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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR, et al.,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

CASE NO. C17-5769 RJB

ORDER REGARDING PLAINTIFFS' MOTION TO AMEND NOTICE PLAN

This matter comes before the Court on the Plaintiffs' Motion to Amend Notice Plan.

Dkt. 209. The Court has considered the pleadings filed regarding the motion, the remaining file and the file in *Washington v. GEO Grp., Inc.*, Western District of Washington Case No. 17-5806 RJB, which is joined with this case for liability purposes.

The relevant facts are in the prior orders in this case, including the 14 November 2019

Order on State's Motion for Protective Order (Dkt. 205), the 9 January 2019 Plaintiffs' Proposed

Notice Plan and Order (Dkt. 138), and the 5 February 2019 Stipulation and Order regarding

Long Form Class Notice (Dkt. 142).

The Plaintiffs now move to amend the previous notice plan – the 9 January 2019

Plaintiffs' Proposed Notice Plan and Order (Dkt. 138) – to eliminate the direct mail component

ORDER REGARDING PLAINTIFFS' MOTION TO AMEND NOTICE PLAN - 1

(which was originally contemplated only for those class members living in the United States).

Dkt. 209.

This case is due to begin trial in a little over two months. The parties have been exceedingly slow in getting notice to the potential class members. The parties should be prepared to discuss this motion at the 10 January 2020 preliminary pre-trial conference. In the meantime, the Court is considering the following in relation to the pending motion:

The Plaintiffs' motion (Dkt. 138) should be denied insofar as they move to eliminate the direct mail notice component to potential class members who are currently held at the Northwest Detention Center or are otherwise known to be in ICE custody. Those class members should be given notice either by direct mail or by hand delivery using the long form approved by the Court. The Plaintiffs' motion should also be denied to the extent that they move for Defendant GEO to pay for class notice. They have not shown that extraordinary circumstances warrant this.

The Plaintiffs' motion (Dkt. 138) to eliminate the direct mail notice component of remaining class members from the notice plan should be granted provided that the Plaintiffs demonstrate that notice will be sufficient, at the preliminary pre-trial conference on 10 January 2020. The parties should be prepared to discuss how notice will be disseminated to potential class members in the United States. Considering the late date, the Court expects specific and detailed plans with deadlines. The Court will also expect deadlines to be proposed, met, and proof thereof filed in the file.

This opinion is advisory only and does not rule on the Plaintiffs' Motion to Amend Notice Plan (Dkt. 209). The Plaintiffs' Motion to Amend Notice Plan (Dkt. 209) IS RENOTED TO 10 JANUARY 2020.

IT IS SO ORDERED.

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The Clerk is directed to send copies of this Order to all counsel of record and to any party appearing pro se at said party's last known address. Dated this 31st day of December, 2019. ROBERT J. BRYAN United States District Judge