The Honorable Robert J. Bryan

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 **DECLARATION OF COLIN L. BARNACLE IN SUPPORT OF DEFENDANT THE GEO GROUP, INC.'S MOTION TO EXCLUDE EXPERT TESTIMONY OF JEFFREY MUNSON**

I, Colin L. Barnacle, make the following statement under oath subject to the penalty of perjury pursuant to the laws of the United States and the State of Washington:

1. I am the attorney for The GEO Group, Inc. in the above-captioned matter. I am over the age of eighteen (18), and I am competent to testify in this matter.

2. Attached are true and correct copies of the following exhibits:

EXHIBIT A: Excerpts of the deposition of Jeffrey Munson, who was deposed by The GEO Group, Inc. on December 12, 2019.

EXHIBIT B: Expert report of Jeffrey Munson dated September 11, 2019.

EXHIBIT C: Excerpts of the deposition of Ryan Kimble, who was deposed by the State of Washington on July 9, 2018.

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Dated this 2nd day of January, 2020, at Denver, Colorado.

Akerman, LLP

s/ Colin L. Barnacle
Colin L. Barnacle (Admitted *pro hac vice*)
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PROOF OF SERVICE

I hereby certify on the 2nd day of January 2020, pursuant to Federal Rule of Civil Procedure 5(b), I electronically filed and served the foregoing **DEFENDANT THE GEO GROUP, INC.'S MOTION TO EXCLUDE EXPERT TESTIMONY OF JEFFREY MUNSON** via the Court's CM/ECF system on the following:

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EXHIBIT A

In the Matter of:

NWAUZOR et. al

vs

GEO GROUP

JEFFREY MUNSON

December 12, 2019

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

NWAUZOR et. al,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No.
	)	3:17-cv-05769-RJB
THE GEO GROUP,	)	
	)	
Defendant.	)	

DEPOSITION OF JEFFREY MUNSON, PH.D.

December 12, 2019

Seattle, Washington

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EXAMINATION INDEX

EXHIBIT INDEX

BE IT REMEMBERED that on Thursday, December 12, 2019, at 810 Third Avenue, Suite 500, Seattle, Washington, at 10:20 a.m., before APRIL COOK, CCR, appeared JEFFREY MUNSON, PH.D., the witness herein; WHEREUPON, the following proceedings were had, to wit:

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JEFFREY MUNSON, PH.D., having been first duly sworn by the Certified Court Reporter, testified as follows:

EXAMINATION

BY MS. SCHEFFEY:

Q So my name is Adrienne Scheffey, and I'm here on behalf of the GEO Group today. I wanted to start with a few housekeeping items.

Have you ever been deposed before?

A Yes.

Q Okay. So you probably already know this, but I always repeat it because I think it's the most important rule. She's taking down everything we say. If we both speak at the same time, she can't write down what we're saying.

A -- and majored in psychology.
Q Okay. Did you have -- did you obtain any other degrees after that?
A Yes. I got a Ph.D. at the University of Washington, studying child clinical psychology.
Q Okay. And what is child clinical psychology entail?
A The program at the University of Washington is a research-oriented program. But given its clinical psychology, focus on children, the course of study was on general childhood psychopathology, treatment and assessment of family's and children's mental health issues, alongside of research training in order to conduct research in those fields.
Q Okay. And when you say "research training," what does that mean?
A That means statistics, research sort of experimental design and methodology and...
Q Okay. And is part of that interviewing people and collecting the data or is it more assessing the data afterwards?
A It would include both --
Q Okay.
A -- of those things.
Q And so where do you currently work?
A I work at the University of Washington.

Q Okay. How long have you worked there?
A I started working there after I graduated in 1998 and was a research scientist. That was my role for a number of years and then moved to be a research professor. A similar role: Doing research. Studying autism primarily the project's I've been working on.
Q What do you do as a research professor?
A I am involved in, you know, the full array, from designing research studies, writing grants for those, the collection of data. My primary role, though, the -- the portion of that that I spend most of my time on is managing the data infrastructure for lots of studies where I manage, you know, information that comes from, you know, clinical assessments, people interviewing families or children, interacting -- interacting with them, doing, you know, cognitive testing, those kinds of things, plus data generated through machines like eye trackers or EEG and other kinds of sensor-based data. And I manage that and analyze it to address the research questions we have.
Q And when you say you "manage" it, does that mean you organize it in a system or does that mean something else?
A No, that -- it means organizing it in a system. You know, building a database that, you know, can handle the different sources of data; allows people to integrate

that; produce, you know, datasets that can be used, then, for analysis.

Q Okay. And in that role do you manipulate data?

A Yeah, it's implicit in much of what I've just said it --

Q Okay.

A -- involves. And by "manipulate," what I mean is, you know, new values are calculated based on other values. Manipulate also means just changing the -- the shape of data --

Q Uh-huh.

A -- to fit the best analytic tools that someone's using.

Q And do you also teach in that role?

A No. As a research faculty, I do no teaching, other than just with students who are working on some of our projects.

Q And what projects are you working on right now?

A I have a number of studies that I'm a part of. I've recently started bringing to bear the -- sort of this data infrastructure that I've built to other individuals who don't study autism. My colleague studies serious mental illness and hallucinations, so we've got a project there. And then another person who studies pregnancy in primates and different pathogens and how it impacts the -- the pregnancy process.

Q Okay. And in those projects that you're currently

working on, are you collecting data or are you just managing data?

A When you say "you," does that mean me as an individual?

Q Yes.

A I --

Q You as an individual.

A -- yes, I -- I am not collecting it myself. It gets entered in a variety of ways. People give me files that have been generated from a machine, let's say. I will build code to import that, process that.

Other data is entered directly by participants, maybe on the -- on the web or on a piece of paper. Some of our staff would then enter that data into the system. I don't do that, though.

Q And when you receive data in your role, do you ever scrutinize it for outliers or do any other assessment to determine its validity or accuracy?

A Yeah. That's, again, an -- an implicit part of this process, too, is to examine the data as it -- as I receive it. Then there's a whole host of -- of things, depending on the nature of the data, that I would want to do to ensure its, you know, validity and accuracy.

Q What are those things you would wanna do? Let's use, for example, user-generated data or self-reported data that you would get for autism.

A You know, depending on the specific question -- let's say a question has a super common instrument -- they're quite simple, usually, with a number of options, so the multiple choice or cross off a number of items; simple things like ensuring each item was in the proper range of responses if they're numbered one through five, for example; looking for patterns of missing information in the midst of it. So in that context, those are two of the most common -- most common things I would need to do.

(Ms. Roe enters the room.)

Q (By Ms. Scheffey) And how would you identify if information is missing?

A It would result in a blank in the -- the resulting record in the database.

Q And how would you analyze if someone chose -- I think you said there were multiple-choice options -- if someone chose B and they meant to choose C?

A Well, I couldn't know the intent. If something was entered as a 2, I would have to treat that as a 2.

Q Okay.

A Because I am -- what I'm only seeing is a 2 entered into a -- a given field in the database in a given record in a given table type of thing.

Q So you do not conduct interviews to validate data.

MR. BERGER: Objection. Overbroad.

But go ahead and answer.

THE WITNESS: In the -- in the course of our work, clinicians or staff who conduct interviews, part of that process is an assessment of validity in an ongoing way. If -- if someone would have a question about a given response, they'd seek clarification just to make sure that someone's writing down an answer properly.

In the case of a -- a self-report questionnaire, typically those are just treated as provided by the participant.

So, you know, you refer to two different things. You've mentioned interview. I was referring to a questionnaire. Those would be different contexts where the questionnaire would be less likely to have a back-and-forth interchange --

Q And --

A -- especially if someone mailed it or filled it online or something.

Q -- and just so I understand: It would be staff, not you yourself, who would be --

A Yes.

Q -- collecting that?

A I -- I -- I haven't been involved in the direct data collection for many years, although I did do that early on.

Q So then your main job is dealing with data you've been provided. Or assessing data you've been --

A Yeah.

Q -- provided.

A That's my main role in the -- the research I'm involved in currently.

Q Okay. So in terms of data analysis, do you have any specific qualifications? Certificates?

A No certificates other than graduate-level courses in a variety of statistical techniques. The -- the core sort of statistical coursework in my degree program, but I've taken additional courses as well, and we have different multivariant statistical techniques.

Q You mentioned numerous "statistical techniques."

What are those techniques?

A They could be the -- the names of different statistical techniques can be clumped at different levels of generality.

So aiming for the level at which I think of, one is sort of linear mixed models, which is one statistical technique that allows you to analyze data that's collected across multiple levels. Repeated observations with an individual and then those observations across multiple individuals would create two different levels of data. So intermixed models, simple things of looking

for associations between things with correlations and multiple regression. We can get differences between samples with analysis of variance, and that gets more and more complicated as the questions get more refined, whether there's covariants included and things like that.

That covers the bulk of the -- the other class would be structural equation models, which primarily -- primarily look at the degree of relationships among different variables.

Q And which one of those two techniques did you use for this case?

A None.

Q None?

A I have no -- I have made no statistical inferences in my work on this case.

And, to be clear, by "statistical inference," I mean by that having a sample of data that's deemed representative of a broader population and then doing statistics, like I mentioned, in order to address specific questions about that data to make sort of generalizations to the broader population.

In this case I've just been working with the information I've received and the entirety of it.

Q When you say "the entirety of it," what do you mean?

A If I'm interested -- as -- as an analogy, if we were interested in children with autism, we might get a sample of 50 children and their families and do some things, draw some -- and draw some inferences. We would generalize that to the broader population of all children with autism, let's say, in the United States.

With this work that I've done on the GEO case, I received some information about detainees and, you know, their record of work and I've made calculations based on all of it, not just a subset of it. So there's no inference from a sample to a population.

Q So in this case you did not receive a sample that you then transferred to the population.

A I -- I received what I understand was all the records related to the detainees at a given facility for a given time period. And I'm unaware of whether there's more information or not.

Q Okay. Can you tell me about the last time you took a course or other sort of certificate program about data analysis?

A Oh, it would've been since grad school. So 1997, probably.

Q How did you become proficient in the data analysis responsibilities that are listed on your résumé? You may turn and look at that.

A How did I become proficient?
Q (Ms. Scheffey nods head affirmatively.)
A I, even as an undergrad, did some work with statistical software. Continued that in grad school. My research assistant, RA, positions were doing similar things, just managing data, doing data analysis. Over time as needs in our projects grew, I learned about databases. And, you know, largely self-taught and, you know, querying Google many times to try to figure out different things, but have built that -- the data infrastructure largely by myself using Microsoft SQL server and a variety of tools. But -- so it's a combination of self-taught and classroom work as a grad student.
Q Have data analysis standards or practices changed since 1998?
A The tools certainly have changed. Statistical methodology is always changing as well. My work as an expert in legal arena has always been more on data -- data management and, again, making calculations across large amounts of data, but not applying statistical methods to draw inferences from that data. It's more the mechanical portion of manipulating and managing large amounts of data, implementing assumptions about different damages claims that the case involves, and carrying those out.

are wages. If it's work that's been purported to have been done but not paid, I guess that would count as unpaid wages. I don't -- I'm not using that in the technical, legal sense, but I have done calculations on a number of cases across claims -- various claims like that.

Q Do you have a standard methodology for approaching claims for back wages or missed meal breaks?

A No. I implement assumptions provided by the attorneys I'm working with relevant to the case at hand.

Q When you say you implement assumptions provided by the attorneys, what do you mean by that?

A That means that the application of the assumptions to the data by means of using -- you know, the -- the last several years I've used R, just -- just the capital letter R -- statistical environment to apply the assumption to the data. Because the assumption by itself doesn't yield -- it's -- it's unknown how many, let's say, missed rest breaks there would've been. But taking that assumption, applying it to the data I've received, I can come up with an -- an answer to how many rest breaks were missed. So that's what I mean when I say apply the assumptions.

Q So if I'm understanding you correctly, an assumption is an unknown and the only thing that is known when you're

doing these -- this application is the data; is that correct?

A I would -- well, the -- the assumption is known. What isn't known is whether the -- the Court or the trier of fact will agree with that assumption or not. But it's a -- it's a given. It's an assumption. And it's the -- the technical implementation of the assumption on the data yields the result. So I -- I guess -- I don't know if that answers your question, but...

Q So for a question about, like we have in this case, individuals who claim that they were not paid minimum wage for a certain number of hours, what is the assumption?

A The assumptions that are present in my work to date was that the average shift length for a given -- for a given worker, working a given day, was 1.72 hours, which came from, you know, what I refer to as Exhibit 20. I believe that was from Ryan Kimble. And that was -- that was one assumption.

The other assumption was that in the data I looked at, each indication of -- well, now, I just used the -- these totals, the invoices that GEO submitted, I believe -- I -- I don't really their name, but the invoices that were month by month. And the -- there was an assumption that each dollar represented in

A In the materials considered for this report, I had no information about what location an individual did work in, so no.

Q Did you look at any data showing how long a detainee worker's shift was?

A Only -- only Exhibit 20.

Q Okay. So I'm gonna go through, if you will turn these -- and I apologize, these pages aren't numbered. But I wanted to go to your Exhibit B, which shows the cases you've previously worked on.

A (Witness indicates.)

Q Appendix B, it looks like this.

A (Witness complies.)

Q Yeah. Or that one. It looks like they're both the same.

A Okay. Okay.

Q We can go to the other list. That's fine. It's here.

A Oh, no, this is --

Q This is fine.

A Okay.

MR. BERGER: Okay.

MS. SCHEFFEY: You knew where it was.

MR. BERGER: I just --

MS. SCHEFFEY: I realized today that they didn't have page numbers, so I apologize.

MR. BERGER: That's okay.

MR. BERGER: I'm just laughing because there was about 11 hours of cross-examination.

THE WITNESS: I do remember that.

MR. BERGER: 11?

MR. BERGER: Yeah.

Q (By Ms. Scheffey) Did you apply a similar methodology to that case as this case?

A That case I had detailed information about each driver and -- and stuff, so the level of the detail -- the information for that is very different than what I've done thus far for -- in this GEO case.

Q So would it be fair to say your methodology there was different than here?

A They're certainly -- the -- the data was different, the -- the -- the claims were different, the -- but the overarching sort of role of taking the assumptions about violations, applying them to the data, that's the -- that's the same in terms of my -- the nature of my opinions and conclusions.

Q Okay. What about Hill? What was that case about insofar as it involved your expert testimony?

A Very similar in that there were claims about breaks -- you know, missed rest and meal breaks. Again, I'm not recalling the details of off-the-clock work or -- and/or unpaid overtime, but I would say very similar to Brinks.

And essentially all the work that I've done is fulfilling that role of taking the -- the raw data to characterize the work and then applying assumptions about the violations to calculate damages.

Q Do you recall what your findings were in that case?

A Some amount of damages that should the Court find the defendant violating, then those are the damages. I can say that many of the assumptions -- or it -- it's not uncommon that the assumptions I'm provided, should those be changed as a result of the, you know, litigation process and the Court find a different value, let's say of the percentage of missed meal breaks, that revised assumption could then be -- I could take that and then recalculate the things that I've done typically very easily.

So -- so the opinions I -- I offer kinda come with that -- that built-in flexibility because I have no opinion about the veracity of the assumption itself.

Q And was your testimony challenged in Hill?

A I don't recall.

Q Okay. What about Bruner? What was that case about?

A Similar issues. Again, it's an employment law, wage-an-hour things, missed breaks. Again, a subset of missed breaks, off-the-clock work, unpaid or mispaid overtime. I don't recall the details of which claims are

calculations based on that single number. So the volume is, like, minuscule compared to, you know --

Q Okay.

A -- what's typical by getting, you know, the full set of employees' let's say daily work record or whatever.

Q Okay. And are there others in your field who would analyze the data you analyzed in this case in the same way?

A I --

MR. BERGER: Object to form.

Go ahead and answer.

THE WITNESS: -- yeah, in my field I -- I would think the -- implementing the assumptions I'm provided could be -- could be carried out with different types of software, but it tends to be simply, at the end of the day, just arithmetic --

Q (By Ms. Scheffey) When you say --

A -- and multiplication.

Q -- "arithmetic," what do you mean?

A I mean it's multiplication across -- of, let's say, the number of presumed unpaid hours for a week, that number of unpaid hours would've been calculated by adding the amount of missed rest time, let's say on Monday and then on Tuesday for that week. To get damages you'd take that sum, which arithmetic, multiply it by the relevant rate

for that week for that employee -- and, again, what's the relevant rate would be provided as an assumption -- get a value there. Total damages would be summing across all of those weeks for all of those employees.

So it -- so I say arithmetic just because the mathematical operation is -- is straightforward and simple. Anyone implementing these assumptions would use those mathematical operations.

Again, the software, how to do that efficiently, given the existing data, would probably be -- be done in a variety of ways, but should come with the essentially the outcome.

Q Do you need any specialized knowledge to do that arithmetic?

A Not the arithmetic. I believe you need specialized knowledge to apply it across a giant volume of data. That's --

Q And when --

A -- where --

Q -- you say --

A -- my expertise comes in.

Q -- when you say "apply it," is that what you're -- are you referring to use the software or manipulate the software to --

A Yes.

A I didn't use them to -- to, like, determine whether or not the information in Exhibit 20 was appropriate or not. Or I didn't look at them to -- to try to gain any other understanding of Documents 6 through 19. They were, you know, given to me as a function of the case. But to carry out the -- the task that I was asked to do to calculate damages based on the monthly invoices, assuming a 1.72 hour average shift length, I did not need these other documents to do that.

Q So I'm just gonna try and understand.

For example, if there was an inconsistency between No. 3, which is the Kimble deposition, and No. 4, which is Exhibit 20, you didn't consider that inconsistency?

MR. BERGER: Object to form.

You can answer.

THE WITNESS: I was -- I needed -- since I have no knowledge of, you know, employee or detainee shift work, I relied on only Exhibit 20 as -- as that. Well -- and I should say that's the assumption I was provided to implement. And to me that seemed reasonable, given it was a document produced by the company.

And it's common in my work with attorneys that the assumptions provided me can vary. Or sometimes I'm asked to implement a -- a variety of different assumptions

to -- you know, to see the impact of should the Court find that, you know, Assumption A versus Assumption B is -- reflects the truth.

So here I know that the assumption I was asked to use, 1.72, comes from Exhibit 20, from the Ryan Kimble deposition.

Q (By Ms. Scheffey) Okay. Did you review any other documents that are not listed here?

A No.

Q Were you provided the entire transcript of the Kimble deposition?

A I -- I don't know --

Q Okay.

A -- if I was or not.

Q Were you provided all of the exhibits to the Kimble deposition?

A I don't believe so if, I assume from this, that there were at least 22.

Q Okay. How did you conclude that each shift was 1.72 hours?

A That is based on Exhibit 20, the -- the result of that work spreadsheet or table, I guess. I did not review that table to see if the calculations were -- were accurately conducted in each row to get 1.72 as the overall average. I just took the 1.72 as-is.

average?
A It represents an average of one -- yeah, the average length of a worker's shift. It doesn't calculate the variability around that average that there is, but...
Q And why do you believe it's an average?
A Well, the bottom row says "Average Hours."
Q Why do you believe it's the average length of a worker's shift in particular?
A Given, you know, what I stated in terms of my understanding of this and what I've been told these columns reflect, that total workers is the numerator with total hours the denominator and then dividing those yields an average of hours per shift. Well, I -- flip that. Hours in the numerator. So 810 divided by 470 I presume is 1.72.
Q Did you review Mr. Kimble's testimony to find out what he believes this document is?
A No.
Q Do you know who created this document?
A No.
Q Do you know if the methods used to produce it were reliable?
A No.
Q Did you ask to speak with anyone about how -- who created the document?

A No.
Q Did you ask to speak with anyone about the methods for collecting this document?
A No.
Q Do you have any understanding of the assumptions underlying this document?
MR. BERGER: Object to form.
THE WITNESS: Not in detail. I would have to make just a commonsense guess about the assumptions --
Q (By Ms. Scheffey) Did you --
A -- involved.
Q -- look at any other documents to try to corroborate those estimates?
A No.
MR. BERGER: When it's a convenient time to take a break, can we take a short --
MS. SCHEFFEY: We can take it now if you want.
MR. BERGER: Great.
MS. SCHEFFEY: Let's go off the record.
(Short recess taken.)
MS. SCHEFFEY: All right.
Q (By Ms. Scheffey) So before the break I believe we were

talking about whether you looked at Mr. Kimble's testimony in his deposition to analyze Exhibit 20.

A Correct. You asked and my -- my answer was, no, I just I -- I relied on Exhibit 20 as an estimate from the company that -- that reflect at least one estimate of the --

Q Okay.

A -- average shift length.

Q Okay. So I am going to mark this as 368. This is Mr. Kimble's deposition testimony.

(Exhibit No. 368 marked for identification.)

MS. BRENNEKE: And so the record is clear, I think I'd like it to just reflect that this the 30(b)(6) of GEO Group in the person of Ryan Kimble. Because --

MS. SCHEFFEY: That's fine.

MS. BRENNEKE: -- there's a separate deposition of him as a --

MS. SCHEFFEY: Okay.

MS. BRENNEKE: -- person.

MS. SCHEFFEY: And I will represent on the record that it is the Ryan Kimble deposition from which the Exhibit 20 came.

MS. BRENNEKE: The 30(b)(6) --

know, I hadn't reviewed this page, so I was not provided other information other than this is an estimate.

Q (By Ms. Scheffey) And did you know or do you know, sitting here today, when the document was created?

MR. BERGER: Which document?

MS. SCHEFFEY: Exhibit 20.

THE WITNESS: No.

Q (By Ms. Scheffey) Do you know if Exhibit 20 represents the maximum staffing in 2014?

MR. BERGER: Object to form.

You can answer.

THE WITNESS: No, I don't know that.

Q (By Ms. Scheffey) Do you know if Exhibit 20 represents detainee work assignments in 2015?

A No. I'm not familiar to what time period Exhibit 20 refers.

Q Okay. Do you know who created Exhibit 20?

A No.

MR. BERGER: Objection. Asked and answered.

THE WITNESS: No.

Q (By Ms. Scheffey) Okay. Did you review Mr. Kimble's testimony to determine who created the Exhibit 20?

A No.

Q Okay.

Q Okay. Is it your understanding that those definitions -- I'm looking at A1, A2, A3 -- only represent different pods or that they represent different jobs?
A I don't know.
Q You don't know?
A (Witness shakes head negatively.)
Q Okay. Did you make any effort to figure out what those notations meant?
A No.
Q Okay.
A I, at this point, simply used the overall average --
Q Okay.
A -- for my work to date in the -- the report at 366 -- Exhibit 366.
Q Did you review any documents that would indicate there were different shifts in the voluntary work program?
A I'm not sure what you mean by "different shifts."
Q Did you review any documents that would indicate that there were different positions a detainee could hold within the voluntary work program?
A No. But my understanding is that any one of these somebody could work and that, like, the kitchen, fix breakfast, lunch, dinner. So there's different times during the day is my assumption there and -- but I did not review other documentation that tells me how someone

is assigned to a different -- a given shift or -- or what.

Q Okay. Did you look at any other documents which would inform you about how many barbers, for example, there are in the facility?

A No.

Q Okay. Did you review Mr. Kimble's testimony about how many barbers there were in the facility?

A No.

Q Okay. How many barbers did you assume were in the facility?

A I made no assumptions with regard to the number of barbers, per se, only to the degree that this overall estimate of 1.72 relies on, you know, 15 barbers working four hours. That's -- that's a portion of the information that goes into this average hours.

Q If there were only two barbers working four hours, would that change the 1.72 number?

A Yes. Any -- any of these -- changing any one of these numbers would change the overall average, yes.

Q And would changing the overall average change your analysis?

A Yes.

Q Okay.

A That would be me being provided a different assumption

regarding the average shift length.

Q Okay. I'll have you turn to Page 85 of Ryan Kimble's deposition.

A (Witness complies.)

Q At Lines 19 through 21, Mr. Kimble indicates that there are a limited number of barber chairs.

How many does he state there are?

A Line 20 says:

"And it has, I think, four or five barber chairs."

Q Okay. Did you consider that assumption in contrast with the ten barber chairs on Exhibit 20?

MR. BERGER: Object to form.

THE WITNESS: No. Exhibit 20 says 15 under the "Worker" column, but I have no knowledge with regard to the number of people working relative to the number of chairs. I just don't know --

Q (By Ms. Scheffey) Okay.

A -- anything about that.

Q On Page 86 did you review Mr. Kimble's testimony from Lines 12 to 16?

A No.

Q In that testimony how many detainee barbers did he testify there would be at any given time?

A It looks like in Line 14 he says:

"It could be anywhere from six to eight."

Q How would six to eight change the 1.72 number in Exhibit 20?

MR. BERGER: Object to form. Incomplete hypothetical.

THE WITNESS: If the other assumptions held true, six to eight could be -- one would have to choose a single value, replace the 15, and the overall average would drop accordingly.

Q (By Ms. Scheffey) So if there were fewer barbers accounted for in Exhibit 20, you believe that mathematically the average would drop?

A Yes, given they had four-hour shifts according to this document.

Q Did you review Miss Henderson's deposition?

A No.

Q Did you review Alicia Singleton's deposition?

A No.

Q Did you review any other depositions to look for inconsistencies in Exhibit 20?

A No.

Q How did you account for the unknown variables of Exhibit 20?

MR. BERGER: Object to form.

THE WITNESS: That question -- for my purposes, Exhibit 20 provided a single piece of

at that has the reference with each individual's name is more accurate than the one you used, would that change the amount that would be your damages calculation for the month of July 2017?

A Certainly if I used this document as the -- the source data, indicating how many, you know, total shifts, then, yes, the 12,314 would be used rather than the 12,500.

Q And how would that approximately $200 reduction affect your analysis for July 2017?

A Damages would be reduced by that number times minimum wage minus that number.

Q In your methodology is there a standard rate of deviation or error assumed?

A No. Nor does there need to be, given the methods I used. I simply took the -- the total invoice amount under the "Worker Pay Adjusted" and carried out the calculations. So there was no variance estimate -- I forgot the word you used.

Q Standard deviation.

A Ah.

Q Or if there's another way for calculating it in your methodology.

A No. It was straightforward, using the -- the total. My -- this workup did make an assumption for months that I did not have an invoice for. I believe I took the

average across the other months and simply applied that to -- to the additional months for which there wasn't data.

Q Okay. And so what months have an assumption in them?

A The months that have an additional assumption that is based on the average that began in March 1st, 2018. You can see on Table 1 of my report that that figure's just continued on through the rest of the table with the change in minimum wage happening at January 2019. But, otherwise, it utilized that average -- that overall average.

Q Okay. So here I think we agreed that there's an approximately $200 difference between the worker pay in your report and the dollar amounts on the worker pay reimbursement.

A Yes, that those two values differ.

Q In your opinion is that difference significant?

MR. BERGER: Object to form.

THE WITNESS: "Significant," that word actually has a variety of meanings statistically. Here I don't know how to -- I don't interpret that difference. I would simply say I don't know why it's different.

Should I be asked to calculate the damages utilizing this information and this subtotal reflects the -- the

information, you know, contained -- contained in the subsequent page, then that would be -- that would be the -- the value I'd use.

Q (By Ms. Scheffey) When you say there's several meanings of significant, can you tell me what those are?

A Well, statistical significance is a concept that, given the probability of an observed test statistic applied to certain data, when someone sets an established threshold of let's say 1 in 100 or 1 in 1,000, should the findings find to be very unlikely to have occurred the way they did, that would be deemed statistically significant. And I -- I wanted to make sure I wasn't commenting about anything statistical when you used the word "significant." So --

Q So this analysis is not a statistical analysis?

A That's correct.

Q What would you describe your analysis as?

A It's -- it's the result -- it's the result of a -- of a -- the process of -- it's a -- it's a data analytic process, but implementing these -- these assumptions that have sort of arithmetic sort of operations to carry them out. Like, it's -- it's what I referred to earlier in the deposition, that I'm not making inferences about a subset of data to a bigger --

Q And then --

A -- to a bigger population.
Q -- how does the data analytic methodology differ from a statistical methodology?
A Statistics employ a bunch of assumptions and calculate an estimate of, like, the degree of -- it depends on -- it depends on the analysis undertaken, but the degree of difference between two samples of data. It's a -- a -- a simple one. And here I'm simply adding, you know, the results of the calculation carried out on each row here in Table 1.
Q Is R a statistical-analysis tool?
A Yes.
Q Was this created using R?
A Yes.
Q But it's your testimony today that it's not a statistical analysis.
A Well, by saying R is a statistical-analysis tool, that doesn't mean that is only what it does. Part of the inherent nature of analyzing data is processing data, manipulating data. So I use R to -- to carry out these calculations. But, again, it's not I think the keyword is inference, that I'm not making statistical inferences.
Q Can -- did you use R to extrapolate the data on Exhibit 20 to a larger population?
A Just to the -- I -- I used R to calculate the average for

the months I did have, and then it seemed a reasonable approach to take that average and just apply that to the subsequent months.

If I was provided different assumptions such as, well, just take the last three months and use the average of the last three months and apply that to the subsequent months, that could seem a reasonable approach as well. The one I utilized here is just that overall average.

Q Did you use R to analyze Exhibit 20 in any way?

A No. I just used the 1.72 average shift length, used that piece of information from it.

Q Did you double-check the math of Exhibit 20?

A No.

Q Did you do anything to analyze Exhibit 20 beyond its face value?

A No. Other than knowing it was produced by the company, I used that just like you said, as -- on its face as an estimate of the average shift length.

Q How did you account for the change in participation in the voluntary work program over time in your report?

A It's implicitly included by assuming that the -- the worker pay value reflects how many individuals were working. So it's done month by month based on that value from the invoice.

Q Did you account for increases in, for example, a shorter

MR. BERGER: Object to form.

THE WITNESS: Yeah, the -- the proportion's derived from the number. I was just saying if there were more people working in longer shift areas, the average would go up. If there's fewer people in the longer shifts or more people in the shorter shifts, the average would go down.

Q (By Ms. Scheffey) Okay. How would you account for that in your analysis?

A There was no attempt to account for that in my report because I had no information that would show that variability.

The information in Exhibit 369 appears to contain the specifics with regard to which person in which shift. And in that regard, there would be no estimate required. You could just presumably know how many people were in each area or --

Q Which --

A -- location.

Q -- data would be more reliable for your method? The Exhibit 20 or the Exhibit 369?

A I think they're -- they're both reliable. They're different. I think using the Exhibit 369 information I presume would be more accurate with regard to what happened for specific people on specific days. That's

across which one is, you know, applying it to, that would make it a -- a good -- a good estimate.

In this case I've, well, for my first report used the average to apply it those subsequent months for which I didn't have invoices. When you talked about Exhibit 369 you didn't talk about using any average, just the assumption of the shift length by code.

Q (By Ms. Scheffey) Did you make any assessment of whether the sample provided in Exhibit 20 was similar to the population that it was supposed to reflect?

MR. BERGER: Object to form.

THE WITNESS: From the information in 369?

Q (By Ms. Scheffey) No. In --

A Was that --

Q -- Exhibit --

A -- your --

Q -- 20.

A -- question? Oh, Exhibit --

Q Did you --

A -- 20? No, I just -- I used it as an estimate provided by the company, like I said before, as a face valid average.

Q Did you take any other effort -- efforts to establish whether Exhibit 20 was reliable?

MR. BERGER: Objection. Asked and answered.

THE WITNESS: No.

Q (By Ms. Scheffey) Okay. I don't think I have any more questions. Is there anything you need to correct or you want to go back and revisit today?

A I don't believe so. No.

MS. SCHEFFEY: I am done.

MR. BERGER: Okay.

MS. BRENNEKE: Thank you.

MR. BERGER: Thank you very much.

(Signature reserved.)

(Deposition concluded at 12:49 p.m.)

STATE OF WASHINGTON)
) ss
County of Pierce)

I, April Cook, CCR #3245, a certified court reporter in the State of Washington, do hereby certify:

That the foregoing deposition of JEFFREY MUNSON, PH.D. was taken before me and completed on December 12, 2019, and thereafter was transcribed under my direction; that the deposition is a full, true and complete transcript of the testimony of said witness, including all questions, answers, objections, motions and exceptions;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved the right of signature;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the said deposition and promptly delivering the same to Adrienne Scheffey.

IN WITNESS WHEREOF, I have hereunto set my signature on the 15th day of December, 2019.

April Cook, CCR
Certified Court Reporter No. 3245
(Certification expires 10/11/20.)

EXHIBIT B

Jeff Munson
University of Washington
Box 357920
Seattle, Washington 98195

September 11, 2019

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

Re: Nawauzor et al. v. The GEO Group, Inc., No. 17-cv-5769-RJB (W.D. Wash.)

Dear Mr. Whitehead:

I have been retained by your firm to assess the economic damages sustained by detained persons participating in the "Voluntary Wage Program" (VWP) at the Northwest Detention Center. Specifically, you asked me to assume that the Washington State minimum wage applied to VWP participants and to calculate back wages owed for work performed at subminimum wage rates from September 24, 2014, to present. This report contains the results of my analysis and explains my methodology as well as the sources of data upon which I relied.

Attached to this report are my *curriculum vitae* (Appendix A), a list of cases in which I have testified over the past four years (Appendix B), and a statement of my compensation (Appendix C).

I. BACKGROUND

The GEO Group, Inc. ("GEO") owns and operates the Northwest Detention Center (NWDC), and uses civil immigration detainees participating in the VWP to perform many non-security functions in the facility.[1] The jobs performed by VWP participants include work that is broadly characterized as janitorial and maintenance, kitchen, barber, and laundry.[2] GEO pays these detainees $1.00 a day for their labor regardless

[1] Compl., ¶¶ 4.2-4.7.
[2] Kimble Dep., Ex. 20.

of how many hours they actually work.[3] GEO submits monthly bills to U.S. Immigration and Customs Enforcement for reimbursement of wages paid to VWP participants.[4]

Plaintiffs argue that an employment relationship exists between GEO and the detained persons taking part in the VWP, and that GEO's practice of paying subminimum wages to these workers violates Washington's Minimum Wage Act ("MWA"), RCW 49.46 et seq.[5]

II. MATERIALS CONSIDERED

In the course of my analysis, I reviewed the following documents:

1. First Amended Complaint
2. NWDC Detainee Handbook
3. R. Kimble Deposition Transcript
4. R. Kimble Deposition, Exhibit 20
5. R. Kimble Deposition, Exhibit 22
6. GEO-State 045059 (Jan. 2017 GEO Bill to ICE)
7. GEO-State 046463 (Feb. 2017 GEO Bill to ICE)
8. GEO-State 046465 (Mar. 2017 GEO Bill to ICE)
9. GEO-State 045232 (Apr. 2017 GEO Bill to ICE)
10. GEO-State 047378 (May 2017 GEO Bill to ICE)
11. GEO-State 045103 (Jun. 2017 GEO Bill to ICE)
12. GEO-State 045250 (Jul. 2017 GEO Bill to ICE)
13. GEO-State 045052 (Aug. 2017 GEO Bill to ICE)
14. GEO-State 045138 (Sept. 2017 GEO Bill to ICE)
15. GEO-State 230438 (Oct. 2017 GEO Bill to ICE)
16. GEO-State 046622-21 (Nov. 2017 GEO Bill to ICE)
17. GEO-State 230459 (Dec. 2017 GEO Bill to ICE)
18. GEO-State 046536 (Jan. 2018 GEO Bill to ICE)
19. GEO-State 047718 (Feb. 2018 GEO Bill to ICE)

To the extent additional relevant information becomes available, I reserve the opportunity to revise my analysis and the opinions stated in this report.

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[3] NWDC Handbook at GEO-Nwauzor 001003.
[4] Kimble Dep. at 164-170; Ex. 22.
[5] Compl., ¶¶ 4.2-4.12, 6.1-6.4.

III. ASSUMPTIONS APPLIED

You asked me to assume the Washington State minimum wage applied to VWP participants, and to calculate aggregate damages for the certified class from September 26, 2014, to present. During this time, the following State minimum wage rates applied:[6]

- In 2014, the State minimum wage was $9.32 per hour.
- In 2015, the State minimum wage was $9.47 per hour.
- In 2016, the State minimum wage was $9.47 per hour.
- In 2017, the State minimum wage was $11.00 per hour.
- In 2018, the State minimum wage was $11.50 per hour.
- In 2019, the State minimum wage is currently $12.00 per hour.

Other assumptions are discussed below (*see infra,* § IV) in the course of explaining my analysis.

IV. ECONOMIC ANALYSIS

I have calculated the aggregate economic damages under the Washington state minimum wage for the VWP participants from September 26, 2014, through August 31, 2019.

In order to calculate this amount, data and information (collectively, "data") were imported into the R programming environment. The R language is a freely available language for statistical computing and graphics which provides a wide variety of statistical and graphical techniques.

From the documents listed above (*see supra,* § II), I extracted the monthly payments to VWP participants. I used only information dated September 26, 2014, or later. Thus, the monthly invoice figure for VWP reimbursement for September 2014, $11,885, was adjusted to account for only September 26 through 30. To do so, $11,885 was multiplied by (5/30) to yield $1,980.83, the proportion of the entire

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[6] History of Washington Minimum Wage, Washington State Department of Labor & Industries, available at https://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/History/default.asp (last visited, Sept. 4, 2019).

month that can be attributed to the final five days of the month, between September 26th and 30th.

Data were available through February 2018. For the months between March 2018 and August 2019 (the present at the time of this writing), the average VWP reimbursement amount of the final 12 months of data (from March 2017 through February 2018) was used. This average was $12,291.

Based on the monthly invoice figures that reflect worker pay, I calculated damages owed to VWP participants. I understand that individuals were paid $1 per day while they participated in the voluntary work program. Thus, the monthly invoice figures can be considered the number of shifts worked by individuals in the Voluntary Work Program each month. I was asked to assume that these individuals were entitled to receive the Washington State minimum wage for the time that they worked in the VWP.

The first step was to multiply the monthly worker pay by the appropriate Washington State minimum wage. This value would be the amount of pay VWP participants would be entitled to receive if the minimum wage is applicable and if each shift lasted one hour.

Based on the document "R. Kimble Deposition, Exhibit 20," I was asked to assume that, on average, shifts lasted 1.72 hours. Therefore, I multiplied the values after the first step (described above) by 1.72 to reflect the overall pay entitled to individuals, assuming that the average shift was 1.72 hours long.

Finally, the amount of worker pay from the invoice was subtracted from the values obtained in the preceding paragraph.

The grand total of damages across the period from September 26, 2014 through August 31, 2019 is **$12,437,697.08**. Table 1 (attached) contains the results of my calculations.

I reserve the right to amend or modify this report to the extent additional documents or information come to my attention.

Sincerely,

Jeffrey A. Munson, Ph.D.

Table 1

Month	Worker Pay	Worker Pay Adj	WA Min Wage	Damages 1hr per Shift	Damages 1.72hrs per Shift	Damages 1.72hrs per Shift minus Worker Pay Adj
TOTAL	*$736,584.00*	*$726,679.83*	---	*$7,653,707.51*	*$13,164,376.91*	*$12,437,697.08*
9/1/2014	$11,885.00	$1,980.83	$9.32	$18,461.37	$31,753.55	$29,772.72
10/1/2014	$11,306.00	$11,306.00	$9.32	$105,371.92	$181,239.70	$169,933.70
11/1/2014	$10,231.00	$10,231.00	$9.32	$95,352.92	$164,007.02	$153,776.02
12/1/2014	$9,759.00	$9,759.00	$9.32	$90,953.88	$156,440.67	$146,681.67
1/1/2015	$9,341.00	$9,341.00	$9.47	$88,459.27	$152,149.94	$142,808.94
2/1/2015	$8,766.00	$8,766.00	$9.47	$83,014.02	$142,784.11	$134,018.11
3/1/2015	$10,033.00	$10,033.00	$9.47	$95,012.51	$163,421.52	$153,388.52
4/1/2015	$9,890.00	$9,890.00	$9.47	$93,658.30	$161,092.28	$151,202.28
5/1/2015	$11,449.00	$11,449.00	$9.47	$108,422.03	$186,485.89	$175,036.89
6/1/2015	$12,218.00	$12,218.00	$9.47	$115,704.46	$199,011.67	$186,793.67
7/1/2015	$13,203.00	$13,203.00	$9.47	$125,032.41	$215,055.75	$201,852.75
8/1/2015	$13,060.00	$13,060.00	$9.47	$123,678.20	$212,726.50	$199,666.50
9/1/2015	$12,742.00	$12,742.00	$9.47	$120,666.74	$207,546.79	$194,804.79

Table 1

Month	Worker Pay	Worker Pay Adj	WA Min Wage	Damages 1hr per Shift	Damages 1.72hrs per Shift	Damages 1.72hrs per Shift minus Worker Pay Adj
10/1/2015	$13,224.00	$13,224.00	$9.47	$125,231.28	$215,397.80	$202,173.80
11/1/2015	$12,712.00	$12,712.00	$9.47	$120,382.64	$207,058.14	$194,346.14
12/1/2015	$13,185.00	$13,185.00	$9.47	$124,861.95	$214,762.55	$201,577.55
1/1/2016	$13,165.00	$13,165.00	$9.47	$124,672.55	$214,436.79	$201,271.79
2/1/2016	$11,950.00	$11,950.00	$9.47	$113,166.50	$194,646.38	$182,696.38
3/1/2016	$12,679.00	$12,679.00	$9.47	$120,070.13	$206,520.62	$193,841.62
4/1/2016	$12,148.00	$12,148.00	$9.47	$115,041.56	$197,871.48	$185,723.48
5/1/2016	$13,196.00	$13,196.00	$9.47	$124,966.12	$214,941.73	$201,745.73
6/1/2016	$12,879.00	$12,879.00	$9.47	$121,964.13	$209,778.30	$196,899.30
7/1/2016	$13,567.00	$13,567.00	$9.47	$128,479.49	$220,984.72	$207,417.72
8/1/2016	$13,671.00	$13,671.00	$9.47	$129,464.37	$222,678.72	$209,007.72
9/1/2016	$13,322.00	$13,322.00	$9.47	$126,159.34	$216,994.06	$203,672.06
10/1/2016	$13,469.00	$13,469.00	$9.47	$127,551.43	$219,388.46	$205,919.46
11/1/2016	$13,885.00	$13,885.00	$9.47	$131,490.95	$226,164.43	$212,279.43

Table 1

Month	Worker Pay	Worker Pay Adj	WA Min Wage	Damages 1hr per Shift	Damages 1.72hrs per Shift	Damages 1.72hrs per Shift minus Worker Pay Adj
12/1/2016	$13,982.00	$13,982.00	$9.47	$132,409.54	$227,744.41	$213,762.41
1/1/2017	$14,209.00	$14,209.00	$11.00	$156,299.00	$268,834.28	$254,625.28
2/1/2017	$12,723.00	$12,723.00	$11.00	$139,953.00	$240,719.16	$227,996.16
3/1/2017	$13,543.00	$13,543.00	$11.00	$148,973.00	$256,233.56	$242,690.56
4/1/2017	$12,659.00	$12,659.00	$11.00	$139,249.00	$239,508.28	$226,849.28
5/1/2017	$12,869.00	$12,869.00	$11.00	$141,559.00	$243,481.48	$230,612.48
6/1/2017	$11,573.00	$11,573.00	$11.00	$127,303.00	$218,961.16	$207,388.16
7/1/2017	$12,500.00	$12,500.00	$11.00	$137,500.00	$236,500.00	$224,000.00
8/1/2017	$12,500.00	$12,500.00	$11.00	$137,500.00	$236,500.00	$224,000.00
9/1/2017	$10,931.00	$10,931.00	$11.00	$120,241.00	$206,814.52	$195,883.52
10/1/2017	$12,344.00	$12,344.00	$11.00	$135,784.00	$233,548.48	$221,204.48
11/1/2017	$12,027.00	$12,027.00	$11.00	$132,297.00	$227,550.84	$215,523.84
12/1/2017	$12,776.00	$12,776.00	$11.00	$140,536.00	$241,721.92	$228,945.92
1/1/2018	$12,671.00	$12,671.00	$11.50	$145,716.50	$250,632.38	$237,961.38

Table 1

Month	Worker Pay	Worker Pay Adj	WA Min Wage	Damages 1hr per Shift	Damages 1.72hrs per Shift	Damages 1.72hrs per Shift minus Worker Pay Adj
2/1/2018	$11,104.00	$11,104.00	$11.50	$127,696.00	$219,637.12	$208,533.12
3/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
4/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
5/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
6/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
7/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
8/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
9/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
10/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
11/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
12/1/2018	$12,291.00	$12,291.00	$11.50	$141,346.50	$243,115.98	$230,824.98
1/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24
2/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24
3/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24

Table 1

Month	Worker Pay	Worker Pay Adj	WA Min Wage	Damages 1hr per Shift	Damages 1.72hrs per Shift	Damages 1.72hrs per Shift minus Worker Pay Adj
4/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24
5/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24
6/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24
7/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24
8/1/2019	$12,291.00	$12,291.00	$12.00	$147,492.00	$253,686.24	$241,395.24

APPENDIX A
CURRICULUM VITAE

Jeffrey A Munson

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20431 12th Pl W
Lynnwood, WA 98036
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EDUCATION

B. A. *Stanford University, 1988*

Psychology, with Departmental Honors

Ph.D. *University of Washington, 1998*

Major area: Child Clinical Psychology

Dissertation: Structure and variability in the developmental trajectory of children's externalizing problems: Impact of child sex, infant attachment, and maternal depression

PROFESSIONAL POSITIONS

2013 – present: Research Associate Professor of Psychiatry and Behavioral Sciences, University of Washington

2007-2013: Research Assistant Professor of Psychiatry and Behavioral Sciences, University of Washington

1998-2007: Research Scientist, Center on Human Development and Disability, University of Washington

Data analysis responsibilities (1998 - present)

- Oversee data analysis and data management of several large multi-project, collaborative studies.
- Extensive use of SPSS, HLM, EQS, R software programs for various data analytic tasks such as general linear models, hierarchical linear models, latent variable models, and data visualization.
- Extensive use of Microsoft SQL Server 2005, 2008 and Microsoft Access to manage the entry and organization of experimental data

- Use of the Python, Visual Basic, Visual C#, ASP.NET programming languages to create custom solutions for various data manipulation and management tasks.

Clinical and assessment responsibilities (1998 - 2001)

- Clinical assessments of children with autism and developmental disabilities, including standardized cognitive testing and play-based observational diagnostic assessments.
- Provide clinical feedback and recommendations to parents.

PROFESSIONAL ACTIVITIES

Ad hoc reviewer: Archives of Clinical Neuropsychology
Autism: International Journal of Research and Practice
Development and Psychopathology
Developmental Psychology
Journal of Autism and Development Disorders
Autism Research
New England Journal of Medicine

Grant Review Panels: Small Business: Biobehavioral and Behavioral Processes Across the Lifespan (NIH ZRG1 BBBP-T (10) B) (2009, 2010)

PUBLICATIONS

Journal Articles

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Book Chapters

1. Abbott, R. D., Amtmann, D., Munson, J. (2003). Exploratory and confirmatory methods in learning disabilities research. Swanson, H. L., Harris, K. R.,et al. (Eds), *Handbook of learning disabilities* (pp. 471-482). New York, NY, US: Guilford Press.
2. Abbott, R. D., Amtmann, D., & Munson, J. (2006). Statistical analysis for field experiments and longitudinal data in writing research. In C. Macarthur, S. Graham, & J. Fitzgerald (Eds.) Handbook of Writing Research, pp. 374-386. New York: Guilford Press.

Professional Articles and Editorials

1. Munson, J. A. (2009). Book Reviews. Autism: Current Theories and Evidence; The Ethics of Autism: Among Them, but Not of Them, *New England Journal of Medicine, 360,* 2485-2486
2. Munson, J., & Pasqual, P. (2012). Technology in autism research: The promise and perils. *IEEE Computer Mag, 45(6).*

Conference Presentations

1. Dawson, G., Schellenberg, J., Wijsman, E., Osterling, J., Estes, A., & Munson, J. Genetic study of autism. Presented at the 1999 Meeting of the Autism Society of America, Kansas City, KS.
2. Dager, S.R., Friedman S.D., Shaw, D., Echelard, D., Artru, A.A., Strauss, W., Sparks, B., Carver, L., Richards T., Munson J., & Dawson G. (2000, March). Brain Structural and Chemical Imaging of Autistic Children, Developmentally Delayed Children and Age-Matched Controls. 20th Annual Meeting, European Winter Brain Conference. Geneva, Switzerland.
3. Dager, S.R., Friedman, S.D., Shaw, D., Echelard, D., Artru, A.A., Strauss, W.D., Sparks, B., Carver, L., Richards, T.L., Munson, J., & Dawson, G.(2000, August). Neuroimaging of the autistic child's brain: Brain, structure chemistry and function. IASSID Seattle, WA.
4. Dawson, G., Rogers, S., Sigman, M., Munson, J., & Abbott, R. Cognitive Functioning in Young Children with Autism versus Mental Retardation. Presented at the 2000 meeting of the ollaborative Programs of Excellence in Autism (CPEA). Denver, CO.
5. Werner, E., Dawson, G., Osterling, J., & Munson, J. Autistic regression: A validation of the phenomenon based on home videotapes and parent report. Presented at the 2001 meeting of the Society for Research in Child Development, Minneapolis, MI.
6. Dager, S.R., Friedman, S.D., Shaw, D.W.W., Sparks, B., Richards, T.L., Munson, J., Artru, A.A., Giedd, J., & Dawson G. (2001, December). Brain Structural and Chemical Abnormalities in Childhood Autism. Annual Meeting, American College of Neuropsychopharmacology.
7. Dager, S., Munson, J., Friedman, S., Webb, S., Shaw, D., Sparks, B., Artru, R., Abbott, R., & Dawson, G. (2002, November). Neuroimaging relationship to behavioral performance and clinical course in young children with ASD. Presented at the 2002 Meeting of the International Society for Autism Research, Orlando, FL.
8. Dawson, G., Schellenberg, G., Wijsman, E., Munson, J., & Estes, A. (2002, November). Quantitative assessments of autism symptoms in probands and family members: Broader Phenotype Autism Scale. Presented at the 2002 Meeting of the International Society for Autism Research, Orlando, FL.
9. Dawson, G., Munson, J., Estes, A., & Abbott, R. (2003, April). Early neurocognitive predictors of variations in developmental trajectory in autism. Accepted for presentation at the 2003 meeting of the Society for Research in Child Development. Tampa, FL.
10. Toth, K., Munson, J., Estes, A., Abbott, R., & Dawson, G. (2003, April). Joint Attention Predicts Rate of Language and Social Growth in Young Children With Autism. Poster presented at the 2003 meeting of the Society for Research in Child Development. Tampa, FL.
11. Toth, K., Dawson, G., Meltzoff, A., & Munson, J. (2004). Early predictors of language growth in young children with autism: Joint attention, imitation, and toy play. Poster presented at the International Meeting for Autism Research, Sacramento, CA.
12. Dawson, G., Webb, S.J., Wijsman, E., Schellenberg, G., Estes, A., Munson, J., & Faja, S. Face Processing is Altered in Parents of Children With Autism: Neurocognitive and Neurophysiological Evidence. Accepted for presentation at the 2005 Meeting of the Society for Research in Child Development. Atlanta, GA.
13. Estes, A. M., Munson, J., Clary, L., & Dawson, G. Presence of a Broader Phenotype of Autism in Siblings From Multiplex Autism Families Accepted for presentation in the Symposium on "Autism in Infancy" S. Ozonoff and N. Yirmiya (Chairs) at the 2005 Meeting of the Society for Research in Child Development. Atlanta, GA.

14. Munson, J., Dawson, G., Lord, C., Rogers, S., Sigman, M., & Abbott, R. Evidence for a bimodal distribution of neurocognitive function in autism. Presented at the 2005 meeting of the Collaborative Programs of Excellence in Autism (CPEA). Bethesda, MD.
15. Munson, J.A. (2009). Inferences on cognition in nonverbal children via real-time analysis of eye gaze. Poster presented at the International Meeting for Autism Research, Chicago, IL.

EXPERT TESTIMONY

Dr. Munson has worked as an expert in relation to data management and statistical analysis on over 40 cases with attorneys from Schroeter, Goldmark, & Bender, the Law Office of David Mark, Terrell Marshall Law Group, Rehki & Wolk, and Barnard, Iglitzin, & Lavitt.

Trial Testimony:

Pellino v. Brinks, Incorporated

Hill v. Garda CL Northwest, Inc.

Bruner, et al. v. Davis Wire Corporation

Espinoza v. MH Janitorial Services, LLC

Washington State Nurses Association v.

Yakima HMA LLC, d/b/a Yakima Regional Medical and Cardiac Center

Deposition Testimony:

Pellino v. Brinks, Incorporated

Hill v. Garda CL Northwest, Inc.

Bruner, et al. v. Davis Wire Corporation

Owens v. Bethlehem Construction Inc.

Watkins et al. v. United Parcel Service, Inc.

Elliott v. Cadman, Inc.

Thompson, Edwards, and Rowe v. Peterson Brothers, Inc.

Ott v. Mortgage Investors Corporation

Washington State Nurses Association v.

Yakima HMA LLC, d/b/a Yakima Regional Medical and Cardiac Center

Hardie et al. v. Best Parking Lot Cleaning Inc.

GRANTS

Special Hope Foundation Munson (PI) 7/1/08-6/30/09

Communication and Gaze in Children with Disabilities

The purpose of this project is to develop an innovative assessment tool using eye-tracking technology that is integrated in real-time with real-time 3D rendered graphics. The integration of these two technologies will provide a means to investigate social-cognition and language comprehension in children with limited communication abilities.

Role: Principal Investigator

P50HD055782 NICHD/NIDCD King (PI), Munson (Core PI) 8/1/07– 7/31/12

UW Autism Center of Excellence

The goals of this project are to (1) discover genetic and environmental risk factors for autism, (2) identify early behavioral and neurophysiological risk indices of autism, (3) examine early manifestations of abnormal brain development in autism, (4) conduct a randomized clinical trial aimed at reducing and preventing the onset of autism symptoms, (5) conduct a follow-up study of early intensive behavioral intervention in autism, and (6) identify risk factors for the development of associated conditions in adolescence in autism.

Role: Principal Investigator of Statistics and Data Management Core

Simons Foundation Munson (PI) 2/1/12-1/31/13

Novel Measurement of Imitation and Motor Control in Severe Autism

This project will use novel computer-based activities to study imitation and motor planning skills in a sample of severely impaired adolescents with autism. The activities use the Microsoft Kinect depth camera to record body movement in fine-detail as the students pop balloons, balance blocks, play “follow the leader”, and pilot an airplane. During these activities we will measure how students modify their movements in response to what they observe on the screen. This will allow us to assess the learning process as it unfolds based on behavior the student initiates on his or her own. Tools that can assess subtle changes in behavior and learning are needed to support treatment research for those with the most severe impairments.

Role: Principal Investigator

TEACHING

Faculty sponsor for Jae Kim, Student of Dr. Kelvin Sung in the senior internship program in the UW Bothell Department of Computing and Software Systems. Project Title: *Integrating Eye-tracking Device-Driven Applications for Studying Autism Using Valve's Source Real-time Game Engine. (2009).*

Faculty sponsor for Young Youn, Student of Dr. Kelvin Sung in the senior internship program in the UW Bothell Department of Computing and Software Systems. Project Title: *Eye-tracking Across Multiple Monitors Using Valve's Source Game Engine To Investigate Nonverbal Measures of Theory of Mind. (2009).*

Faculty Mentor to David Xue, Senior Capstone Project in the UW Department of Engineering (Department sponsor, Tom Lewis, PhD). Project Title: *Design of a toolset for evaluating visual attention variability in autistic children. (2010).*

SERVICE

Discussion Leader for the Biomedical Research Integrity Program Series, Department of Bioethics & Humanities, UW School of Medicine. (2010, 2012).

PROFESSIONAL AFFILIATIONS

International Society for Autism Research

APPENDIX B
PREVIOUS TESTIMONY

Over the past five years I have provided trial and/or deposition testimony in the following cases:

Case	Case No.	Court	Trial testimony	Deposition testimony
Rojas v. Damco Distribution Services, Inc./Damco USA, Inc.	17-2-14133-5	Pierce County Superior Court		5/25/2019
Hardie et al. vs. Best Parking Lot Cleaning Inc.	17-2-27730-4	King County Superior Court		4/2/2019
Mendis v. Schneider National Carriers, Inc.	C15-0144-JCC	US District Court for the Western District of WA		2/7/2018
WA State Nurses Assoc v. Yakima Regional Medical and Cardiac Center	15-2-01109-9	Yakima County Superior Court	1/26/2018 & 2/5/2018	1/10/2017 & 5/19/2017
Espinoza v. MH Janitorial Services, LLC	14-2-26201-9	King County Superior Court	1/23/2017	
Hill, et al. v. Garda CL Northwest, Inc	09-2-07360-1	King County Superior Court	6/16/2015	4/23/2015
Southwell v. Mortgage Investors Corp.	2:23-cv-01289-MJP	US District Court for the Western District of Washington		7/18/2014
Bruner v. Davis Wire Corp.	12-2-15676-0	King County Superior Court	9/3/2014	6/27/2014

APPENDIX C
COMPENSATION

I am working at my current rate of $350 per hour for analysis and testimony for this case.

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE STATE OF WASHINGTON, Plaintiff, vs. THE GEO GROUP, INC., Defendant.	)	No. 3:17-cv-05806-RJB

30(B)(6) DEPOSITION UPON ORAL EXAMINATION

OF GEO GROUP, INC.

IN THE PERSON OF

RYAN KIMBLE

9:50 a.m.
July 9, 2018

1250 Pacific Avenue 105
Tacoma, Washington 98401-2317

REPORTED BY: JACQUELINE L. BELLOWS, CCR 2297

APPEARANCES

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I N D E X

Tacoma, Washington; July 9, 2018

9:50 a.m.

--oOo--

RYAN KIMBLE,

sworn as a witness by the certified court reporter,

testified as follows:

E X A M I N A T I O N

BY MS. BAKER:

Q. Good morning, Mr. Kimble.

A. Good morning.

Q. As you know, my name is LaRond Baker and I'm an attorney for the State of Washington in this matter. Our other counsel who's at the table is Andrea Brenneke. And we are here with Cassidy, who is our intern.

Would you please state your full name for the record.

A. Ryan Edward Kimble.

Q. How do you spell your last name?

A. K-I-M-B-L-E.

Q. And your employer?

A. The Geo Group.

Q. And what is your position for the Geo Group?

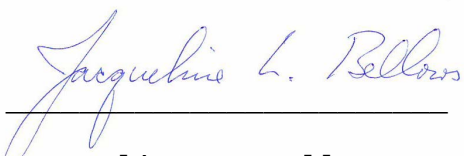
A. I'm the associate warden for finance and

Q. How many sizes of units are there?
A. There is usually the A pod is the biggest pod. And then it's -- the other two pods are basically equal. It all fluctuates based on the number of detainees that are brought in by ICE and the number of detainees that are -- that ICE has said that they're to be either transported back to their home country of origin or released to the community.
Q. So the number of detainee-workers correlates to the number of detainees that are housed in the pod?
A. Uh-huh.
MS. MELL: Is that yes?
A. Yes.
Q (By Ms. Baker) How does Geo make the determination of how many workers will be assigned to a pod based off of the pod population?
MS. MELL: Object to the form of the question.
A. This was just used to give as many as possible. This is just as-many-as-possible people, 'cause that was our mandate, try and provide as many as possible opportunities for the detainees. So this is, you know, these detainees, there could possibly be one person doing the shower in the morning and a second person doing the shower -- the same shower in the afternoon, a third person doing the shower in the

REPORTER'S CERTIFICATE

I, JACQUELINE L. BELLOWS, the undersigned Certified Court Reporter pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es)were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this 27th day of July, 2018.



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