

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,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 3:17-cv-05769-RJB

**SECOND DECLARATION OF
JAMAL N. WHITEHEAD IN
SUPPORT OF PLAINTIFFS’
MOTION TO AMEND NOTICE
PLAN**

I, JAMAL N. WHITEHEAD, declare as follows:

1. I am over the age of eighteen, competent to testify in this matter, and do so based on personal knowledge.

2. I attach as Exhibit 2¹ a true and correct copy of an email string between me and former defense counsel Greenberg Traurig dated December 12, 2018 through January 8, 2019.

3. The Court requested an update about the status of the class list, and the parties submitted a joint status report, in which Plaintiffs requested that the Court set a deadline for

¹ Exhibit 1 is attached to my first declaration filed in support of Plaintiffs’ motion.

1 GEO to produce a class list including: “(1) address prior to detention, (2) forwarding address
2 at the time of release, (3) telephone number, (4) email address, and (5) alien registration
3 number or ‘A-number.’” The Court granted the relief requested ordering production on
4 April 12 and April 29, 2019, with the latter production to include class member contact
5 information. Before production, GEO did not express concern to the Court or Plaintiffs about
6 missing or incorrect address information, nor that ICE had concerns about the sufficiency or
7 accuracy of the class member/detainee addresses.

8 4. I attach as Exhibit 3 a true and correct copy of an email from me to former
9 defense counsel at Holland & Knight dated May 1, 2019, regarding problems with the
10 addresses provided on the class list.

11 5. I attach as Exhibit 4 and Exhibit 5 true and correct copies of an email from me
12 to former defense counsel dated June 6, 2019, and between me and former and current defense
13 counsel at Holland & Knight dated between July 16, 2019 and August 23, 2019, respectively,
14 requesting refinement of the class list. Counsel informed me that GEO had no better
15 information. The parties did agree that GEO would confirm at least who was still in custody
16 before Plaintiffs sought to modify the notice plan.

17 6. After again switching counsel, this time to the Akerman law firm, GEO
18 requested more time to confirm who was still in custody. I attach as Exhibit 6 a true and correct
19 copy of an email string between me and current defense counsel dated between August 23,
20 2019 and October 10, 2019.

21 7. I attach as Exhibit 7 a true and correct copy of an email from me to current
22 defense counsel dated October 15, 2019.

Exhibit 2

From: [Whitehead, Jamal](mailto:Whitehead_Jamal)
To: BeerN@gtlaw.com; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com
Subject: RE: Nwauzor v. GEO - Protective Order
Date: Tuesday, January 8, 2019 6:48:00 PM

Will do.

Jamal N. Whitehead

Schroeter Goldmark & Bender

810 Third Avenue Suite 500

Seattle, WA 98104

Tel: 206.622.8000

whitehead@sgb-law.com | sgb-law.com

CONFIDENTIALITY NOTICE: This email message may contain confidential and privileged information. If you have received this message by mistake, please delete it without distributing it to anyone else, and notify me immediately via email or telephone at 206-622-8000. Thank you.

From: BeerN@gtlaw.com [mailto:BeerN@gtlaw.com]
Sent: Tuesday, January 8, 2019 6:10 PM
To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com
Subject: Re: Nwauzor v. GEO - Protective Order

Thanks Jamal. Good to file. Can you put Scott's name for the signature for GEzo?

Naomi Beer
Greenberg Traurig LLP
Office: 303.572.6549
Cell: 303.810.5821
BeerN@gtlaw.com

----- Original message -----

From: "Whitehead, Jamal" <whitehead@sgb-law.com>
Date: 1/8/19 6:54 PM (GMT-07:00)
To: "Beer, Naomi (Shld-Den-LT-Labor-EmpLaw)" <BeerN@gtlaw.com>, DESmith@littler.com, joan@3brancheslaw.com
Cc: "Ellison, Dawn (OfCnsl-DC-LT)" <ellisond@gtlaw.com>, "Schipma, Scott A. (Shld-DC-GvtCntr)" <schipmas@gtlaw.com>, "Berger, Adam" <berger@sgb-law.com>, "Halm, Lindsay" <halm@sgb-law.com>, devin@sunbird.law, andrew@immigrantcivilrights.com, meena@meenamenter.com, "Cronan, Sheila" <cronan@sgb-law.com>, "Muenzfeld, Danielle K. (Assoc-WDC-GvtCntr)" <muenzfeldd@gtlaw.com>
Subject: RE: Nwauzor v. GEO - Protective Order

Thanks, Naomi. We accept your edits and have nothing further to add. Do I have your permission to file? Whose signature should I affix to the signature block for GEO?

Jamal N. Whitehead

Schroeter Goldmark & Bender

206.622.8000 | whitehead@sgb-law.com

From: BeerN@gtlaw.com [mailto:BeerN@gtlaw.com]
Sent: Tuesday, January 08, 2019 5:40 PM
To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com
Subject: RE: Nwauzor v. GEO - Protective Order

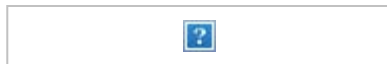
Thanks Jamal. This is very close. The attached draft accepts your last changes and makes a few tweaks shown in redline. Per our discussion just now, I also revised the last paragraph about the opt-out report to be filed with the court since anything with names would need to be filed under seal (my revisions make that paragraph a little more generic). I also deleted all of the comments, cleaned up a few of the fonts (there was jumping back and forth between 12 and 13 point font, and also a place where the text was in red).

I have to leave the office but can be reached by email or cell (303.810.5821) if you have any further questions.

Naomi

Naomi G. Beer
Co-Chair, Global Labor & Employment Practice

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1200 17th Street, Suite 2400 | Denver, Colorado 80202
T 303.572.6549 | F 720.904.7649 | C 303.810.5821
BeerN@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Whitehead, Jamal [mailto:whitehead@sgb-law.com]
Sent: Tuesday, January 8, 2019 5:48 PM
To: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw) <BeerN@gtlaw.com>; DESmith@littler.com; joan@3brancheslaw.com
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr) <schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-

law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila <cronan@sgb-law.com>; Muenzfeld, Danielle K. (Assoc-WDC-GvtCntr) <muenzfeldd@gtlaw.com>

Subject: RE: Nwauzor v. GEO - Protective Order

Naomi,

Attached is another revised draft of the Notice Plan. As before, I accepted all the changes made to the plan found in the version contained in your 1:17 p.m. (PST) email, and have modified paragraph 5.c.i in line with our discussion a short while ago. Feel free to give me a call again at 206.233.1201 if you'd like to discuss this further, but I think the proposed language addresses both parties' concerns as expressed during our call.

Best,
Jamal

Jamal N. Whitehead

Schroeter Goldmark & Bender

206.622.8000 | whitehead@sgb-law.com

From: Whitehead, Jamal

Sent: Tuesday, January 08, 2019 2:59 PM

To: 'BeerN@gtlaw.com'; DESmith@littler.com; joan@3brancheslaw.com

Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com

Subject: RE: Nwauzor v. GEO - Protective Order

Naomi,

I've reviewed GEO's revisions to the proposed notice plan and accepted many of your edits via track changes. I've revised paragraph 5.c.i, however, to match what I articulated earlier today during our call—GEO has basic information about the class in its possession, including the name and country of origin of VWP participants, that is *not* subject to ICE review or approval that should be produced to Class Counsel soon after the entry of a protective order. My changes allow for the balance of the class list information to follow once ICE approval is obtained. Please let me know if this change meets with GEO's approval.

Time is growing short to file, so feel free to give me a call if you'd like to talk this change over further.

Best,
Jamal

Jamal N. Whitehead

Schroeter Goldmark & Bender

206.622.8000 | whitehead@sgb-law.com

From: BeerN@gtlaw.com [mailto:BeerN@gtlaw.com]

Sent: Tuesday, January 08, 2019 1:16 PM

To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com

Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com

Subject: RE: Nwauzor v. GEO - Protective Order

Jamal,

Thanks for the call earlier this morning. Attached is a revised draft adding in some proposed deadlines for the provision of class list information, and also streamlining some other areas (in particular the publication piece to remove all the detail). We also revised the references to “Class Counsel” to instead read “Notice Administrator” and also added in some language about approving the notice administrator. We also added in a timetable for review of the banner/display ads which have not yet been provided and which, I expect, may be another “chicken and egg” issues like we discussed this morning. We also cleaned up the timing in the last paragraph – if that is not what you intended, just let us know .

The attached redlines are off of the clean draft with comments that I had sent yesterday, but we kept in the comments as a reminder of the questions that we had flagged.

Please let us know your thoughts on the attached. I’m generally around this afternoon if we need to jump back on a call.

Thanks,
Naomi

Naomi G. Beer
Co-Chair, Global Labor & Employment Practice

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T 303.572.6549 | F 720.904.7649 | C 303.810.5821
BeerN@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw)
Sent: Monday, January 7, 2019 2:17 PM
To: 'Whitehead, Jamal' <whitehead@sgb-law.com>; DESmith@littler.com; joan@3brancheslaw.com
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr) <schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila <cronan@sgb-law.com>; Muenzfeld, Danielle K. (Assoc-WDC-GvtCntr) <muenzfeldd@gtlaw.com>
Subject: RE: Nwauzor v. GEO - Protective Order

That works on our end.

Will you send out a dial in?

From: Whitehead, Jamal [<mailto:whitehead@sgb-law.com>]
Sent: Monday, January 7, 2019 12:59 PM
To: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw) <BeerN@gtlaw.com>; DESmith@littler.com; joan@3brancheslaw.com
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr) <schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila <cronan@sgb-law.com>; Muenzfeld, Danielle K. (Assoc-WDC-GvtCntr) <muenzfeldd@gtlaw.com>
Subject: RE: Nwauzor v. GEO - Protective Order

Naomi, thanks for a quick turnaround. How about a call tomorrow morning at 9:00 a.m. (PST)?

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: BeerN@gtlaw.com [<mailto:BeerN@gtlaw.com>]
Sent: Monday, January 07, 2019 11:26 AM
To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com
Subject: RE: Nwauzor v. GEO - Protective Order

Jamal,

Thank you for sending the draft notice plan. Given that we did not receive it until late in the day on Friday, we have done our best to review the plan and provide comments as quickly as possible. At the outset, we were a little surprised in that it did not seem to be a high level plan with leeway for

both parties going forward as we had discussed on our call last Thursday and had a number of specifics that may ultimately be something that we can all agree to but we need additional information and need to have further discussions before GEO can fully take a position. We have made revisions in the attached to account for that including to identify items that we think must be the subject of further meet and confers between the parties followed by further submissions to the court. Our revisions also account for the impact of the government shutdown, which, as discussed on our call, impacts the ability to obtain certain class list information from the government. In addition, given that we only received this late Friday, we have not been able to fully review Exhibits A, B and C that were at the back of your word document, and our revisions include a schedule for us to provide comments on those and after that submit the notice documents to the court for approval. We also do not think that this should be a joint submission and we have revised with that in mind. The attachments to this email include a clean revised draft (without Exhibits A, B and C) that reflects proposed revisions and includes comments/annotations about our questions, and a redline comparison document in pdf which shows the revisions made to the document that you had provided (note that the comments do not show on the redline pdf).

With respect to class notice specifically, we have deleted the language in your draft regarding the actual content of the class notice. I have cut and pasted that language below and highlighted in green what items are available to GEO, and highlighted in yellow the items that are only possessed by ICE – as you can see, a significant portion of what you are looking for sits with ICE, not GEO:

their last known home address, country of citizenship, home country, detention status, and alien number (which shall only be used to identify correct addresses if necessary). The alien numbers shall be kept strictly confidential by class counsel. In addition, Defendant shall provide to Class Counsel a complete list of counsel, if any, representing the Class Members in any underlying immigration proceedings, including the following contact information for such counsel: mailing address, e-mail, and telephone number.

You will also see in the comments that we have a number of overarching questions about how you envision the role of the Notice Administrator versus the role of Class Counsel in the notice process – it seems to us that the Notice Administrator should be handling many of these tasks (such as mailing, handling opt-outs, etc.), but you drafted it such that Class Counsel will be doing that. You also did not identify who the notice administrator will be – who do you propose to use? We would also expect that they have a view on the plan as proposed?

Given that this is due tomorrow, it may be helpful to have a call to discuss finalizing. What is your availability Tuesday morning?

On another note, I have also attached a proposed 502(d) order and related motion – it is my understanding that these documents were previously approved by Plaintiffs' counsel during discussion with Norton Rose but were not actually submitted to the court. The signature blocks will need to be updated to add GT and Littler, but from a substantive perspective we would expect these are final. Please let us know at your earliest convenience if the 502(d) Order and related motion are OK to file with the Court.

We also look forward to seeing your further revisions to the Protective Order as soon as you are able to send them.

Thanks,
Naomi

Naomi G. Beer
Co-Chair, Global Labor & Employment Practice

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From: Whitehead, Jamal [<mailto:whitehead@sgb-law.com>]
Sent: Friday, January 4, 2019 5:33 PM
To: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw) <BeerN@gtlaw.com>; DESmith@littler.com;
joan@3brancheslaw.com
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr) <schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com;
Cronan, Sheila <cronan@sgb-law.com>; Muenzfeld, Danielle K. (Assoc-WDC-GvtCntr) <muenzfeldd@gtlaw.com>
Subject: RE: Nwauzor v. GEO - Protective Order

Naomi, et al.

Attached is a draft of the proposed Notice Plan.

We will have updated comments for you on the proposed Protective Order early next week.

Please send us the proposed 502(d) as soon as you're able. Thank you.

Best,
Jamal

Jamal N. Whitehead
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500

Seattle, WA 98104

Tel: 206.622.8000

whitehead@sgb-law.com | sgb-law.com

CONFIDENTIALITY NOTICE: This email message may contain confidential and privileged information. If you have received this message by mistake, please delete it without distributing it to anyone else, and notify me immediately via email or telephone at 206-622-8000. Thank you.

From: BeerN@gtlaw.com [mailto:BeerN@gtlaw.com]

Sent: Thursday, January 03, 2019 5:40 PM

To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com

Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com

Subject: RE: Nwauzor v. GEO - Protective Order

Jamal and Devin,

Thanks for taking the time to talk with us today about the Notice Plan, Protective Order, and 502(d) Order. Our understanding of the next steps are as follows:

- **Notice Plan:** You will provide us with a draft of the Notice Plan for our review and comment. Given the fact that the government shutdown has unfortunately impacted the timing of when class list information in the possession of ICE can be provided, it is anticipated that the Plan will be high-level and drafted in a way that provides leeway for both parties going forward (i.e., it permits Plaintiffs to supplement the Plan upon receipt of additional information regarding the class and for GEO to further comment or object to the Plan). Given the present deadline of January 8, 2019 to submit the Notice Plan to the court, we would appreciate it if you could provide the draft to us as soon as possible – we had discussed your sending it to us today, but if it is not feasible to provide it today, please provide it as early as possible on Friday.
- **Protective Order:**
 - You hold the pen on this and will provide GEO with additional and/or revised (as appropriate) comments and edits in light of our discussion today. In particular, you will: (1) review the types of documents that would be covered under a “Highly Confidential- Attorney’s Eyes Only Provision” and provide suggested changes thereto (e.g., which document types you are amenable to leaving under AEO and which you feel are more appropriate under a “Confidential” designation); and (2) discuss the security and data breach provisions with your team to determine what protections Plaintiffs are able to agree to. You will then share a further draft with us for our review and further comment. Once we can reach agreement, we will coordinate with ICE for the agency’s review of the Protective Order. The timing of this depends on the duration of the government shutdown.
 - GEO will review consider the suggested edits to 4.4 re: the filing of protected

material and will provide feedback once the next draft is turned to GEO.

- **502(d) Order:** GEO will provide you with a draft order for your consideration.

If I have missed or misstated anything, please just let me know.

Thanks again,
Naomi

Naomi G. Beer
Co-Chair, Global Labor & Employment Practice

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BeerN@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Whitehead, Jamal [<mailto:whitehead@sgb-law.com>]
Sent: Monday, December 31, 2018 10:57 AM
To: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw) <BeerN@gtlaw.com>; DESmith@littler.com;
joan@3brancheslaw.com
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr)
<schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com;
Cronan, Sheila <cronan@sgb-law.com>; Muenzfeld, Danielle K. (Assoc-WDC-GvtCntr)
<muenzfeldd@gtlaw.com>
Subject: RE: Nwauzor v. GEO - Protective Order

Yes, that works on my end. I'll send out a meeting invitation. Thanks and Happy New Year. -JW

Jamal N. Whitehead
[Schroeter Goldmark & Bender](#)
206.622.8000 | whitehead@sgb-law.com

From: BeerN@gtlaw.com [<mailto:BeerN@gtlaw.com>]
Sent: Monday, December 31, 2018 8:22 AM
To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law;
andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com
Subject: RE: Nwauzor v. GEO - Protective Order

Thanks Jamal. Would 9 pacific / 10 mtn / noon Eastern on Thursday, January 3 work for a call?

Naomi

Naomi G. Beer
Co-Chair, Global Labor & Employment Practice

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BeerN@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Whitehead, Jamal [<mailto:whitehead@sgb-law.com>]
Sent: Friday, December 28, 2018 3:41 PM
To: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw) <BeerN@gtlaw.com>; DESmith@littler.com;
joan@3brancheslaw.com
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr) <schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila <cronan@sgb-law.com>; Muenzfeld, Danielle K. (Assoc-WDC-GvtCntr) <muenzfeldd@gtlaw.com>
Subject: RE: Nwauzor v. GEO - Protective Order

Naomi,

Here's an edited copy of the proposed protective order with comments. Are you available for a call on Jan. 3 or 4 to discuss? My schedule is fairly flexible both days, so please let me know what works best for you.

I have some thoughts on a proposed notice plan, which I'd also like to discuss during our call.

Best,
Jamal

Jamal N. Whitehead
[Schroeter Goldmark & Bender](#)
206.622.8000 | whitehead@sgb-law.com

From: BeerN@gtlaw.com [mailto:BeerN@gtlaw.com]
Sent: Sunday, December 23, 2018 5:14 AM
To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com
Subject: Re: Nwauzor v. GEO - Protective Order

Thanks Jamal. We could find some time for a call Dec 26, 27 or 28, but we think it would be more productive to get your comments on the protective back before a call. If you think you could do that, let us know and we could set a call for then. If not, can we aim to have comments back and then a call on Jan 2, 3 or 4?

Naomi Beer
Greenberg Traurig LLP
Office: 303.572.6549
Cell: 303.810.5821
BeerN@gtlaw.com

From: whitehead@sgb-law.com
Sent: December 20, 2018 3:20 PM
To: BeerN@gtlaw.com; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; berger@sgb-law.com; halm@sgb-law.com; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; cronan@sgb-law.com; muenzfeldd@gtlaw.com
Subject: RE: Nwauzor v. GEO - Protective Order

Thank you, Naomi. I'll review this and get back to you as soon as I can.

As for a conference, are you in the office at all next week?

Jamal N. Whitehead
Schroeter Goldmark & Bender
[206.622.8000](tel:206.622.8000) | whitehead@sgb-law.com

From: BeerN@gtlaw.com [mailto:BeerN@gtlaw.com]
Sent: Thursday, December 20, 2018 10:43 AM
To: Whitehead, Jamal; DESmith@littler.com; joan@3brancheslaw.com
Cc: ellisond@gtlaw.com; schipmas@gtlaw.com; Berger, Adam; Halm, Lindsay; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila; muenzfeldd@gtlaw.com
Subject: RE: Nwauzor v. GEO - Protective Order

Jamal,

As a follow up to my below email, attached please find attached a revised draft of the protective order. As noted below, the draft, in relevant part, includes changes to align this order with certain aspects of the amended Protective Order entered in *Menocal*. These

changes include, but are not limited to, the addition of language regarding the Privacy Act and law enforcement sensitive information, as well as a “Highly Confidential-Attorneys’ Eyes Only” designation. We anticipate that the government (as it did in *Menocal*) will want to review the protective order after the parties have agreed to its terms, but before it is finalized and filed with the court. Accordingly, once we reach agreement with on terms of the order, we will circulate the draft to the government for its review.

Please advise as to your availability for a meet-and-confer on the attached.

Thanks,
Naomi

Naomi G. Beer
Co-Chair, Global Labor & Employment Practice

Greenberg Traurig, LLP
1200 17th Street, Suite 2400 | Denver, Colorado 80202
T [303.572.6549](tel:303.572.6549) | F [720.904.7649](tel:720.904.7649) | C [303.810.5821](tel:303.810.5821)
BeerN@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw)
Sent: Monday, December 17, 2018 9:44 AM
To: Whitehead, Jamal <whitehead@sgb-law.com>; DESmith@littler.com; Joan Mell (joan@3brancheslaw.com) <joan@3brancheslaw.com>
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr) <schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila <cronan@sgb-law.com>
Subject: RE: Nwauzor v. GEO - Protective Order

Jamal,

Thank you for following up. We are working on a revised draft of the protective order to, among other things, align with certain aspects of the Menocal order. We expect the government may, as it did in Menocal, also want to review any protective order before finalizing. We plan to circulate a draft to you early this week.

As to the class list, we note that we never received any response to the letter that Dawn Ellison had sent on September 14 on that subject. That being said, given the discussions in Menocal, we are working to pull together class list information similar to the information recently provided in Menocal to include (as it did in Menocal) information from GEO and information from the government. This undertaking is subject to the caveats that the facilities may not be identical in terms of the data available and also that GEO does not control how fast (or slowly)

the government will respond to its requests. We will report back on the progress of this data pull once we have additional information.

As you know, the deadline to submit a notice plan in Nwauzor was extended to January 8. Your email below states that you need the protective order in place and the class list information before you can provide a notice plan for GEO to consider. Given the upcoming holidays, and given that the government will likely want to weigh in on the protective order and is the only source for certain of the class list information, we think it may not be feasible to have all of this in place so that you can also provide an advance copy of the notice plan with sufficient time for the parties to meet and confer. Are you proposing to further extend that deadline?

Naomi

Naomi G. Beer
Co-Chair, Global Labor & Employment Practice

Greenberg Traurig, LLP
1200 17th Street, Suite 2400 | Denver, Colorado 80202
T [303.572.6549](tel:303.572.6549) | F [720.904.7649](tel:720.904.7649) | C [303.810.5821](tel:303.810.5821)
BeerN@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Whitehead, Jamal [<mailto:whitehead@sgb-law.com>]
Sent: Wednesday, December 12, 2018 10:54 AM
To: Beer, Naomi (Shld-Den-LT-Labor-EmpLaw) <BeerN@gtlaw.com>; DESmith@littler.com; Joan Mell (joan@3brancheslaw.com) <joan@3brancheslaw.com>
Cc: Ellison, Dawn (OfCnsl-DC-LT) <ellisond@gtlaw.com>; Schipma, Scott A. (Shld-DC-GvtCntr) <schipmas@gtlaw.com>; Berger, Adam <berger@sgb-law.com>; Halm, Lindsay <halm@sgb-law.com>; devin@sunbird.law; andrew@immigrantcivilrights.com; meena@meenamenter.com; Cronan, Sheila <cronan@sgb-law.com>
Subject: Nwauzor v. GEO - Protective Order

Naomi, et al.:

Some time has passed since we last checked in—if I remember correctly, we were waiting for the Court to enter an updated protective order in *Menocal* before resuming discussions in our case about what a protective order might look like. As you know, a new protective order was entered in *Menocal* on Nov. 30.

We sent Joan a revised protective order on August 28 (see attached), and as best I can tell, that was the last version traded between the parties. Please let us know whether our changes are acceptable and/or if you propose further revisions.

Once we get a protective order in place, and GEO produces some baseline information about

the class (*i.e.*, class list, last known addresses, etc.), we can put together a notice plan in relatively short order.

Let me know if you'd like to schedule a call to discuss any of the above.

Best,
Jamal

P.S. I'm not sure who to copy as counsel for GEO these days. Please let me know who I should copy on future emails. Thank you.

Jamal N. Whitehead

Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104

Tel: [206.622.8000](tel:206.622.8000)

whitehead@sgb-law.com | sgb-law.com

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate such information.

Exhibit 3

From: [Whitehead, Jamal](#)
To: Kristin.Asai@hklaw.com
Cc: [Berger, Adam](#); [Halm, Lindsay](#); andrew@immigrantcivilrights.com; devin@opensky.law; meena@meenamenter.com; Shannon.Armstrong@hklaw.com; Matt.Donohue@hklaw.com; Gillian.Phillips@hklaw.com; Maddison.Hughes@hklaw.com; Alison.Roblin@hklaw.com; [Sheila.Cronan \(cronan@sgb-law.com\)](mailto:Sheila.Cronan@sgb-law.com)
Subject: Nwauzor v. GEO - Questions About Class List
Date: Wednesday, May 1, 2019 2:47:00 PM
Attachments: [image003.png](#)

Kristin,

We've reviewed GEO's updated class list, and we have several questions about the information reflected on the list. Specifically, the meaning behind the following columns is unclear: E (From Date), F (To Date), V (Eid Adr Create Dt), and W (Eid Adr Update Dt). In addition, many people have multiple addresses, but there's no indication which address was given as the forwarding address at the time of release from NWDC. Does the list reflect the last address given by a given person? Are you able to put the addresses in temporal sequence for each person (i.e., which one was given first; which one was given last)? What is the source/nature of each address?

Do you have time for a call tomorrow or Friday to clarify the information reflected on the updated class list?

Best,
Jamal



Jamal N. Whitehead

Attorney

Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104

Tel: 206.622.8000 | Fax: 206.682.2305

whitehead@sgb-law.com | sgb-law.com | [en español](#)

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-

Exhibit 4

From: [Whitehead, Jamal](#)
To: Kristin.Asai@hklaw.com; Shannon.Armstrong@hklaw.com; Matt.Donohue@hklaw.com
Cc: [Andrew Free](#); [Berger, Adam](#); [Cronan, Sheila](#); [Devin Theriot-Orr](#); [Halm, Lindsay](#); [Meena Menter](#)
Subject: Nwauzor v. GEO - Deduplicating the Class List
Date: Thursday, June 6, 2019 2:57:00 PM
Attachments: [image001.png](#)
[RE: Nwauzor v. The GEO Group \(W.D. Wash.\).pdf](#)

Hi Kristin, et al.:

This follows my email from May 1 and our phone call on May 7 about GEO's supplemental class list and whether GEO had more details about the address information provided. As you know, the list contained multiple addresses for many of the class members without indicating which address was the most recent or last, best address. You told me that GEO did not have this information and that ICE created the spreadsheet GEO produced.

We recently made the same inquiry with ICE and we received a response from the agency on Tuesday. Attached for your review is the entirety of our email exchange with ICE.

Based on the information we received from ICE, we plan to "deduplicate" the class list to identify the addresses associated with the most recent date found under any of the various date column headings on the supplemental class list (i.e., From date, To Date, EID Adr Create date, EID ADR Update date). From there, we will revisit Plaintiffs' notice plan and submitted an updated plan to the Court, as necessary.

Best,
Jamal



Jamal N. Whitehead
Attorney
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104
Tel: 206.622.8000 | Fax: 206.682.2305
whitehead@sgb-law.com | sgb-law.com | [en español](#)

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-

Exhibit 5

From: [Whitehead, Jamal](#)
To: [ashley.calhoun@akerman.com](#); [Cronan, Sheila](#); [Berger, Adam](#); [andrew@immigrantcivilrights.com](#); [devin@opensky.law](#); [Halm, Lindsay](#); [meena@meenamenter.com](#)
Cc: [colin.barnacle@akerman.com](#); [melissa.cizmorris@akerman.com](#); [nick.mangels@akerman.com](#)
Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention
Date: Friday, August 23, 2019 10:41:00 AM
Attachments: [image001.png](#)

Ashley, are we confirmed for 3:30 today?

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)
206.622.8000 | whitehead@sgb-law.com

From: Whitehead, Jamal
Sent: Thursday, August 22, 2019 8:24 AM
To: [ashley.calhoun@akerman.com](#); [Cronan, Sheila](#) <cronan@sgb-law.com>; [Berger, Adam](#) <berger@sgb-law.com>; [andrew@immigrantcivilrights.com](#); [devin@opensky.law](#); [Halm, Lindsay](#) <halm@sgb-law.com>; [meena@meenamenter.com](#)
Cc: [colin.barnacle@akerman.com](#); [melissa.cizmorris@akerman.com](#); [nick.mangels@akerman.com](#)
Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

Can we do 3:30 p.m. (PST)?

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)
206.622.8000 | whitehead@sgb-law.com

From: [ashley.calhoun@akerman.com](#) <ashley.calhoun@akerman.com>
Sent: Wednesday, August 21, 2019 11:05 PM
To: [Whitehead, Jamal](#) <whitehead@sgb-law.com>; [Cronan, Sheila](#) <cronan@sgb-law.com>; [Berger, Adam](#) <berger@sgb-law.com>; [andrew@immigrantcivilrights.com](#); [devin@opensky.law](#); [Halm, Lindsay](#) <halm@sgb-law.com>; [meena@meenamenter.com](#)
Cc: [colin.barnacle@akerman.com](#); [melissa.cizmorris@akerman.com](#); [nick.mangels@akerman.com](#)
Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

EXTERNAL EMAIL

I'm available a little later – 2:00 Pacific. I'll send a calendar invite and we can reschedule if needed.

Ashley Calhoun

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202
D: 303 640 2543 | T: 303 260 7712 | F: 303 260 7714
Admitted to Practice in Arizona, California, Mississippi, and Colorado
ashley.calhoun@akerman.com

From: Whitehead, Jamal <whitehead@sgb-law.com>
Sent: Wednesday, August 21, 2019 9:14 AM
To: [Calhoun, Ashley](#) (Assoc-Den) <ashley.calhoun@akerman.com>; [Cronan, Sheila](#) <cronan@sgb-law.com>; [Berger, Adam](#) <berger@sgb-law.com>; [andrew@immigrantcivilrights.com](#); [devin@opensky.law](#); [Halm, Lindsay](#) <halm@sgb-law.com>; [meena@meenamenter.com](#)

Cc: Barnacle, Colin (Ptnr-Den) <colin.barnacle@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Mangels, Nick (LAA-Den) <nick.mangels@akerman.com>
Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

How about Friday at 1:15 p.m. (PST)?

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: ashley.calhoun@akerman.com <ashley.calhoun@akerman.com>

Sent: Tuesday, August 20, 2019 11:46 PM

To: Whitehead, Jamal <whitehead@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; Berger, Adam <berger@sgb-law.com>; andrew@immigrantcivilrights.com; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com

Cc: colin.barnacle@akerman.com; melissa.cizmorris@akerman.com; nick.mangels@akerman.com

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

EXTERNAL EMAIL

Jamal, thanks for your email. Yes, we are making progress on both items. Let's schedule a call for this week. What does Friday look like for you? Afternoon is best for me.

Ashley

Ashley Calhoun

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202

D: 303 640 2543 | T: 303 260 7712 | F: 303 260 7714

Admitted to Practice in Arizona, California, Mississippi, and Colorado

ashley.calhoun@akerman.com

From: Whitehead, Jamal <whitehead@sgb-law.com>

Sent: Tuesday, August 13, 2019 5:09 PM

To: Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>; Cronan, Sheila <cronan@sgb-law.com>; Berger, Adam <berger@sgb-law.com>; andrew@immigrantcivilrights.com; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com

Cc: Barnacle, Colin (Ptnr-Den) <colin.barnacle@akerman.com>; Rochefort, Lawrence (Ptnr-WPB) <lawrence.rochefort@akerman.com>; Eby, Christopher (Assoc-Den) <christopher.eby@akerman.com>

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

Ashley, any updates since our phone call last week? -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: ashley.calhoun@akerman.com <ashley.calhoun@akerman.com>

Sent: Wednesday, August 7, 2019 9:36 AM

To: Whitehead, Jamal <whitehead@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; Berger, Adam <berger@sgb-law.com>; andrew@immigrantcivilrights.com; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>

[law.com](#)>; meena@meenamenter.com

Cc: colin.barnacle@akerman.com; lawrence.rochefort@akerman.com; christopher.eby@akerman.com

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

EXTERNAL EMAIL

Jamal,

Thanks for your time today and your email below. We'll be in touch soon.

Best,
Ashley

Ashley Calhoun

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202

D: 303 640 2543 | T: 303 260 7712 | F: 303 260 7714

Admitted to Practice in Colorado, California, Arizona, and Mississippi

ashley.calhoun@akerman.com

From: Whitehead, Jamal <whitehead@sgb-law.com>

Sent: Wednesday, August 7, 2019 10:35 AM

To: Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>; Cronan, Sheila <cronan@sgb-law.com>; Berger, Adam <berger@sgb-law.com>; andrew@immigrantcivilrights.com; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com

Cc: Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; Rochefort, Lawrence (Ptrn-WPB) <lawrence.rochefort@akerman.com>; Eby, Christopher (Assoc-Den) <christopher.eby@akerman.com>

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

Ashley,

I'm glad we could connect this morning to discuss the issues raised in my July 16 and August 6 emails. Please get back to me this week with whether and when GEO will comply with our requests. Thank you.

Best,
Jamal

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: Whitehead, Jamal

Sent: Tuesday, August 6, 2019 2:36 PM

To: ashley.calhoun@akerman.com; Cronan, Sheila <cronan@sgb-law.com>; Berger, Adam <berger@sgb-law.com>; andrew@immigrantcivilrights.com; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com

Cc: colin.barnacle@akerman.com; lawrence.rochefort@akerman.com; christopher.eby@akerman.com

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

Hi Ashley, tomorrow morning (8/7) at 9:00 a.m. (PST) works for me. I'll send you a meeting invitation in a few

moments with a dial in number. -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: ashley.calhoun@akerman.com <ashley.calhoun@akerman.com>

Sent: Tuesday, August 6, 2019 1:01 PM

To: Whitehead, Jamal <whitehead@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; Berger, Adam <berger@sgb-law.com>; andrew@immigrantcivilrights.com; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com

Cc: colin.barnacle@akerman.com; lawrence.rochefort@akerman.com; christopher.eby@akerman.com

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

EXTERNAL EMAIL

Jamal,

Does tomorrow, 8/6, at 9:00 a.m. (Pacific)/10:00 a.m. (Mountain) still work for you for a conferral on these matters? If so, what number should I call?

Best,
Ashley

Ashley Calhoun

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202

D: 303 640 2543 | T: 303 260 7712 | F: 303 260 7714

Admitted to Practice in Colorado, California, Arizona, and Mississippi

ashley.calhoun@akerman.com

From: Whitehead, Jamal <whitehead@sgb-law.com>

Sent: Tuesday, August 6, 2019 1:29 PM

To: Barnacle, Colin (Ptnr-Den) <colin.barnacle@akerman.com>

Cc: andrew@immigrantcivilrights.com; Berger, Adam <berger@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com; Rochefort, Lawrence (Ptnr-WPB) <lawrence.rochefort@akerman.com>; Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>; Eby, Christopher (Assoc-Den) <christopher.eby@akerman.com>

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

Colin,

In addition to my email dated July 16, I'd also like to discuss GEO's response to Plaintiffs' RFP 4.c and Z, requesting all records reflecting VWP payments to class members. GEO produced some records (*see, e.g.*, GEO-State 252769), but they are incomplete and outside the class period. Ryan Kimble, GEO's associate warden of finance at NWDC, testified at deposition that these records are maintained in the "Keefe Banking System" (Kimble Tr. at 67-77), and Keefe touts on its website its ability to export data in XML and other comma-delimited file formats. We'd like to talk about obtaining comprehensive records for the class period in excel format.

Best,
Jamal

EST. 1969



SCHROETER
GOLDMARK
BENDER

Jamal N. Whitehead

Attorney

Schroeter Goldmark & Bender

810 Third Avenue, Suite 500

Seattle, WA 98104

Tel: 206.622.8000 | Fax: 206.682.2305

whitehead@sgb-law.com | sgb-law.com | [en español](#)

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-

From: Whitehead, Jamal

Sent: Tuesday, August 6, 2019 10:49 AM

To: colin.barnacle@akerman.com

Cc: andrew@immigrantcivilrights.com; Berger, Adam <berger@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com; lawrence.rochefort@akerman.com; ashley.calhoun@akerman.com; christopher.eby@akerman.com

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

Thanks for getting back to me, Colin. Can we talk in the AM—perhaps 9:00 or 10:00?

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: colin.barnacle@akerman.com <colin.barnacle@akerman.com>

Sent: Monday, August 5, 2019 6:59 PM

To: Whitehead, Jamal <whitehead@sgb-law.com>

Cc: andrew@immigrantcivilrights.com; Berger, Adam <berger@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com; lawrence.rochefort@akerman.com; ashley.calhoun@akerman.com; christopher.eby@akerman.com

Subject: Re: Nwauzor v. GEO - Identifying Class Members Still in Detention

EXTERNAL EMAIL

Sure, how about Wednesday at 3:00 PST / 4:00 MST?

Sent from my iPhone

On Aug 5, 2019, at 6:47 PM, Whitehead, Jamal <whitehead@sgb-law.com> wrote:

Thanks, Kristin.

Ashley, Chris, Colin, are you available for a call tomorrow afternoon or Wednesday to discuss our request further?

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

[vCard](#) | [Profile](#)

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From: Kristin.Asai@hklaw.com <Kristin.Asai@hklaw.com>

Sent: Thursday, August 1, 2019 1:33 PM

To: Whitehead, Jamal <whitehead@sgb-law.com>; Shannon.Armstrong@hklaw.com;
Matt.Donohue@hklaw.com

Cc: andrew@immigrantcivilrights.com; Berger, Adam <berger@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; devin@opensky.law; Halm, Lindsay <halm@sgb-law.com>; meena@meenamenter.com; colin.barnacle@akerman.com; lawrence.rochefort@akerman.com; ashley.calhoun@akerman.com; christopher.eby@akerman.com

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

EXTERNAL EMAIL

Hi Jamal—I am confirming that we received your email below. I have copied GEO's new counsel on this email, and expect that they will respond to your request when they are able.

Thanks,
Kristin

Kristin Asai | Holland & Knight

Attorney

Holland & Knight LLP

2300 U.S. Bancorp Tower, 111 S.W. Fifth Avenue | Portland, Oregon 97204

Phone 503.517.2948 | Fax 503.241.8014

kristin.asai@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

From: Whitehead, Jamal <whitehead@sgb-law.com>

Sent: Monday, July 29, 2019 9:54 AM

To: Asai, Kristin (POR - X52948) <Kristin.Asai@hklaw.com>; Armstrong, Shannon (POR - X52924) <Shannon.Armstrong@hklaw.com>; Donohue, J. Matthew (POR - X52913) <Matt.Donohue@hklaw.com>

Cc: Andrew Free <andrew@immigrantcivilrights.com>; Berger, Adam <berger@sgb-law.com>; Cronan,

Sheila <cronan@sgb-law.com>; Devin Theriot-Orr <devin@opensky.law>; Halm, Lindsay <halm@sgb-law.com>; Meena Menter <meena@meenamenter.com>

Subject: RE: Nwauzor v. GEO - Identifying Class Members Still in Detention

[External email]

Kristin, do you have a response or update re: my email below? -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: Whitehead, Jamal

Sent: Tuesday, July 16, 2019 5:06 PM

To: Kristin.Asai@hklaw.com; Shannon.Armstrong@hklaw.com; Matt.Donohue@hklaw.com

Cc: Andrew Free <andrew@immigrantcivilrights.com>; Berger, Adam <berger@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; Devin Theriot-Orr <devin@opensky.law>; Halm, Lindsay <halm@sgb-law.com>; Meena Menter <meena@meenamenter.com>

Subject: Nwauzor v. GEO - Identifying Class Members Still in Detention

Kristin,

I write to update you on our efforts to ferret out old, incorrect, or missing address information from the class list produced by GEO and to request GEO's help in identifying those class members who may still be in GEO/ICE custody.

To recap, GEO produced an initial class list on April 12, 2019, identifying 9,131 class members. GEO later supplemented this list on April 29 to include address information, but the spreadsheet GEO produced contained over 46,000 rows of address information. At your direction, we contacted ICE about determining the last, best address for each class member. Based on ICE's input, and as described in my June 6 email, we have "deduplicated" the class list to identify the addresses associated with the most recent date found under any of the various date column headings on the supplemental class list (i.e., From date, To Date, EID Adr Create date, EID ADR Update date).

Presently, we have identified 3,440 class members for whom there is no date information and at least one institutional address (i.e., NWDC or another ICE/Immigration facility). A small subset of this group—107—had no date or address information at all.

The attached spreadsheet identifies these class members by name and "inmate id" and includes the address information causing us to question whether they are still in custody. The spreadsheet is designated as "CONFIDENTIAL" under the protective order already in place.

Please verify whether any of the class members listed on the attached spreadsheet are currently detained. And if so, please confirm the facility at which they are located.

If need be, I'm available over the next few days to discuss this further on a call.

Best,

Jamal

Jamal N. Whitehead

Attorney

Schroeter Goldmark & Bender
810 Third Avenue, Suite 500

[<image001.png>](#)

Seattle, WA 98104

Tel: 206.622.8000 | Fax: 206.682.2305

whitehead@sgb-law.com | sgb-law.com | [en español](#)

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Exhibit 6

From: [Whitehead, Jamal](#)
To: ashley.calhoun@akerman.com; [Andrew Free](#); [Berger, Adam](#); [Cronan, Sheila](#); [Devin Theriot-Orr](#); [Halm, Lindsay](#); [Meena Menter](#)
Cc: colin.barnacle@akerman.com; melissa.cizmorris@akerman.com; nick.mangels@akerman.com
Subject: RE: Nwauzor v. GEO - Update
Date: Thursday, October 10, 2019 3:23:00 PM
Attachments: [image001.png](#)

Ashley,

Glad we could connect a few moments ago on the phone. I'll wait to receive the stipulated motion from you re: the case schedule. In the meantime, please give us an update as soon as possible re: where things stand with our inquiry about who is still in ICE/GEO custody. Thank you.

Best,
Jamal

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)
206.622.8000 | whitehead@sgb-law.com

From: ashley.calhoun@akerman.com <ashley.calhoun@akerman.com>
Sent: Friday, September 13, 2019 6:57 PM
To: Whitehead, Jamal <whitehead@sgb-law.com>; Berger, Adam <berger@sgb-law.com>
Cc: colin.barnacle@akerman.com; melissa.cizmorris@akerman.com; nick.mangels@akerman.com
Subject: RE: Nwauzor v. GEO - Update

EXTERNAL EMAIL

Jamal,

We have identified the payroll data, have it in excel (as you requested), and confirmed it is not subject to ICE review. We are in the process of finalizing the production and expect to send it to you next week.

We are having trouble finding the right person at ICE who is authorized to provide the current or last known address for each individual on the chart you provided. We are not trying to withhold it – just having challenges getting the information to you. We'll keep you posted as this develops. We have a new lead and hope to connect with the right person next week.

Best,

Ashley

Ashley Calhoun

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202
D: 303 640 2543 | T: 303 260 7712 | F: 303 260 7714
Admitted to Practice in Arizona, California, Mississippi, and Colorado
ashley.calhoun@akerman.com

From: Whitehead, Jamal <whitehead@sgb-law.com>
Sent: Thursday, September 12, 2019 1:36 PM

To: Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>; Berger, Adam <berger@sgb-law.com>
Cc: Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Mangels, Nick (LAA-Den) <nick.mangels@akerman.com>
Subject: RE: Nwauzor v. GEO - Updated List

Ashley, GEO is overdue to give us an update on the items below. Do you have time to catch up on a call today or tomorrow afternoon? -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)
206.622.8000 | whitehead@sgb-law.com

From: Whitehead, Jamal
Sent: Tuesday, September 3, 2019 9:35 AM
To: ashley.calhoun@akerman.com; Berger, Adam <berger@sgb-law.com>
Cc: colin.barnacle@akerman.com; melissa.cizmorris@akerman.com; nick.mangels@akerman.com
Subject: RE: Nwauzor v. GEO - Updated List

Hi Ashley, any updates re: below? -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)
206.622.8000 | whitehead@sgb-law.com

From: ashley.calhoun@akerman.com <ashley.calhoun@akerman.com>
Sent: Friday, August 23, 2019 5:21 PM
To: Whitehead, Jamal <whitehead@sgb-law.com>; Berger, Adam <berger@sgb-law.com>
Cc: colin.barnacle@akerman.com; melissa.cizmorris@akerman.com; nick.mangels@akerman.com
Subject: RE: Nwauzor v. GEO - Updated List

EXTERNAL EMAIL

Thanks, Jamal. We've forwarded the updated chart to our client and we'll keep you posted.

Ashley

Ashley Calhoun

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202
D: 303 640 2543 | T: 303 260 7712 | F: 303 260 7714
Admitted to Practice in Colorado, California, Arizona, and Mississippi
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From: Whitehead, Jamal <whitehead@sgb-law.com>
Sent: Friday, August 23, 2019 5:02 PM
To: Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>
Cc: Berger, Adam <berger@sgb-law.com>
Subject: Nwauzor v. GEO - Updated List

Ashley, Melissa,

Here's the updated list class of members who may still be in custody that we discussed moments ago. Please work from this list and disregard the one I sent you previously. Please give us an update next week about the timeline on which we can expect a complete response to our inquiry.

Thank you for the update re: the payroll data. We look forward to receiving the Keefe banking data next week.

Best,
Jamal



Jamal N. Whitehead
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-

Exhibit 7

From: [Whitehead, Jamal](#)
To: [ashley.calhoun@akerman.com](#); [colin.barnacle@akerman.com](#); [melissa.cizmorris@akerman.com](#); [nick.mangels@akerman.com](#)
Cc: [Andrew Free](#); [Berger, Adam](#); [Cronan, Sheila](#); [Devin Theriot-Orr](#); [Halm, Lindsay](#); [Meena Menter](#)
Subject: Nwauzor v. GEO - Keefe Banking Data & Class List Questions
Date: Tuesday, October 15, 2019 12:31:00 PM
Attachments: [image001.png](#)

Ashley,

The Keefe banking records that GEO produced on September 20 (GEO-Nwauzor 193059-72) are different from earlier versions of the same records (e.g., GEO-State 252769) in that the later produced records do not include work details (i.e., location). What accounts for the difference and will GEO reproduce payroll records for the class period including work details?

Separately, do you have an update concerning our ongoing request that GEO/ICE indicate which class members are still in custody?

Best,
Jamal



Jamal N. Whitehead
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-

Exhibit 8

From: adrienne.scheffey@akerman.com
To: [Whitehead, Jamal](#); ashley.calhoun@akerman.com
Cc: colin.barnacle@akerman.com
Subject: RE: Nwauzor v. GEO - Amended Notice Plan
Date: Monday, December 2, 2019 7:45:21 AM
Attachments: [image001.png](#)
[Nwauzor class notice data pull.xlsx](#)

EXTERNAL
EMAIL

Hi Jamal,

Please find attached the information from ICE with updated detention information, as requested. Given this information, we think that any outstanding concerns about the class list have been resolved. As you know, the rest of the information was previously provided from ICE's records.

To that end, we do not think there is a reason to forego mailed notice to the putative class members as ordered by the Court. As the goal is to reach as many impacted individuals as possible, mailed notice will help accomplish this goal. This is true even if some of the addresses are now outdated or unreliable. Certainly, Plaintiffs were aware when they sought to certify a class that there would be some expense associated with notifying individuals who have been released from ICE custody. Additionally, on our call you had mentioned that the *Menocal* Court procedures were analogous to those here. As you know, the *Menocal* Court ordered mailed notice.

Please let us know if you would like to further discuss the notice process or if you plan to file your motion as opposed.

Best,

Adrienne Scheffey

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202
D: 303 640 2512 | T: 303 260 7712
adrienne.scheffey@akerman.com

Profile



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From: Whitehead, Jamal <whitehead@sgb-law.com>
Sent: Monday, December 2, 2019 7:30 AM

To: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>

Subject: RE: Nwauzor v. GEO - Amended Notice Plan

Please send me our redline of the proposed revisions to the notice plan today or let me know if we should jump on a call to discuss this further. I expect to take a lunch break during today's deposition sometime between noon and 1:00 p.m. if you'd like to talk. -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: Whitehead, Jamal

Sent: Monday, November 25, 2019 11:17 AM

To: adrienne.scheffey@akerman.com; Ashley Calhoun <ashley.calhoun@akerman.com>

Subject: RE: Nwauzor v. GEO - Amended Notice Plan

Adriene, Ashley, do you have an update for me re: the proposed revision to the notice plan? -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: Whitehead, Jamal

Sent: Monday, November 18, 2019 3:30 PM

To: Ashley Calhoun <ashley.calhoun@akerman.com>; Colin Barnacle <colin.barnacle@akerman.com>; melissa.cizmorris@akerman.com; Adrienne Scheffey <adrienne.scheffey@akerman.com>

Cc: III Branches Law <joan@3brancheslaw.com>; joe@3brancheslaw.com; Kristi Rigsby <kristi@3brancheslaw.com>; Andrew Free <andrew@immigrantcivilrights.com>; Berger, Adam <berger@sgb-law.com>; Cronan, Sheila <cronan@sgb-law.com>; Devin Theriot-Orr <devin@opensky.law>; Halm, Lindsay <halm@sgb-law.com>; Meena Menter <meena@meenamenter.com>; Mendoza, Virginia <mendoza@sgb-law.com>; Roe, Becky <roe@sgb-law.com>

Subject: Nwauzor v. GEO - Amended Notice Plan

Ashley,

This follows our conversation from a few weeks ago about the state of the class list, among other things, and the need to amend the initial notice plan in light of all the duplicate and/or missing addresses. Attached is a motion we plan to file with the Court seeking to amend the notice plan. I'd like to discuss the motion with you some time soon.

I'm generally available tomorrow to discuss.

Best,
Jamal

EST. 1969



SCHROETER
GOLDMARK
BENDER

Jamal N. Whitehead

Attorney

Schroeter Goldmark & Bender

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-

Exhibit 9

From: [Whitehead, Jamal](#)
To: adrienne.scheffey@akerman.com; colin.barnacle@akerman.com
Subject: RE: Nwauzor v. GEO
Date: Thursday, December 5, 2019 1:03:00 PM

Adrienne, this follows our conversation from Monday. I have confirmed with the Menocal attorneys that direct mail was not a component of the notice plan and that GEO did not insist on direct mail. Please confirm that this is your understanding as well. Once confirmed, does this change GEO's position re: direct mail in the *Nwauzor* case? -JW

Jamal N. Whitehead

[Schroeter Goldmark & Bender](#)

206.622.8000 | whitehead@sgb-law.com

From: adrienne.scheffey@akerman.com <adrienne.scheffey@akerman.com>
Sent: Tuesday, December 3, 2019 1:14 PM
To: Whitehead, Jamal <whitehead@sgb-law.com>; colin.barnacle@akerman.com
Subject: Nwauzor v. GEO

EXTERNAL EMAIL

Jamal,

It was nice meeting you in person yesterday. As we discussed, I will relay your message to GEO that if mailed notice is required, you will seek cost-shifting from the Court. I will let you know as soon as I hear back about whether that position changes my client's mind.

Additionally, we discussed holding the expert depositions in Seattle. I know you had discussed with Joan holding those on the 11th and 12th but those dates are a bit problematic for us. It looks like the 18th remains open on the discovery schedule. Would you be willing to reach out to the experts to find out if they can be deposed on the 18th? If so, we will notice both depositions for the morning and afternoon at your office. If not, we can discuss the best timing for those depositions.

Please let me know if you would like to get on a call to discuss.

Best,

Adrienne Scheffey

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202

D: 303 640 2512 | T: 303 260 7712

adrienne.scheffey@akerman.com

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Exhibit 10

From: adrienne.scheffey@akerman.com
To: [Whitehead, Jamal](#); colin.barnacle@akerman.com
Subject: RE: Nwauzor v. GEO
Date: Thursday, December 12, 2019 9:10:31 AM

EXTERNAL
EMAIL

Jamal,

GEO's position has not changed regarding notice. You may file your motion and note that we have conferred and that GEO opposes.

See you shortly,

Adrienne Scheffey

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202
D: 303 640 2512 | T: 303 260 7712
adrienne.scheffey@akerman.com

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From: Whitehead, Jamal <whitehead@sgb-law.com>
Sent: Thursday, December 12, 2019 8:00 AM
To: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>
Subject: Re: Nwauzor v. GEO

Adrienne, please answer my question re: the notice plan this morning. We plan to file a motion with the Court this afternoon and wanted to check with you one last time before doing so. Thank you. -JW

Sent via my iPhone.

Jamal N. Whitehead

Attorney

Schroeter Goldmark & Bender

810 Third Avenue, Suite 500

Seattle, WA 98104

Tel: 206.622.8000 | Fax: 206.682.2305

whitehead@sgb-law.com | sgb-law.com | en español

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On Dec 9, 2019, at 2:08 PM, Whitehead, Jamal <whitehead@sgb-law.com> wrote: