don't understand a question, let me know. And then</p> <p>3 finally, let's make sure that we don't talk over each</p> <p>4 other. It's very important that I finish my question</p> <p>5 and I allow you to finish your answer so that we have</p> <p>6 a clear understanding of what was said here today.</p> <p>7 Does that make sense?</p> <p>8 A. Yes.</p> <p>9 Q. And to that end, if you're going to</p> <p>10 provide an answer, please provide an answer out loud</p> <p>11 and try and use yes or no as opposed to uh-huh or</p> <p>12 huh-uh, because it looks about the same when you type</p> <p>13 it. Fair?</p> <p>14 A. Fair.</p> <p>15 Q. Do you have any question about any of</p> <p>16 those instructions?</p> <p>17 A. No.</p> <p>18 Q. Great. So you testified long ago. Were</p> <p>19 you testifying as a GEO employee?</p> <p>20 A. No.</p> <p>21 Q. Without telling me anything that you</p> <p>22 discussed with your attorney, what, if anything, did</p> <p>23 you do to prepare for today's deposition?</p> <p>24 A. I just read over the questions or the</p> <p>25 statements here in the paperwork.</p>	11	<p>1 A. K-r-u-m-p-e-l-m-a-n-n.</p> <p>2 Q. Is that who you report to?</p> <p>3 A. Yes.</p> <p>4 Q. And where in the chain of command do you</p> <p>5 two fall? Who does Barbara report to?</p> <p>6 A. To the warden.</p> <p>7 Q. What do your duties entail?</p> <p>8 A. Accounts payable, detainee accounts, I</p> <p>9 oversee the detainee account clerk, billing, contracts</p> <p>10 as far as implementing the contract that we have.</p> <p>11 Q. Anything else?</p> <p>12 A. No.</p> <p>13 Q. What is your background professionally?</p> <p>14 A. I have a construction background. I've</p> <p>15 done accounting for over 30 years and so that's pretty</p> <p>16 much everything that I've ever done, has been</p> <p>17 accounting.</p> <p>18 Q. Do you have any certifications?</p> <p>19 A. No, sir.</p> <p>20 Q. Are you a CPA?</p> <p>21 A. No, sir.</p> <p>22 Q. Do you have any specialized training in</p> <p>23 accounting?</p> <p>24 A. No, sir.</p> <p>25 Q. Do you have any degree in accounting?</p>
10	<p>1 Q. You're pointing there to the documents in</p> <p>2 front of you --</p> <p>3 A. Page 3 and 4.</p> <p>4 Q. That was a good example, a good teaching</p> <p>5 moment. You're pointing there to the documents in</p> <p>6 front of you which has been previously marked in</p> <p>7 Ms. Ceja's deposition as Exhibit 1.</p> <p>8 MR. FREE: We're just going to keep that</p> <p>9 numbering going --</p> <p>10 MS. FELTON: Yes, we are.</p> <p>11 MR. FREE: -- using a common exhibit.</p> <p>12 MS. FELTON: Yes.</p> <p>13 Q. (BY MR. FREE) So you're pointing to</p> <p>14 pages 3 and 4 of Exhibit 1. Okay. So aside from</p> <p>15 reading over that, did you look at any other</p> <p>16 documents?</p> <p>17 A. No.</p> <p>18 Q. Okay. How long have you been the</p> <p>19 assistant business manager at the Aurora facility?</p> <p>20 A. Since May of 2003.</p> <p>21 Q. Okay. A long time?</p> <p>22 A. Correct.</p> <p>23 Q. Who is the business manager?</p> <p>24 A. Barbara Krumpelmann.</p> <p>25 Q. Do you want to spell that?</p>	12	<p>1 A. No, sir.</p> <p>2 Q. What is your educational background?</p> <p>3 A. High school, some college, and work</p> <p>4 experience.</p> <p>5 Q. Okay. How many detainees work in the</p> <p>6 voluntary work program per year?</p> <p>7 A. I can't respond to per year. It's 80 --</p> <p>8 we can have up to 80 per day.</p> <p>9 Q. Why can't you respond to per year?</p> <p>10 A. Because the turnover is rapid.</p> <p>11 Q. Is GEO aware of every person who</p> <p>12 participates in the voluntary work program?</p> <p>13 A. Yes.</p> <p>14 Q. Does GEO have the name of each person?</p> <p>15 A. Yes.</p> <p>16 Q. Is that in a computer system?</p> <p>17 A. Yes.</p> <p>18 Q. Why are you unable to look in that</p> <p>19 computer system and tell me how many names there are?</p> <p>20 A. Because it varies.</p> <p>21 Q. What about for the period of three years</p> <p>22 prior to the filing of this litigation and now? Do</p> <p>23 you have any estimate of how many detainees have</p> <p>24 worked in the voluntary work program?</p> <p>25 A. No, I don't.</p>

13

1 **Q. You said it's up to 80 people per day?**
 2 A. Correct.
 3 **Q. And because of turnover, you're not able**
 4 **to determine the number in total; is that your**
 5 **testimony?**
 6 A. Yes.
 7 **Q. Would you say in the three years prior to**
 8 **the filing of this litigation, which happened almost**
 9 **two years ago now, up until now, it's at least several**
 10 **hundred people who have participated in the voluntary**
 11 **work program?**
 12 A. I would say yes.
 13 **Q. Would you say that that number exceeds**
 14 **1,000, more or less?**
 15 A. No.
 16 **Q. Okay. So you think it's somewhere**
 17 **between several hundred people and 1,000 who have**
 18 **participated in the voluntary work program between**
 19 **three years before the plaintiffs filed their**
 20 **complaint and the present; is that right?**
 21 A. I would say yes.
 22 **Q. Okay. That number is knowable, though,**
 23 **correct?**
 24 A. I can probably pull it up via our
 25 software program.

14

1 **Q. What software program is that?**
 2 A. We have -- it's Keefe Commissary, which
 3 is our banking software.
 4 **Q. And, for instance, could you search for**
 5 **the names of people who participated in the program**
 6 **within a certain period?**
 7 A. Yes.
 8 **Q. And then you could maybe put those names**
 9 **in a spreadsheet?**
 10 A. Yes.
 11 **Q. And then you could look at the rows on**
 12 **the spreadsheet and figure out how many names there**
 13 **are?**
 14 A. Correct.
 15 **Q. But despite being asked to testify today**
 16 **about the number of participants in the voluntary work**
 17 **program, you haven't done that?**
 18 MS. FELTON: Object to form. I'm the one
 19 that designated her. We don't have to create any
 20 documents. We don't have to take documents from a
 21 software program, put them into a spreadsheet, and
 22 count them. There is no document that we can hand to
 23 you that has the name of every participant. We gave
 24 you the documents that do exist, but you have not
 25 included in your deposition notebook, that lists all

15

1 of the names of all of the people that have
 2 participated in the voluntary work program. I think I
 3 designated that back to October of 2012.
 4 MR. FREE: What is your objection?
 5 MS. FELTON: You're telling her that she
 6 did not come prepared for the deposition and she did
 7 come prepared for the deposition.
 8 MR. FREE: I'm just asking her. So what
 9 is the legal objection?
 10 MS. FELTON: Form.
 11 MR. FREE: I would appreciate it,
 12 Counsel, if you not engage in further speaking
 13 objections.
 14 **Q. (BY MR. FREE) Were you asked to**
 15 **investigate the number of people who had participated**
 16 **in the voluntary work program in preparing for this**
 17 **deposition?**
 18 A. No.
 19 **Q. That's not information that you had in**
 20 **your personal knowledge, correct?**
 21 A. Correct.
 22 **Q. Okay. How much has GEO paid, dating back**
 23 **to October of 2012, to detainees participating in the**
 24 **voluntary work program?**
 25 A. I would have no idea off the top of my

16

1 head.
 2 **Q. Well, this shouldn't be coming off the**
 3 **top of your head, because you've been designated to**
 4 **testify, again, at Exhibit 1 about the total**
 5 **compensation paid to voluntary work program**
 6 **participants at the Aurora Detention Facility. I**
 7 **understand your counsel has objected to amounts paid**
 8 **to other facilities. You came here and you told me**
 9 **you were prepared to testify about that and you just**
 10 **told me you have no idea off the top of your head.**
 11 **What steps did you take to become knowledgeable on**
 12 **behalf of The GEO Group about the total compensation**
 13 **paid to voluntary work program participants?**
 14 MS. FELTON: I'm going to object, because
 15 I specifically designated her in my e-mail to you that
 16 she would need to testify based on the reimbursement
 17 documents provided to you on February 26 regarding the
 18 pay that was paid to them.
 19 MR. FREE: Does she have those documents?
 20 MS. FELTON: I gave them to you on
 21 February 26. It was not designated as a subpoena
 22 duces tecum.
 23 MR. FREE: But she's not here with those
 24 documents.
 25 MS. FELTON: She doesn't have to be.

17	<p>1 There was no designation or request for a production 2 of documents in the 30(b)(6) notice.</p> <p>3 MR. FREE: What's your legal objection? 4 MS. FELTON: You're stating improperly 5 what she was designated to testify for.</p> <p>6 MR. FREE: Was she designated to testify 7 under 3 e, total compensation paid to VWP participants 8 at the Aurora Detention Facility?</p> <p>9 MS. FELTON: Yes. And I told you in 10 order to do that, she would need the voluntary work 11 program reimbursement documents that I gave to you.</p> <p>12 MR. FREE: Why doesn't she have them? 13 MS. FELTON: Because it's not a 14 production request in the 30(b)(6), and I've already 15 given you the documents. You already have them, and 16 they're already Bates labeled.</p> <p>17 MR. FREE: That's fine. Why has she 18 never seen them before? 19 MS. FELTON: She has seen them before. 20 She's the one that gave them to me.</p> <p>21 MR. FREE: You're now testifying for her. 22 That's fine.</p> <p>23 MS. FELTON: You're talking to me. 24 MR. FREE: That's because you're engaging 25 in another speaking objection. I asked you not to do</p>	19	<p>1 to happen? 2 MS. FELTON: Yes.</p> <p>3 MR. FREE: Right here, we're going to do 4 that during the deposition. Does she need a 5 calculator? 6 MS. FELTON: Sure.</p> <p>7 MR. FREE: So that I understand, your 8 February 26 e-mail has informed the plaintiffs that 9 from the documents you provided we will be able to 10 glean the total amount paid? 11 MS. FELTON: Both to the participants 12 themselves and reimbursements received from ICE.</p> <p>13 MR. FREE: Okay. And do you think we 14 would be able to stipulate about that amount just by 15 going through and adding up the math? 16 MS. FELTON: Yes.</p> <p>17 MR. FREE: All right. 18 MS. FELTON: Which is also what I said in 19 my supplemental discovery responses. If you would 20 like to go through an example with her, you have it in 21 Tab 11.</p> <p>22 MR. FREE: I don't know why, in the three 23 months since we've started the process of noticing up 24 these depositions, The GEO Group has not been able to 25 just come up with a number, notwithstanding the fact</p>
18	<p>1 that. I'm asking you -- she told me she has no 2 idea -- off the top of her head she has no idea how 3 much the compensation was paid. Okay. We came here 4 without a subpoena duces tecum expecting oral 5 testimony on the total compensation paid from GEO.</p> <p>6 Now, if it is your position as the 7 company that we are able to glean that from the 8 documents you provided, fine. But if it is your 9 position she needs to rely upon those documents, then 10 it's your position to make sure she has those 11 documents ready to go. It's your duty to make sure 12 those documents are ready to go.</p> <p>13 MS. FELTON: I did. I gave them to you 14 on February 26 and I told you that in my e-mail to 15 you. So you could have responded to my e-mail and 16 said bring the documents with you. I told you in my 17 e-mail she would need the documents.</p> <p>18 MR. FREE: So you knew she would need the 19 documents. 20 MS. FELTON: And I told you that, so you 21 could have responded and told me to bring them with 22 me.</p> <p>23 MR. FREE: Okay. So what's going to 24 happen if we print the documents? She's going to go 25 through and do the math herself; is that what's going</p>	20	<p>1 there are documents and that's my concern. I would 2 like to avoid a situation which we look at the same 3 documents and you say it's one number and I say it's 4 another number. I think we can get that resolved, I 5 really do, if you do. But I was hoping what we could 6 do is have a person who is knowledgeable on behalf of 7 the company to come here and say the number. It's 8 okay. We can work through it.</p> <p>9 So the plaintiffs are going to object to 10 the record based on the failure of GEO to provide a 11 person who is knowledgeable on the noticed topic of 12 the total compensation to be paid. We understand your 13 position, that you wanted us to bring the records you 14 supplied to us so that your witness could look at 15 those records and come up with the number during the 16 deposition. Do you feel like that's a fair 17 representation of where we just got? 18 MS. FELTON: Yes. That if you had -- 19 that she could take what is in Tab 11 -- and I've 20 given you every month -- that she could take from 21 every month and verify that she created all of those 22 documents and that each one of those packets tells you 23 the number of people paid and how much they were paid.</p> <p>24 MR. FREE: Great. Let's go off the 25 record for just a moment, please, so I can confer with</p>

21	<p>1 cocounsel.</p> <p>2 (Recess taken, 3:29 p.m. to 3:40 p.m.)</p> <p>3 Q. (BY MR. FREE) Ms. Furst, at the</p> <p>4 suggestion of your counsel, what we're going to do is</p> <p>5 mark as an electronic exhibit the documents that your</p> <p>6 counsel has provided to the plaintiffs beginning with</p> <p>7 GEO_MEN 00001514 and continuing to GEO_MEN 00004559.</p> <p>8 What we're going to ask you to do, so we can identify</p> <p>9 the number of participants in the voluntary work</p> <p>10 program at the Aurora facility pursuant to your</p> <p>11 counsel's instruction and Section 3 b of the 30(b)(6)</p> <p>12 deposition notice previously marked as Exhibit 1, is</p> <p>13 we're going to ask you to start at page 1514 that's</p> <p>14 going to be projected up here on the screen and tell</p> <p>15 us what this document is, who created it, what its</p> <p>16 purpose is, and then I'll ask you some questions.</p> <p>17 Okay. So let's begin. What is this document? And</p> <p>18 can you see?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Does it help if I turn the light</p> <p>21 off?</p> <p>22 A. No. It's fine.</p> <p>23 Q. All right.</p> <p>24 A. That is a batch for detainee pay for --</p> <p>25 what is it -- 1/13 of '14.</p>	23	<p>1 there may be somebody from the day before that payroll</p> <p>2 may not have been turned in in a timely manner.</p> <p>3 Q. But based on this, there were 70 people</p> <p>4 in the voluntary work program on that day?</p> <p>5 A. Yes.</p> <p>6 Q. Now, looking at Bates No. 1516, we</p> <p>7 have -- and 1517 --</p> <p>8 MR. FREE: Scroll down, please.</p> <p>9 Q. (BY MR. FREE) -- it reflects 56 people</p> <p>10 received deposits on May 14, 2014, in this batch; is</p> <p>11 that right?</p> <p>12 A. Correct.</p> <p>13 Q. So these batches were run at the same</p> <p>14 time, or were they run at different times?</p> <p>15 A. They're run daily.</p> <p>16 Q. So 1514 to 1515 says May 14, 2014, at</p> <p>17 10:28. And then 1515 to 15 -- excuse me. 1516 to</p> <p>18 1517 says May 15 of 2014 at 11:51. Do you see that?</p> <p>19 You can follow along on your counsel's computer.</p> <p>20 A. They're run daily.</p> <p>21 Q. Okay. So compare these two lists and see</p> <p>22 if there is anyone on the previous list who is not on</p> <p>23 the -- anyone on Wednesday's list who is not on</p> <p>24 Thursday's list. We're going to note for the record</p> <p>25 that you're going to look off of your counsel's</p>
22	<p>1 Q. For when now?</p> <p>2 A. Those are the people that worked on,</p> <p>3 whatever date that is, 1/13 -- or 5/13.</p> <p>4 MR. FREE: Can we project this a little</p> <p>5 closer to the witness, please, so she can see. I'm</p> <p>6 going to move out of the way so she can see, and I'll</p> <p>7 speak up for the court reporter.</p> <p>8 Q. (BY MR. FREE) So right now we are</p> <p>9 looking at Bates No. 1514. Look at the bottom</p> <p>10 right-hand side of the screen. If you look on the</p> <p>11 second page, 1515, it reflects 70 people --</p> <p>12 MR. FREE: Can you go back to it again?</p> <p>13 Thanks.</p> <p>14 Q. (BY MR. FREE) All right. So beginning</p> <p>15 at 1514 -- are you able to see that projected on the</p> <p>16 wall, Ms. Furst?</p> <p>17 A. Yes.</p> <p>18 Q. -- going down to 1515, can you see the</p> <p>19 number of people who received deposits on May 14,</p> <p>20 2014?</p> <p>21 A. It looks like 70.</p> <p>22 Q. Okay. Does that indicate to you that 70</p> <p>23 unique individuals received deposits for the voluntary</p> <p>24 work program on that day?</p> <p>25 A. It would. There's a possibility that</p>	24	<p>1 computer so that she can scroll up and down for you.</p> <p>2 MS. FELTON: Well, yes, and we can't see.</p> <p>3 We can't see it.</p> <p>4 MR. FREE: Ms. Furst, what we're going to</p> <p>5 do is we're going to take that question off the table.</p> <p>6 We're going to ask that you take a moment and review</p> <p>7 1517 through 4559 and count the number of people who</p> <p>8 participated in the voluntary work program according</p> <p>9 to this document, please. We'll go off the record</p> <p>10 while she's doing that. At what time?</p> <p>11 THE COURT REPORTER: 3:49.</p> <p>12 (Recess taken, 3:49 p.m. to 4:10 p.m.)</p> <p>13 MS. FELTON: We will stipulate that the</p> <p>14 documents speak for themselves and state how many</p> <p>15 participants there were in the voluntary work program.</p> <p>16 We will not stipulate to a number just because</p> <p>17 there's -- we can't even estimate. We don't know if</p> <p>18 200 is a good number. We don't know if a hundred,</p> <p>19 300, a thousand, and I'm just not comfortable</p> <p>20 stipulating to any specific number. And we think that</p> <p>21 we've given -- we think we've met our 30(b)(6)</p> <p>22 obligation, because we've provided the documents in</p> <p>23 our supplemental discovery responses, and so you have</p> <p>24 the same information that we have. And the manner in</p> <p>25 which to come to that answer is as equally in your</p>

25	<p>1 hands as it is in mine, and I don't think we have the 2 obligation to do the calculation for you. So we can 3 agree to disagree and just take it up with the court 4 on a motion to compel. But we're not going to -- you 5 asked us to count for each day for the last three 6 years how many participants there were, and we don't 7 think that that's a proper 30(b)(6) question. But, 8 again, we can agree to disagree and bring it up on a 9 motion to compel.</p> <p>10 MR. FREE: Okay. Thank you, Counsel. 11 We're going to enter as Exhibit 10 -- excuse me -- 12 Exhibit 11, because 10 was the electronic exhibit. Go 13 print that out. We'll do just the first page. 14 (Deposition Exhibit 11 was marked.) 15 MS. FELTON: So 10, we're going to just 16 put the -- 17 MR. FREE: The first page. 18 MS. FELTON: That will be 10 and this 19 will be 11. Now, the tabs -- 20 MR. FREE: They're not going to be 21 sequential. 22 MS. FELTON: I didn't know if the tabs 23 had some meaning. 24 MR. FREE: No, they don't. They're just 25 separators.</p>	27	<p>1 prevented the plaintiffs from obtaining necessary 2 admissions that will be used in their motion for class 3 certification, which was the purpose of this 4 deposition. The deposition notice could not be 5 clearer that one of the topics for deposition would be 6 the number of participants in the voluntary work 7 program and the total amount paid. No objection was 8 made to these.</p> <p>9 MS. FELTON: Actually, there were lots of 10 objections. 11 MR. FREE: To these subjects, to these 12 particular subjects. 13 MS. FELTON: If you go back to my 14 original. 15 MR. FREE: Of what date? Because you 16 told me there was a February 26 e-mail. There's no 17 26th e-mail regarding objections. There's just the 18 production. We've put the March 9 e-mail in. That's 19 the most recent designation. In that designation, you 20 say you can go back to the January e-mail in which you 21 raised a bunch of objections. For good measure . . . 22 MS. FELTON: So there's the March 9 23 e-mail that contained objections. 24 MR. FREE: To these particular subjects? 25 MS. FELTON: To every subsection that I</p>
26	<p>1 MS. FELTON: Because when you're telling 2 me to put this in a tab, I didn't know if -- 3 MR. FREE: No, they're just separators. 4 We'll go by the exhibits. 5 MS. FELTON: All right. 6 MR. FREE: The plaintiffs are going to 7 enter as Exhibit 11 the March 9, 2016, e-mail from 8 counsel for GEO which says, "Ms. Furst" -- this is on 9 page 2. "Ms. Furst is designated to testify, based on 10 the reimbursement documents provided on February 26, 11 2014, regarding: The pay and number of participants 12 in the voluntary work program, VWP; the existence and 13 location of any documents containing this information 14 or containing information relevant to determining that 15 number; and total compensation paid to VWP 16 participants at Aurora." There is no objection to 17 these topics in this e-mail that I can find. And the 18 e-mail that you referenced from February 26, I 19 believe, is simply an e-mail from you providing us 20 discovery responses that were supplemental to your 21 disclosures or discovery responses from September of 22 2015. This is 10. 23 (Deposition Exhibit 10 was marked.) 24 MR. FREE: It's the plaintiffs' position 25 that GEO's failure to prepare its 30(b)(6) witness has</p>	28	<p>1 had an objection to. 2 MR. FREE: Did you move for a protective 3 order? 4 MS. FELTON: No. 5 MR. FREE: Because you referenced it, 6 we'll enter the January 9 e-mail. 7 MS. FELTON: March. 8 MR. FREE: No. We've already entered the 9 January 9 e-mail -- the March 9 e-mail. Excuse me. I 10 meant the January 12 e-mail that you sent with the 11 objections to the previous notice, we'll enter that as 12 Exhibit 12. 13 (Deposition Exhibit 12 was marked.) 14 MR. FREE: That is actually already there 15 at Tab 6. It's at page 2. That's your January 12 16 e-mail. 17 MS. FELTON: This is exhibit what? 18 MR. FREE: 12. 19 MS. FELTON: What happened to March 9? 20 MR. FREE: It's Exhibit 11 and it's at 21 Tab No. -- put that at Tab 6. Thank you. 22 MS. FELTON: Oh, okay. 23 MR. FREE: You see, it's already in 24 there. 25 MS. FELTON: Okay. I thought you were</p>

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1 entering -- so you're not entering -- I thought you
 2 were entering the . . .
 3 MR. FREE: The March 9 e-mail was 11; the
 4 January 12 e-mail that you referenced a moment ago is
 5 12.
 6 MS. FELTON: But not the one where I
 7 specifically . . .
 8 MR. FREE: If there's additional
 9 correspondence that you think is necessary to this,
 10 then we can attach it to our motions papers.
 11 MS. FELTON: Yes.
 12 MR. FREE: We're going to continue with
 13 this deposition.
 14 MS. FELTON: Yes. It doesn't matter. It
 15 doesn't have to be listed as an exhibit here. I can
 16 just attach it to the motions practice.
 17 MR. FREE: Great.
 18 MS. FELTON: That's fine.
 19 **Q. (BY MR. FREE) All right. Ms. Furst,**
 20 **thank you very much for bearing with us.**
 21 A. Not a problem.
 22 **Q. You still have your deposition notebook**
 23 **in front of you; is that right?**
 24 A. Correct.
 25 **Q. Great. Is there any reason that you are**

30

1 **not going to be able to testify regarding the rest of**
 2 **the subjects that we've noticed? Putting aside the**
 3 **total pay and the total number of detainees, is there**
 4 **anything else you're not going to be able to testify**
 5 **about today that you've been designated for?**
 6 A. I don't believe so.
 7 **Q. Okay. So you're prepared on behalf of**
 8 **GEO to provide the rest of that testimony; is that**
 9 **right?**
 10 A. Yes.
 11 **Q. Okay. So 3 c is the quantity, scope, and**
 12 **type of work performed in the voluntary work program.**
 13 MS. FELTON: Can we go off the record one
 14 second?
 15 MR. FREE: Sure.
 16 (Discussion off the record.)
 17 MR. FREE: We are back on the record at
 18 4:22. After a brief off-the-record discussion, we
 19 have determined that Ms. Furst has been designated to
 20 testify regarding topics 3 b, the number of
 21 participants in the Visa Waiver Program -- excuse
 22 me -- the voluntary work program; c, the quantity,
 23 scope, and type of work performed in the VWP; d, the
 24 value of the work; f, detainees use of funds obtained
 25 through participation; g, policies and practices

31

1 relating to products sold by GEO or contractors to the
 2 detainees, and everything else included in that. Do
 3 we agree on that?
 4 MS. FELTON: Yes. But let me clarify one
 5 clarification. In terms of the value of the work
 6 performed, now, you asked Ms. Ceja based on the wage
 7 determination. Now, that was not a document that I
 8 would have anticipated. I don't know that Ms. Furst
 9 is familiar with the wage determination.
 10 THE DEPONENT: No.
 11 MS. FELTON: Okay. So if that's the way
 12 you're valuing the work, then she can't speak to the
 13 wage determination.
 14 MR. FREE: Okay. Let's start with that
 15 then.
 16 **Q. (BY MR. FREE) So this is topic 3 d, the**
 17 **value of the work performed by the VWP participants**
 18 **and the existence and location of documents containing**
 19 **information relevant to that value. You're prepared**
 20 **to testify about that today subject to what your**
 21 **counsel just said?**
 22 MS. FELTON: She's not understanding,
 23 because there are no documents and there is no
 24 valuation. So that's why she's -- answer to the best
 25 that you can.

32

1 A. I can't respond to it.
 2 **Q. (BY MR. FREE) Okay. Why not?**
 3 A. Because I don't understand exactly what
 4 it is that you're wanting.
 5 **Q. Okay. Which part is confusing you with**
 6 **regard to the value of the work?**
 7 A. Value of the work, I can't respond,
 8 because I don't know what they consider -- you know,
 9 what you consider to be value of the work. It's -- I
 10 don't know.
 11 **Q. All right. If you had to go out and**
 12 **contract on the free market for the labor that**
 13 **voluntary work program detainees perform, do you have**
 14 **any idea how much that would cost?**
 15 A. No, sir, I do not.
 16 **Q. You don't know how much GEO pays those**
 17 **detainees under the dollar-a-day program; is that**
 18 **right?**
 19 MS. FELTON: Object to form.
 20 **Q. (BY MR. FREE) You don't know how much**
 21 **they pay them per year; you don't know how much GEO**
 22 **has shelled out during this period from October 2012**
 23 **to the present pursuant to the voluntary work program?**
 24 **I think that's what you told me earlier. You don't**
 25 **know the total amount, right?**

33

1 A. I do not.

2 **Q. So not only do we not have a benchmark of**

3 **what you're paying the detainees for the work they're**

4 **doing, we also don't know -- we don't know what that**

5 **labor would cost if you had to go and purchase it off**

6 **the free market; is that right?**

7 A. Correct.

8 **Q. These detainees, they don't have a**

9 **contract with the government to perform this work; is**

10 **that right?**

11 A. Correct.

12 **Q. They don't have a contract with GEO to**

13 **perform this work?**

14 A. No.

15 **Q. They're not subject to the Service**

16 **Contract Act and the wage determinations within that**

17 **that's attached to the GEO contract, right?**

18 A. I would say no.

19 **Q. So in other words, what your counsel was**

20 **talking about earlier is the wage determination that's**

21 **attached to the GEO contract that makes sure that GEO**

22 **employees are being paid the wages under the Service**

23 **Contract Act; GEO doesn't apply that to the detainees**

24 **because they don't have a contract to do work with**

25 **GEO, right?**

34

1 A. Correct.

2 **Q. Now, is it your understanding on behalf**

3 **of The GEO Group that the voluntary work program is**

4 **applied equally to every single participant and**

5 **there's no variation participant by participant with**

6 **regard to how much they're paid?**

7 A. It's a set dollar amount.

8 **Q. That dollar amount is set according to**

9 **documents that GEO has received from the government**

10 **and then provided to the detainees; is that right?**

11 A. It's part of our contract.

12 **Q. Now, if you would, please, turn to Tab 7.**

13 **And if you would look at -- this has previously been**

14 **marked as Exhibit 2 to the Ceja deposition and we'll**

15 **just continue using it. If you would look at page 2,**

16 **it says, "GEO_MEN." When you say it's part of our**

17 **contract, do you see item No. 0004?**

18 A. Yes.

19 **Q. It says, "Stipend for detainee work**

20 **program"?**

21 A. Yes.

22 **Q. And this is what you're talking about?**

23 A. Yes.

24 **Q. It reads, "Reimbursement for this line**

25 **item will be at actual cost of \$1.00 per day per**

35

1 **detainee"?**

2 A. Yes.

3 **Q. Who is being reimbursed?**

4 A. We are reimbursed by ICE. We pay, they

5 reimburse.

6 **Q. Okay. You pay the detainees, ICE**

7 **reimburses you?**

8 A. Correct.

9 **Q. Do you happen to know what's underneath**

10 **this redaction to the right of this, this quantity?**

11 A. \$1.

12 **Q. Okay. And so it says, "The contractor**

13 **shall not exceed the quantity shown without prior**

14 **approval by the contracting officer." Do you see**

15 **that?**

16 A. Yes.

17 **Q. And underneath that there's some**

18 **redaction. Do you know what that says underneath**

19 **there?**

20 A. No.

21 **Q. We don't either. This is the**

22 **reimbursement that ICE pays GEO, correct?**

23 A. Yes.

24 **Q. Okay. If you would turn to page 15, do**

25 **you see No. 10 there, "The DHS/ICE PBNDS**

36

1 **(Performance-Based National Detention Standards)"?**

2 A. Yes, sir.

3 **Q. Go back one page. Do you agree on behalf**

4 **of GEO that the Performance-Based National Detention**

5 **Standards are listed as a constraint comprising the**

6 **statutory, regulatory, policy and operational**

7 **considerations that will affect the contractor?**

8 A. I have no idea what you just said.

9 **Q. I'm simply reading the contract and**

10 **asking you, as a representative of GEO, are you bound**

11 **by, among other things, the PBNDS listed at No. 10**

12 **pursuant to this contract?**

13 A. Yes.

14 **Q. Okay. If you'll turn your attention to**

15 **No. 46 within Tab 7, Exhibit 2, this has previously**

16 **been identified as the Performance-Based National**

17 **Detention Standard on the voluntary work program.**

18 **Have you ever seen that before?**

19 A. No, sir, I have not.

20 **Q. Okay. So if you turn to the next page --**

21 **actually, page 49 and you look at K at the bottom**

22 **left, it says, "Compensation." Do you see that?**

23 A. Yes.

24 **Q. At the top continuing in paragraph K, it**

25 **says, "The compensation is at least \$1.00 per day."**

37

1 **Is that right?**
 2 A. Yes.
 3 **Q. This is part of the Performance-Based**
 4 **National Detention Standards by which GEO is bound**
 5 **under the contract, right?**
 6 A. Yes.
 7 **Q. If you would then move on to page 53, do**
 8 **you see at the top right-hand corner a part of a**
 9 **document that says, "Detainee Work Program**
 10 **(Voluntary)?"**
 11 A. Yes.
 12 **Q. As far as you know, is this the policy**
 13 **that is applied uniformly at the Aurora facility?**
 14 A. Yes, sir.
 15 **Q. Okay. Please turn to page 60. Have you**
 16 **ever seen this document?**
 17 A. No, sir, I have not.
 18 **Q. Does it look like a job description for a**
 19 **dormitory sanitation worker?**
 20 A. Yes, sir.
 21 **Q. And does that include -- or is the**
 22 **dormitory sanitation worker among one of the jobs that**
 23 **a detainee could perform under the voluntary work**
 24 **program?**
 25 A. Yes, sir.

38

1 **Q. And uniformly you would compensate that**
 2 **person \$1 per day for performing this work, correct?**
 3 A. Yes, sir.
 4 **Q. Okay. And similarly, if we go to page**
 5 **70, you would uniformly pay the laundry sanitation**
 6 **worker \$1 a day?**
 7 A. Yes, sir.
 8 **Q. And similarly, if we go to page 80, you**
 9 **would uniformly pay the facility cleanup worker a**
 10 **dollar a day?**
 11 A. Yes, sir.
 12 **Q. If we go to page 105, you would uniformly**
 13 **pay the library sanitation worker a dollar a day; is**
 14 **that right?**
 15 A. Yes, sir.
 16 **Q. Similarly at 120, the medical sanitation**
 17 **worker, that person gets a dollar a day too, don't**
 18 **they?**
 19 A. Yes, sir.
 20 **Q. Every person who works for the voluntary**
 21 **work program gets a dollar a day, correct?**
 22 A. Yes.
 23 **Q. And it is the case, isn't it, that it is**
 24 **GEO's policy that they cannot receive more; is that**
 25 **right?**

39

1 A. Yes.
 2 **Q. Have you ever responded to a complaint or**
 3 **grievance from a detainee who was participating in the**
 4 **voluntary work program about the amount that they're**
 5 **being paid?**
 6 A. I don't believe I have.
 7 **Q. Okay. I would like to turn your**
 8 **attention for a moment to Tab 12. We will mark the**
 9 **three pages at Tab 12 as Exhibit 13 using a continuous**
 10 **number system.**
 11 **(Deposition Exhibit 13 was marked.)**
 12 **Q. Take a look at those three pages. Excuse**
 13 **me. It's only two pages. Sorry. The handwritten**
 14 **statement of the grievance is a bit illegible, but I**
 15 **would like you to read the second page, please.**
 16 A. "In response to your grievance dated
 17 7/23, the finding is: The pricing is approved by ICE.
 18 GEO does not set the pricing. ICE tells us what the
 19 daily pay is for trustees. I hope this addresses your
 20 concerns."
 21 **Q. Who is that from?**
 22 A. That is from me.
 23 **Q. And is that your signature?**
 24 A. Yes, sir.
 25 **Q. If you could turn to Tab 13, we will**

40

1 **enter these two pages as 14.**
 2 **(Deposition Exhibit 14 was marked.)**
 3 **Q. This will be Exhibit 14 to your**
 4 **deposition. On the second page, do you see a response**
 5 **from you saying, "ICE tells us what the daily pay is**
 6 **for trustees"? Is that right?**
 7 A. Yes, sir.
 8 **Q. "GEO does not set the pricing. The**
 9 **pricing is approved by ICE." Is that right?**
 10 A. Correct.
 11 **Q. If you could, let's look at Tab 11. This**
 12 **has previously been marked as Exhibit 9 to Ms. Ceja's**
 13 **deposition. Do you recognize the document at Tab 11?**
 14 A. Yes, sir.
 15 **Q. What is it?**
 16 A. It's a monthly billing for the month of
 17 November.
 18 **Q. And this indicates that 1,680 hours of**
 19 **work were performed in the voluntary work program**
 20 **during November 2012, right?**
 21 MS. FELTON: Object to form.
 22 **Q. (BY MR. FREE) You can answer the**
 23 **question.**
 24 A. It's 1680 people.
 25 **Q. People.**

41	<p>1 A. Not hours.</p> <p>2 Q. Not hours. That would be --</p> <p>3 A. That would be a lot.</p> <p>4 Q. -- somewhere close to a dollar an hour,</p> <p>5 which is still too low, but we're talking a dollar a</p> <p>6 day. So this is 1680 shifts?</p> <p>7 A. Yes.</p> <p>8 Q. In the month of November 2012, right?</p> <p>9 A. \$1680 were paid to workers.</p> <p>10 Q. For eight-hour shifts --</p> <p>11 MS. FELTON: Object to form.</p> <p>12 Q. (BY MR. FREE) -- is that right?</p> <p>13 A. No.</p> <p>14 Q. No.</p> <p>15 A. It could be three hours.</p> <p>16 Q. Okay. I think we've already testified</p> <p>17 that you can -- you've already told me that if we flip</p> <p>18 over to page 1612, you can tell how many detainees</p> <p>19 worked each day using a document like this; is that</p> <p>20 right?</p> <p>21 A. Correct.</p> <p>22 Q. For November 1, that's 60 unique</p> <p>23 participants; is that right?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And based on that, GEO produced the</p>	43	<p>1 paycheck?</p> <p>2 A. Absolutely not.</p> <p>3 Q. GEO is paying those detainees?</p> <p>4 A. Yes.</p> <p>5 Q. On basically an immediate basis?</p> <p>6 A. Daily.</p> <p>7 Q. Daily. Okay. The dollar-a-day rate is</p> <p>8 set forward in GEO policy as well, correct?</p> <p>9 A. I believe so.</p> <p>10 MR. FREE: Let's go off the record.</p> <p>11 (Recess taken, 4:41 p.m. to 4:43 p.m.)</p> <p>12 MR. FREE: Let's go back on the record.</p> <p>13 Q. (BY MR. FREE) If you could, please, turn</p> <p>14 to Tab 9. I would like you to look at the page marked</p> <p>15 as 1400. Do you recognize this document?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What is it?</p> <p>18 A. It's our policy and procedure.</p> <p>19 Q. On what?</p> <p>20 A. The work program.</p> <p>21 Q. By "the work program," you mean the</p> <p>22 detainee voluntary work program?</p> <p>23 A. Yes, sir.</p> <p>24 Q. This is uniformly applied to all</p> <p>25 detainees who participate?</p>
42	<p>1 document at 1613, the batch summary of payroll for all</p> <p>2 60 participants, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. There are 60 lines because there were 60</p> <p>5 participants, right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. No participant is allowed to work more</p> <p>8 than one shift per day; is that right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. This is the consolidated payroll for</p> <p>11 kitchen, laundry, A pod, B pod, evening kitchen,</p> <p>12 D pod; is that right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. This is created in every payment to a</p> <p>15 detainee under the voluntary work program, this batch</p> <p>16 summary, correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. It is using this document or these</p> <p>19 records that you then seek reimbursement from ICE,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. The voluntary work program pay is paid</p> <p>23 almost immediately, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Detainees don't wait two weeks for a</p>	44	<p>1 A. Yes, sir.</p> <p>2 Q. At 1402, Section J, it says, "Detainees</p> <p>3 shall receive a stipend of \$1.00 per day, to be paid</p> <p>4 daily," correct?</p> <p>5 A. Yes.</p> <p>6 Q. Are you responsible for bidding contracts</p> <p>7 or receiving bids for contracts of people who want to</p> <p>8 do work for GEO at the Aurora facility?</p> <p>9 A. No.</p> <p>10 Q. Who is responsible for that?</p> <p>11 A. Ms. Krumpelmann.</p> <p>12 Q. Okay. How many janitors work at the</p> <p>13 Aurora contract facility?</p> <p>14 A. One.</p> <p>15 Q. She only works in the executive office of</p> <p>16 immigration review area and the ICE area; is that</p> <p>17 correct?</p> <p>18 A. EOIR, GEO, and ICE.</p> <p>19 Q. So GEO's administrative offices?</p> <p>20 A. Correct.</p> <p>21 Q. Places where detainees are not allowed?</p> <p>22 A. Detainees are allowed.</p> <p>23 Q. So why does she do that work and not a</p> <p>24 detainee voluntary worker?</p> <p>25 A. She has detainees that if they want to</p>

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1 work, they work.
 2 **Q. Okay. If you had to pay someone to do**
 3 **her job at the rest of the facility, you would have to**
 4 **pay someone -- if nobody volunteered, in other words,**
 5 **for the detainee voluntary work program, you would**
 6 **have to pay more people, more Danielles, the janitor,**
 7 **to clean the rest of the facility, right?**
 8 A. Yes, sir.
 9 **Q. And she makes about 12 or \$13 an hour,**
 10 **right?**
 11 A. Yes.
 12 **Q. For that type of work, is it fair to say**
 13 **that the value of the work that the volunteer work**
 14 **program people are contributing is roughly the value**
 15 **of her salary?**
 16 MS. FELTON: Object to form.
 17 A. I would say no.
 18 **Q. (BY MR. FREE) Why?**
 19 A. Because they do not work a full eight-
 20 hour day.
 21 **Q. Okay. Even if they work three hours,**
 22 **they're still getting paid less than she gets paid in**
 23 **an hour, right?**
 24 A. Correct.
 25 **Q. So hour to hour, why is it that their**

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1 **value is not equal to her value in terms of the**
 2 **services being rendered to GEO?**
 3 A. I can't respond to that. That's an
 4 opinion.
 5 **Q. No. I'm asking GEO's position on this,**
 6 **which is what you've been called here today to**
 7 **provide. You're not able to do that. You're not able**
 8 **to provide GEO's position on why -- on the value of**
 9 **these services that these voluntary work program**
 10 **detainees perform?**
 11 A. GEO's position is we're required by the
 12 contract to pay them what ICE has stipulated.
 13 **Q. We understand. My question is what the**
 14 **value of that labor is.**
 15 A. I can't respond to that.
 16 **Q. Okay. If you would, please, turn to Tab**
 17 **7 and look at page 62. Do you see that?**
 18 A. Yes, sir.
 19 **Q. Is that a detainee voluntary work program**
 20 **agreement?**
 21 A. I believe it is.
 22 **Q. Okay. This is the agreement that people**
 23 **in the voluntary work program sign and agree to when**
 24 **they're joining the program; is that right?**
 25 A. I would say so.

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1 **Q. This is uniformly employed by GEO for**
 2 **people who are participating in the program; is that**
 3 **right?**
 4 A. Yes.
 5 **Q. The names on the list in the batch**
 6 **summary are taken from the daily logs, correct, that**
 7 **the GEO detainees sign?**
 8 A. Yeah, the daily payroll sheets.
 9 **Q. And that is uniform within the voluntary**
 10 **work program, correct?**
 11 A. Yes.
 12 **Q. What would happen if the voluntary work**
 13 **program did not exist? If detainees did not volunteer**
 14 **to work, how would GEO perform the functions --**
 15 **specifically, what would it cost GEO to perform the**
 16 **functions of these detainees?**
 17 A. I would say probably the wage
 18 determination and officers.
 19 **Q. We would have to look at the type of**
 20 **function they were performing on the wage**
 21 **determination and look at the salary that you would**
 22 **have to pay someone to come in and do that function;**
 23 **is that right?**
 24 A. Correct.
 25 **Q. Okay. And practically speaking, in each**

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1 **department where a voluntary work program detainee**
 2 **works, your staffing plan currently is not such that**
 3 **the facility could operate without the VWP; is that**
 4 **right?**
 5 MS. FELTON: Object to form.
 6 **Q. (BY MR. FREE) You can answer. In fact,**
 7 **you must answer.**
 8 A. Please repeat.
 9 **Q. Practically speaking, the staffing in**
 10 **each department where a voluntary work program**
 11 **detainee works is such that if it went away, if there**
 12 **were no voluntary work program, that department**
 13 **couldn't run; is that correct?**
 14 MS. FELTON: Object to form.
 15 A. No.
 16 **Q. (BY MR. FREE) That's incorrect?**
 17 A. That is incorrect.
 18 **Q. Would you be able to run the kitchen if**
 19 **there were no voluntary workers?**
 20 A. Yes.
 21 **Q. Would you be able to do janitorial if**
 22 **there were no voluntary workers?**
 23 A. Yes.
 24 **Q. Would you be able to do the barbershop?**
 25 A. I don't know.

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1 **Q. Would you be able to do the library?**
 2 A. Yes.
 3 **Q. Medical?**
 4 A. Yes.
 5 **Q. Dorm cleanup?**
 6 A. Yes.
 7 **Q. Facility cleanup?**
 8 A. Yes.
 9 **Q. If there were no voluntary workers, who**
 10 **would do those jobs?**
 11 A. Officers.
 12 **Q. At the same staffing level or with**
 13 **additional officers being brought in to do them?**
 14 MS. FELTON: Object to form.
 15 A. It would require additional.
 16 **Q. (BY MR. FREE) So you would have to pay**
 17 **more people to do that work if there were no voluntary**
 18 **work program, correct?**
 19 A. I believe so.
 20 **Q. You would have to pay them at wages set**
 21 **by the wage determination attached to the contract,**
 22 **correct?**
 23 A. Correct.
 24 **Q. Okay.**
 25 MR. FREE: We're losing Mr. Turner for

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1 MS. FELTON: I don't have anything.
 2 WHEREUPON, the within proceedings were
 3 adjourned at the approximate hour of 4:53 p.m. on the
 4 29th day of March, 2016.
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1 the record.
 2 (At this time Mr. Turner left the room.)
 3 MR. FREE: I think we're done. Let's go
 4 off the record and be sure. Thank you very much for
 5 your patience.
 6 (Discussion off the record.)
 7 MR. FREE: Back on the record.
 8 Ms. Furst, I really appreciate you coming this
 9 afternoon. We are going to suspend your deposition.
 10 What that means is you're going to remain under oath.
 11 It's going to be like we're taking a break. And we
 12 are going to attempt to reach a resolution on the
 13 issue of number of detainees who have worked and also
 14 on the amount that's been paid through the voluntary
 15 work program. And we may need to take that up with
 16 the court. You may need to come back here and testify
 17 at some point in the future. I don't know.
 18 THE DEPONENT: Okay.
 19 MR. FREE: For now you're going to remain
 20 under oath. And I'm going to ask you about anything
 21 that you were told while you were under oath on these
 22 questions the next time we see each other, if we see
 23 each other again. Okay?
 24 THE DEPONENT: All right.
 25 MR. FREE: Those are all of my questions.

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I, MELODY JEAN FURST, do hereby certify
 that I have read the above and foregoing deposition
 and that the same is a true and accurate transcription
 of my testimony, except for attached amendments, if
 any.
 Amendments attached () Yes () No

 MELODY JEAN FURST

The signature above of MELODY JEAN FURST
 was subscribed and sworn to before me in the County of
 _____, State of Colorado, this _____ day of
 _____, 2016.

 Notary Public
 My commission expires

Alejandro Menocal 3/29/16 - Volume I (dc)

REPORTER'S CERTIFICATE

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

I, Darcy Curtis, Registered Professional Reporter and Notary Public ID 20064016972, State of Colorado, do hereby certify that previous to the commencement of the examination, the said MELODY JEAN FURST was duly sworn by me to testify to the truth in relation to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my signature this 12th day of April, 2016.

My commission expires May 2, 2018.

- Reading and Signing was requested.
- Reading and Signing was waived.
- Reading and Signing is not required.

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) ss.
CITY AND COUNTY OF DENVER)


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Darcy Curtis
Registered Professional Reporter
Certified Shorthand Reporter

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