

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

**STIPULATION AND
[PROPOSED] ORDER
REGARDING AMENDED
NOTICE PLAN AND CLASS
NOTICES**

NOTE ON MOTION CALENDAR:

JANUARY 27, 2020

Plaintiffs Ugochukwu Goodluck Nwauzor and Fernando Aguirre-Urbina and Defendant The GEO Group, Inc. (the Parties) respectfully and jointly move that the Court approve Plaintiffs' Amended Notice Plan and Class Notices. As grounds for this motion, the parties state:

1. The Court granted Plaintiffs' Motion for Class Certification on August 6, 2018, certifying a class of all civil immigration detainees who participated in the Voluntary Work Program at the Northwest Detention Center at any time between September 26, 2014, and the date of final judgment in this matter. Dkt. No. 114.

1 2. The Court approved Plaintiffs' Proposed Notice Plan on January 9, 2019, Dkt.
2 No. 138, and Long Form Class Notice on February 5, 2019. Dkt. No. 142.

3 3. The Court granted in part and denied in part Plaintiffs' motion to amend the
4 notice plan, directing Plaintiffs to "enhance" the proposed publication campaign among other
5 things. Dkt. No. 241.

6 4. The parties have conferred and agreed to the plan identified below, as well as
7 the form of the proposed Class Notices, including a radio script, press release, internet/social
8 media banner ads, website, email to community organizations, and print advertisements.

9 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS
10 FOLLOWS:

11 1. Plaintiffs shall distribute notice to the Class as follows:

12 a. Administrator: JND Legal Administration will serve as the notice
13 administrator (Administrator).

14 b. Direct Mail to Class Members Still in Custody: Class Counsel shall serve
15 the long-form notice (Dkt. No. 142) by first-class mail upon those Class
16 Members that GEO has identified as still in custody at NWDC or other
17 ICE facilities. Class Counsel will mail notice by January 30, 2020.

18 c. Internet/Social Media Banner Ads: The Administrator will publish
19 advertisements in English and Spanish on Google and Facebook that will
20 be accessible both within the United States, including Alaska, Idaho,
21 Montana, Oregon, Nevada, Arizona, California, and Washington State,
22 as well abroad, including Mexico, El Salvador, Guatemala, and
23

1 Honduras. This dissemination is anticipated to generate a combined 28.3
2 million digital impressions inside and outside the U.S. These ads were
3 placed on January 24, 2020, for a period of 30 days.

4 d. Press Release: The Administrator will distribute a press release about the
5 class certification and notice process to 15,000 U.S., 4,000 Latin
6 American, and 250 Indian media outlets. The Administrator will
7 disseminate the press releases on February 4, 2020.

8 e. Print Advertisements: The Administrator will run a print advertisement
9 in Washington in Spanish-language newspapers *La Raza del Noroeste*
10 and *El Mundo*, which have a combined circulation of 40,000. The
11 Administrator will place the ads by February 6, 2020.

12 f. Radio Advertisements: The Administrator will air 140 radio
13 advertisements on Spanish-speaking news/talk/entertainment radio
14 stations in Mexico (Mexico City and Guadalajara), as well as El
15 Salvador, Guatemala, and Honduras.

16 g. Website: The Administrator will create a website containing the class
17 notice information in English and Spanish. The parties have conferred
18 about the form of the website and are in agreement. The Administrator
19 published the website on January 24, 2020.

20 h. Toll-Free Number: The Administrator will establish a toll-free number
21 with Interactive Voice Responses (IVR) and live operators fluent in
22
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1 multiple dialects to provide class notice information. The Toll-Free
2 number was activated on January 24, 2020.

3 i. Email: The Administrator will email notice information to various
4 churches, relief organizations, and assistance groups that have frequent
5 contact with immigrants requesting that they forward the long-form
6 notice (Dkt. No. 142) to potential Class members. The Administrator will
7 email notice by February 4, 2020.

8 2. The Publication Notices shall be in the form attached to this Stipulation as follows:

- 9 a. Exhibit A: Radio Script
10 b. Exhibit B: Press Release
11 c. Exhibit C: Internet Banner Ads
12 d. Exhibit D: Print Advertisements
13 e. Exhibit E: Email to Community Organizations
14

15 3. This Notice Plan is sufficient and reasonably calculated, under the circumstances,
16 to apprise interested parties of the pendency of this action and affords them an
17 opportunity to present their objections.

18 4. Plaintiffs will distribute notice to the class as described above with the opt-out
19 period ending on March 24, 2020.

20 5. The Administrator will generate an opt-out report to the parties within seven
21 days of the March 24, 2020.

22 6. Within seven days of receiving the opt-out report from the Administrator,
23 Plaintiffs will file a notice advising the Court of any opt-outs.
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SO STIPULATED this 27th day of January, 2020.

AKERMAN LLP

SCHROETER GOLDMARK &
BENDER

s/ Adrienne Scheffey

s/ Jamal Whitehead

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Class Counsel

ORDER

Pursuant to the foregoing proposal, IT IS SO ORDERED.

DATED this _____ day of January, 2020.

ROBERT J. BRYAN
United States District Court Judge

PRESENTED BY:

SCHROETER GOLDMARK & BENDER

s/ Jamal Whitehead

Adam J. Berger, WSBA #20714
Lindsay L. Halm, WSBA #37141
Jamal Whitehead, WSBA #39818

Class Counsel

AKERMAN LLP

s/ Adrienne Scheffey

Colin L. Barnacle (*Admitted pro hac vice*)
Ashley E. Callhoun (*Admitted pro hac vice*)
Adrienne Scheffey (*Admitted pro hac vice*)
Allison N. Angel (*Admitted pro hac vice*)

Attorneys for Defendant

EXHIBIT A

Exhibit A

Radio Script

If you participated in the Voluntary Work Program at the Northwest Detention Center, you may be affected by a class action lawsuit. The Court has not decided whether you are entitled to relief. However, your rights are affected and you must make a decision by March 24. For more information, call 18007334126 or visit VWPClassAction.com.

EXHIBIT B

Exhibit B

Press Release

Immigration Detainees who participated in the Voluntary Work Program at the Northwest Detention Center may be affected by a class action lawsuit

Seattle/January x, 2020/ PR Newswire

A class action lawsuit has been filed in federal court in Tacoma, Washington, against The GEO Group, Inc., the owner and operator of the Northwest Detention Center. The name of the case is *Nwauzor, et al. v. The GEO Group, Inc.*, No. 17-cv-05769. A federal judge decided that this lawsuit should be a class action on behalf of a “Class” or “Class Members” that includes all civil immigration detainees who participated in the Voluntary Work Program at the Northwest Detention Center at any time since September 26, 2014.

This notice summarizes the rights of Class Members and their options before an upcoming trial. More information is in a detailed notice available at the website below. Class Members must decide whether to stay in the Class and be bound by whatever results, or ask to be excluded and keep their right to sue GEO. There is no money available now, and no guarantee there will be.

This lawsuit is about whether GEO is an ‘employer’ and whether the Class Members are ‘employees’ under the Washington Minimum Wage Act. And if so, whether GEO violated the Act by failing to pay Class Members the minimum hourly wage under Washington law for work performed under the \$1-a-day Program. GEO denies the allegations made in the lawsuit. The Court has not decided whether GEO did anything wrong.

Class Members have a choice of whether to stay in the Class or not, and they must decide this now. If they stay in the Class, they will be legally bound by all orders and judgments of the Court, and they won’t be able to sue, or continue to sue, GEO as part of any other lawsuit for backwages owed between September 26, 2014, and the date of trial. If Class Members do not make a decision by March 24, 2020, they will forfeit the opportunity to bring an individual action for the same damages in the future.

The Court has approved Ugochukwu Goodluck Nwauzor and Fernando Aguirre-Urbina to serve as the Class Representatives. The Court has also appointed the law firms of Schroeter Goldmark & Bender, Open Sky Law, PLLC, and Menter Immigration Law PLLC of Seattle, WA, and the Law Office of R. Andrew Free of Nashville, TN, to represent the Class.

If Class Members want to participate in the class action against GEO and they want to have the Class Representatives and Class Counsel represent their interests, they are not required to do anything at this time. Class Members may also hire their own lawyer to appear in Court on their behalf.

If Class Members ask to be excluded from the Class, they will keep any rights to sue GEO for these claims and will not be bound by any orders or judgments of the Court. If they **do not want** to participate in the lawsuit, they must send a Request to Be Excluded form (or similar document) by mail, email, fax or other

method of delivery to the Notice Administrator at the locations identified below. The Request to Be Excluded must be in writing and delivered, transmitted, or postmarked on or before March 24, 2020.

The Request to Be Excluded form must be delivered to the Notice Administrator by mail, email or fax to the following address:

Nwauzor, et al. v. The Geo Group, Inc.
c/o JND Legal Administration
PO Box 91226
Seattle, WA 98111

Email: info@vwpclassaction.com

Fax: (206) 788-8766

If Class Members have any questions or want a detailed notice or other documents about this lawsuit and their rights, they can visit www.VWPClassAction.com; or email JND Legal Administration at info@VWPClassAction.com; or call:

Toll-Free in U.S.: 855-961-0959
Seattle-Tacoma, Washington Area: 206-806-6835
Within Mexico: xxx-xxx-xxxx

EXHIBIT C

Exhibit C

Internet Banner Ads

Detainees in the Volunteer Work Program at the Northwest Detention Center in Tacoma, Washington may be affected by a class action lawsuit.



EXHIBIT D

Exhibit D

Print Advertisements

Immigration Detainees who participated in the Voluntary Work Program at the Northwest Detention Center may be affected by a class action lawsuit

A class action lawsuit has been filed in federal court in Tacoma, Washington, against The GEO Group, Inc., the owner and operator of the Northwest Detention Center. The name of the case is *Nwauzor, et al. v. The GEO Group, Inc.*, No. 17-cv-05769. A federal judge decided that this lawsuit should be a class action on behalf of a “Class” or “Class Members” that includes all civil immigration detainees who participated in the Voluntary Work Program at the Northwest Detention Center at any time since September 26, 2014.

This lawsuit is about whether GEO is an ‘employer’ and whether the Class Members are ‘employees’ under the Washington Minimum Wage Act. And if so, whether GEO violated the Act by failing to pay Class Members the minimum hourly wage under Washington law for work performed under the \$1-a-day Program. GEO denies the allegations made in the lawsuit. The Court has not decided whether GEO did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

The Court appointed the law firms of Schroeter Goldmark & Bender, Open Sky Law, PLLC, and Menter Immigration Law PLLC of Seattle, WA, and the Law Office of R. Andrew Free of Nashville, TN, to represent the Class. You may also hire your own lawyer to appear in Court on your behalf.

You have a choice of whether to stay in the Class or not, and **you must decide this now**. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won’t be able to sue, or continue to sue, GEO as part of any other lawsuit for back wages owed between September 26, 2014, and the date of settlement or jury verdict. To stay in the Class, you do not have to do anything now.

If you ask to be excluded from the Class, you cannot get any money or benefits from this lawsuit, but you will keep any rights to sue GEO for these claims and will not be bound by any orders or judgments of the Court. To ask to be excluded, send a letter, fax, or email to the address below, **postmarked by March 24, 2020**, requesting to be excluded from *Nwauzor v. The GEO Group, Inc.*:

c/o JND Legal Administration
P.O. Box 91350
Seattle, WA 98111

Email: info@vwpclassaction.com

Fax: (206) 788-8766

If you have any questions or want a detailed notice or other documents about this lawsuit and your rights, call 206-806-6835; visit www.VWPClassAction.com; or email JND Legal Administration at info@VWPClassAction.com.

EXHIBIT E

Exhibit E

Email

Subject Line:

Legal Notice

Body text:

Attached is a legal notice concerning *Nwauzor v. The GEO Group, Inc.*, a certified class action involving civil immigration detainees at the Northwest Detention Center in Tacoma, Washington. We request that you forward this notice by mail, email, or fax to anyone who participated in the Voluntary Work Program at the Northwest Detention Center.

Recipients:

1. Washington State Catholic Conference (WSCC)
2. Catholic Relief Services
3. Seattle Archdiocese
4. Tacoma Community House
5. World Relief Seattle
6. Advocates for Immigrants in Detention Northwest (AIDNW)
7. Evangelical Immigration Table
8. Washington State Department of Social & Health Services Office of Refugee and Immigrant Assistance
9. El Centro de la Raza
10. OneAmerica