

The Honorable Robert J. Bryan

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

UGOCHUKWU GOODLUCK NWAUZOR,
FERNANDO AGUIRRE-URBINA,
individually and on behalf of all those
similarly situated,

Plaintiffs/Counter-Defendants,

v.

THE GEO GROUP, INC.,

Defendant/Counter-Claimant.

Case No. 3:17-cv-05769-RJB

**STIPULATED MOTION FOR RELIEF
FROM DISCOVERY DEADLINE**

NOTE ON MOTION CALENDAR:
November 22, 2019

Pursuant to Local Rules W.D. Wash. LCR 7(d)(1) and 10(g), the parties, by and through their undersigned counsel, file this stipulated motion for an extension of the discovery deadline for the purpose of completing certain depositions described below.¹ The GEO Group, Inc. ("Defendant" or "GEO"), by and through its undersigned counsel, also files this stipulated motion for an extension of the scheduling date pertaining to the dispositive motion deadline the Court set in its Order Granting Joint Stipulated Motion For Extension of Pretrial Deadlines.² Plaintiffs do not join in the request for an extension of the dispositive motion deadline, but indicated they **do not oppose** the request for an extension of the dispositive motion deadline.

¹ See Order Granting Joint Stipulated Motion for Extension of Pretrial Deadlines (Dkt. 192).

² *Id.*

1 1. The current deadline for discovery to be completed is November 22, 2019,
 2 and the current deadline for filing dispositive motions is December 15, 2019.³ The parties
 3 request that the deadline for the completion of discovery be extended to December 20, 2019,
 4 for purposes of completing the following depositions only:

Deponent	Party Conducting Deposition
Erwin Delacruz	Plaintiffs
Marc Johnson	Plaintiffs
David Tracy	Plaintiffs
Michael Heye	Plaintiffs
Lezile Perrin	Defendant
Bruce Scott	Plaintiffs
GEO 30(b)(6)	Plaintiffs
Chris Strawn (Expert)	Defendant
Dr. Munson (Expert)	Defendant
State 30 (b)(6)	Defendant
Sean Murphy	Defendant

24 2. In connection with conducting the depositions the parties are still gathering
 25 the relevant documents for each witness. Accordingly, the parties agree that as part of this
 26

27 ³ *Id.*

1 discovery extension, each party may make one additional supplement to their Rule 26
2 disclosures no later than December 2, 2019.

3 3. GEO also requests that the deadline for filing dispositive motions be extended
4 to January 2, 2020. Under Fed. R. Civ. P. (6)(1)(a), the Court "may for good case, extend the
5 time . . . with or without motion or notice if the court acts, or if a request is made, before the
6 original time or its extension expires." Under LCR 10(g), a motion to alter dates or
7 schedules previously set by the court must clearly state the reasons justifying the proposed
8 change.

9 4. This motion is timely because the above deadlines have not yet expired.

10 5. Good cause exists to extend the deadlines. The parties see a need to depose
11 ten (10) witnesses in order to complete discovery in this case. Counsel for both parties have
12 conflicting schedules and cannot complete the remaining depositions within the set discovery
13 deadline. Plaintiffs intend to depose six (6) additional GEO witnesses on December 2nd,
14 3rd, 4th, 9th and 10th of 2019. GEO intends to depose Plaintiffs' experts, Chris Strawn and
15 Jeffrey Munson, on December 11th and 12th of 2019.

16 6. The State of Washington filed a Motion to Quash⁴ several of Defendant's
17 noticed depositions and this Court granted the motion in part, and denied it in part. The
18 parties are still working with the State of Washington to confirm dates for the State's
19 witnesses, as of the filing of this Stipulation, Sean Murphy is not available until, at the
20 earliest, December 19th. An extension of the discovery deadline to December 20, 2019
21 should allow the parties to complete their depositions. In the event it does not, the parties
22 have agreed that they will not object to any depositions of the State's witnesses (and those
23 witnesses only) that are taken before December 27, 2019.

24 7. Additionally, it is GEO's position that an extension of the deadline to file
25 dispositive motions will provide the parties adequate time to formulate and file their motions
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4 Dkt. 195.

1 after the close of the extended discovery deadline. Without the extension of the dispositive
2 motions deadline, the State's refusal to provide dates for the relevant witnesses, within the
3 discovery deadlines, will be less prejudicial. Should the Court not extend the dispositive
4 motions deadline, the State's motion to quash and subsequent refusal to make witnesses
5 available on the dates originally noticed will severely prejudice GEO in its defense of this
6 matter. Further, because the *Daubert* motion deadline is tied to the dispositive motions
7 deadline, and because Plaintiffs' experts were not available for their depositions before the
8 cut-off, GEO will also be prejudiced in that respect.

9 8. The parties do not request the extension of any other deadline set forth in the
10 Court's Case Scheduling Order and no party will be prejudiced upon granting of the relief
11 requested.

12 DATED this 22nd day of November, 2019.

13 By: s/ Colin L. Barnacle

AKERMAN LLP

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By: s/ Jamal Whitehead

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Attorneys for Plaintiffs

PROOF OF SERVICE

I hereby certify on the 22nd day of November, 2019, pursuant to Federal Rule of Civil Procedure 5(b), I electronically filed and served the foregoing **STIPULATED MOTION FOR RELIEF FROM DISCOVERY DEADLINE** via the Court's CM/ECF system on the following:

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s/ Nick Mangels

Nick Mangels

The Honorable Robert J. Bryan

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**[PROPOSED] ORDER GRANTING
STIPULATED MOTION FOR RELIEF
OF DISCOVERY DEADLINE**

This Court, having reviewed Plaintiffs Ugochukwu Nwauzor and Fernando Aguirre-Urbina and Defendant The GEO Group, Inc.'s (collectively, the "Parties") Stipulated Motion for Relief from Discovery Deadline (the "Motion"), finds good cause exists and the Motion is timely, and therefore GRANTS the Motion. The following deadlines shall be extended as follows:

Event	Current Deadline	New Deadline
Completion of Depositions	November 22, 2019	December 20, 2019
Fed. R. Civ. P. 26 Disclosures	November 22, 2019	December 2, 2019
Dispositive Motions	December 15, 2019	January 2, 2020

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IT IS SO ORDERED.

This the ____ day of _____, 2019.

Honorable Robert J. Bryan
United States District Court Judge

PRESENTED BY:

By: s/ Jamal Whitehead

SCHROETER GOLDMARK & BENDER

Adam J. Berger, WSBA #20714

Lindsay L. Halm, WSBA #37141

Jamal N. Whitehead, WSBA #39818

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