

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

**STIPULATED MOTION TO  
SEAL DOCUMENTS AND  
PROPOSED ORDER**

NOTE ON MOTION CALENDAR:  
JANUARY 2, 2020

**I. INTRODUCTION**

In compliance with Local Rule W.D. Wash. LCR 5(g) and 10(g), and pursuant to the Protective Order entered in this case (Dkt. No. 163), the Parties submit this stipulated motion to permit Plaintiffs to file, under seal, documents that were marked or designated by Defendant, The GEO Group, Inc. (GEO) or Immigration and Customs Enforcement (ICE), as “confidential” under the terms of the Protective Order. This stipulation also serves to permit GEO to file, under seal, certain documents designated “confidential” under the terms of the Protective Order. The documents to be filed under seal by each party are identified in the charts

1 set forth below. The documents at issue are exhibits to the Declaration of Jamal N. Whitehead  
2 in Support of Plaintiffs’ Motion for Summary Judgment, which is filed this same day. The  
3 Protective Order requires Plaintiffs to file under seal material GEO or another party designates  
4 confidential if the confidentiality designation is not withdrawn. Plaintiffs advised GEO that it  
5 intended to rely upon confidential documents for its motion and requested that GEO reconsider  
6 the confidential designations. GEO reviewed the material and confirmed that it should be  
7 designated “confidential” under the Protective Order. The Parties now file this stipulated  
8 motion to ensure compliance with the Protective Order.

9 The Court should authorize the filing of these documents under seal for purposes of the  
10 accompanying motion for summary judgment. Filing these documents under seal complies  
11 with Plaintiffs’ obligations under the Protective Order, protects against disclosure of GEO’s  
12 asserted confidential financial and proprietary information, and supports the Court’s ability to  
13 make informed decisions about the parties’ arguments.

## 14 II. AUTHORITY

15 This motion is brought in accordance with Federal Rule of Civil Procedure 26(c), LCR  
16 26(c), LCR 5(g), LCR 10(g), and the terms of the Protective Order.

17 Rule 26(c) provides for the entry of “any order which justice requires to protect a party  
18 or person from annoyance, embarrassment, oppression or undue burden or expense.” Pursuant  
19 to LCR 26(c), the Protective Order protects specific categories of confidential, proprietary, or  
20 private information, but “does not presumptively entitle the parties to file confidential  
21 information under seal.” LCR 26(c)(2); Dkt. No. 163 at ¶ 1.

1 GEO designated the documents at issue as “Confidential” as purportedly falling within  
2 the categories of “Confidential” documents covered by the Stipulated Protective Order. Dkt.  
3 No. 163 at ¶ 2.

4 **GEO’S STATEMENT RE: LCR 5(g)(3)(B):**

5 GEO designated certain documents as “Confidential” consistent with the text of the  
6 Protective Order because it has a good faith belief that public disclosure of those documents  
7 will cause financial, competitive, or other serious harm to GEO or individuals employed by,  
8 or in the custody of, GEO. For example, GEO designated documents as “Confidential” when  
9 they contain the names and Alien Registration Numbers for federal detainees, information  
10 about those detainees, communications and contacts with ICE, and internal reports or policies  
11 that identify GEO’s sensitive pricing or staffing information that helped GEO to obtain those  
12 contracts. If such information were disclosed to the public, GEO will suffer serious business  
13 harm because its competitors could use the pricing, staffing, or other sensitive business  
14 information to unfairly compete against GEO and siphon away its business. *See, e.g., Seiter*  
15 *v. Yokohama Tire Corp.*, No. C08-5578 FDB, 2009 WL 2461000, at \*2 (W.D. Wash. Aug. 10,  
16 2009) (holding the defendant established good cause for protective order due to potential  
17 competitive harm from disclosure of pricing policies and other confidential business practices).  
18 In addition, GEO would suffer financial and potentially legal consequences if it disclosed  
19 personal information about the detainees in violation of The Privacy Act of 1974, 5 U.S.C. §  
20 552a. Further, ICE has designated some information that GEO produced as “Confidential”  
21 and GEO lacks the ability to withdraw those designations.

22 GEO reviewed the list of documents that Plaintiffs provided on January 2, 2020, and  
23 the parties prepared the following charts identifying the basis for its confidentiality  
24

1 designations of the documents each seeks to file. Although GEO is amenable to Plaintiffs  
 2 redacting all confidential information from the following documents, GEO understands that  
 3 Plaintiffs seek to submit the confidential content of these documents and deposition testimony  
 4 for their dispositive motion, so redaction is not possible.

5 **Plaintiffs' Chart:**

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7 Ex. No.	Description	Bates Range	Designation
8 A	Sept. 2017 ACA Welcome Book	GEO-Nwauzor 044051-044127	Confidential
9 B	GEO-ICE K	GEO-Nwauzor 096300-096502	Confidential
10 D	Facility Financial Summary	GEO-Nwauzor 198805	Confidential
11 J	ACA Reaccreditation Audit (Sept. 2017)	GEO-Nwauzor 026329-026373	Confidential
12 O	Classification Memo	GEO-Nwauzor 016445	Confidential
13 P	Howard Email to McHatton, et al., Aug. 27, 2014)	GEO-State 283813-28314	Confidential
14 Q	Voluntary Work Program Agreement	GEO-Nwauzor 177016	Confidential
15 T	GEO Bills to ICE	GEO-State 045059, 046463, 046465, 045232, 047378, 045103, 045250, 045052, 045138, 230438, 046622, 046621, 230459, 046536, 047718	Confidential
16 W	Detainee Worker Average Hour Spreadsheet	GEO-State 019281 (native document)	Confidential
17 Z	Detainee Worker Roster	GEO-Nwauzor 026921-026953	Confidential

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Ex. No.	Description	Bates Range	Designation
AA	Detainee Worker Pay Sheet	GEO-Nwauzor 065428-065429	Confidential
BB	Sergeant Job Description	GEO-Nwauzor 000340-000341	Confidential
CC	Food Service Supervisor Job Description	GEO-Nwauzor 054190-054191	Confidential
DD	Food Service Detention Officer Job Description	GEO-Nwauzor 014245-014246	Confidential
EE	Janitor Job Description	GEO-Nwauzor 010202	Confidential
FF	Maintenance Technician Job Description	GEO-Nwauzor 014243-014244	Confidential

**GEO's Chart:**

Ex. No.	Description	Bates Range	Designation
A	GEO-ICE 2015 Contract	GEO-Nwauzor 085023—085225	Confidential
M	GEO Year End Report Northwest Detention Center	GEO-Nwauzor 049400—049425	Confidential

**III. CERTIFICATION OF COUNSEL**

The parties conferred on January 2, 2020, regarding the need to file these documents under seal. Plaintiffs shared a list of documents it intended to file under seal accompanying their Motion for Summary Judgment, GEO also shared its list with Plaintiffs. Each of these

1 documents have been designated as “confidential” pursuant to the Protective Order. GEO  
2 reviewed the confidentiality designation of these documents and confirmed that they should,  
3 indeed, be marked “confidential” and be filed under seal.

4 **IV. CONCLUSION**

5 The parties, by and through their counsel, stipulate and agree to entry of the Order,  
6 below.

7 DATED this 2nd day of January, 2020.

8 s/ Jamal N. Whitehead

SCHROETER GOLDMARK & BENDER

9 Adam J. Berger, WSBA #20714

Lindsay L. Halm, WSBA #37141

10 Jamal N. Whitehead, WSBA #39818

Rebecca J. Roe, WSBA #7560

11 810 Third Avenue, Suite 500

Seattle, WA 98104

12 Tel: (206) 622-8000

berger@sgb-law.com

13 halm@sgb-law.com

whitehead@sgb-law.com

14 THE LAW OFFICE OF

15 R. ANDREW FREE

R. Andrew Free (*Pro Hac Vice*)

16 P.O. Box 90568

Nashville, TN 37209

17 Tel: (844) 321-3221

andrew@immigrantcivilrights.com

18 OPEN SKY LAW, PLLC

19 Devin T. Theriot-Orr, WSBA # 33995

20415 – 72<sup>nd</sup> Avenue S, Suite 110

20 Kent, WA 98032

21 Tel: (206) 962-5052

devin@opensky.law

s/ Adrienne Scheffey

AKERMAN LLP

Colin L. Barnacle

Ashley E. Calhoun

Christopher J. Eby

Adrienne Scheffey

Allison N. Angel

1900 Sixteenth Street, Suite 1700

Denver, Colorado 80202

Telephone: (303) 260-7712

Facsimile: (303) 260-7714

colin.barnacle@akerman.com

ashley.calhoun@akerman.com

christopher.eby@akerman.com

adrienne.scheffey@akerman.com

[allison.angel@akerman.com](mailto:allison.angel@akerman.com)

22 III BRANCHES LAW, PLLC

Joan K. Mell, WSBA #21319

1019 Regents Boulevard, Suite 204

Fircrest, Washington 98466

Telephone: (253) 566-2510

Facsimile: (281) 664-4643

joan@3brancheslaw.com

*Counsel for Defendant*

23 MENTER IMMIGRATION LAW,  
24 PLLC

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Meena Menter, WSBA # 31870  
8201 – 164<sup>th</sup> Avenue NE, Suite 200  
Redmond, WA 98052  
Tel: (206) 419-7332  
meena@meenamenter.com

*Class Counsel*

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[PROPOSED] ORDER

IT IS SO ORDERED.

Done this \_\_\_\_\_ day of January, 2020.

\_\_\_\_\_  
The Honorable Robert J. Bryan  
Judge, U.S. District Court



1 PRESENTED BY:

2 *s/ Jamal N. Whitehead*

SCHROETER GOLDMARK & BENDER

3 Adam J. Berger, WSBA #20714  
4 Lindsay L. Halm, WSBA #37141  
5 Jamal N. Whitehead, WSBA #39818  
6 Rebecca J. Roe, WSBA #7560  
7 810 Third Avenue, Suite 500  
8 Seattle, WA 98104  
9 Tel: (206) 622-8000  
10 berger@sbg-law.com  
11 halm@sbg-law.com  
12 whitehead@sbg-law.com

13 THE LAW OFFICE OF

14 R. ANDREW FREE

15 R. Andrew Free (*Pro Hac Vice*)  
16 P.O. Box 90568  
17 Nashville, TN 37209  
18 Tel: (844) 321-3221  
19 andrew@immigrantcivilrights.com

20 OPEN SKY LAW, PLLC

21 Devin T. Theriot-Orr, WSBA # 33995  
22 20415 – 72<sup>nd</sup> Avenue S, Suite 110  
23 Kent, WA 98032  
24 Tel: (206) 962-5052  
devin@opensky.law

MENTER IMMIGRATION LAW,  
PLLC

Meena Menter, WSBA # 31870  
8201 – 164<sup>th</sup> Avenue NE, Suite 200  
Redmond, WA 98052  
Tel: (206) 419-7332  
meena@meenamenter.com

*Class Counsel*

*s/ Joan K. Mell*

III BRANCHES LAW, PLLC

Joan K. Mell, WSBA #21319  
1019 Regents Boulevard, Suite 204  
Fircrest, Washington 98466  
Telephone: (253) 566-2510  
Facsimile: (281) 664-4643  
joan@3brancheslaw.com

AKERMAN LLP

Colin L. Barnacle  
Ashley E. Calhoun  
Christopher J. Eby  
Adrienne Scheffey  
Allison N. Angel  
1900 Sixteenth Street, Suite 1700  
Denver, Colorado 80202  
Telephone: (303) 260-7712  
Facsimile: (303) 260-7714  
colin.barnacle@akerman.com  
ashley.calhoun@akerman.com  
christopher.eby@akerman.com  
adrienne.scheffey@akerman.com  
allison.angel@akerman.com

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2020, I electronically filed the foregoing, together with its supporting pleadings and attachments thereto, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Devin T. Theriot-Orr  
OPEN SKY LAW, PLLC  
20415 – 72<sup>nd</sup> Avenue South, Suite 110  
Kent, WA 98032  
devin@opensky.law  
*Attorney for Plaintiff*

R. Andrew Free  
THE LAW OFFICE OF R. ANDREW FREE  
PO Box 90568  
Nashville, TN 37209  
andrew@immigrantcivilrights.com  
*Attorney for Plaintiff*

Meena Menter  
MENTER IMMIGRATION LAW PLLC  
8201 – 164th Avenue NE, Suite 200  
Redmond, WA 98052  
meena@meenamenter.com  
*Attorney for Plaintiff*

Joan K. Mell  
III BRANCHES LAW, PLLC  
1019 Regents Boulevard, Suite 204  
Fircrest, WA 98466  
joan@3brancheslaw.com  
*Attorney for Defendant*

Colin L. Barnacle  
Ashley E. Calhoun  
Christopher J. Eby  
Adrienne Scheffey  
Allison N. Angel  
AKERMAN LLP  
1900 Sixteenth Street, Suite 1700  
Denver, CO 80202  
colin.barnacle@akerman.com  
ashley.calhoun@akerman.com  
christopher.eby@akerman.com  
allison.angel@akerman.com  
adrienne.scheffey@akerman.com  
*Attorneys for Defendant*

Christopher M. Lynch  
US DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 “L” Street NW  
Washington, D.C. 20005  
christopher.m.lynch@usdoj.gov  
*Attorneys for Interested Party*

DATED at Seattle, Washington this 2nd day of January, 2020.

*s/ Virginia Mendoza*  
\_\_\_\_\_  
VIRGINIA MENDOZA, Legal Assistant  
Schroeter Goldmark & Bender  
810 Third Avenue, Suite 500  
Seattle, WA 98104  
Tel: (206) 622-8000  
mendoza@sgb-law.com