

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
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4 confidential if the confidentiality designation is not withdrawn.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.
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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

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ORDER

IT IS SO ORDERED.

Done this 6th day of January, 2020.



ROBERT J. BRYAN
United States District Judge

1 PRESENTED BY:

2 *s/ Jamal N. Whitehead*

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