

The Honorable Robert J. Bryan

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,

No. 3:17-cv-05806-RJB

PLAINTIFF,

v.

THE GEO GROUP, INC.,

DEFENDANT.

UGOCHUKWU GOODLUCK
NWAUZOR, FERNANDO AGUIRRE-
URBINA, individually and on behalf of all
those similarly situated,

No. 3:17-cv-05769-RJB

STIPULATED MOTION AND
[PROPOSED] ORDER ON
MOTIONS IN LIMINE

Plaintiff,

NOTE ON MOTION CALENDAR:
March 12, 2020

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

STIPULATION

The parties, by and through counsel, respectfully and jointly move the Court for an in limine order concerning certain evidentiary and other issues to streamline trial and the

1 presentation of evidence to the jury. Counsel for the parties have conferred and agree that an in
2 limine order is appropriate, with reference to the following:

3 1. Pursuant to the Court's order dated February 3, 2020 (Dkt. No. 255), parties
4 must file all motions in limine by March 12, 2020.

5 2. Pursuant to Local Rule 7(d)(4), the parties held conference calls on March 9 and
6 11, 2020, to determine which matters are really in dispute before filing their respective
7 motions. The parties reached an agreement on a number of issues.

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

10 1. Evidence or argument excluded by an Order in limine may not be presented to the
11 jury without prior leave from the Court.

12 2. Except for GEO's designated representatives, the Private Plaintiff class
13 representatives, and the State's designated representatives, not to exceed three
14 different representatives per party, witnesses are excluded from the courtroom
15 until called and excused by the Court.

16 3. Counsel shall not offer at trial documents not previously disclosed without prior
17 leave from the Court.

18 4. Counsel shall not comment regarding the size of any law firm or the number of
19 attorneys involved in the litigation.

20 5. Counsel shall not make reference to the substance of pre-trial motions in the
21 presence of the jury.

22 6. Expert reports are not admissible. (But note: summary charts, or other cumulative
23 evidence summaries, even if prepared by experts, may be admissible, subject to

agreement by the parties or the Federal Rules of Evidence.)

7. Counsel shall provide the names of witnesses they plan to call the next court day at the end of each day of trial.

8. Counsel shall not refer to Plaintiffs or members of the class as “illegals.”

9. GEO may present argument or evidence regarding its offset defense and unjust enrichment claim in the *Nwauzor* case only during the damages phase of the *Nwauzor* trial.

10. Counsel shall not refer to the Northwest Detention Center as a “private prison.”

11. Counsel shall not present argument or evidence suggesting that detention at the Northwest Detention Center is criminal or penal in nature.

SO STIPULATED this 12th day of March, 2020.

AKERMAN LLP

SCHROETER GOLDMARK & BENDER

s/ Adrienne Scheffey

s/ Jamal Whitehead

Colin L. Barnacle (Admitted *pro hac vice*)
Ashley E. Callhoun (Admitted *pro hac vice*)
Adrienne Scheffey (Admitted *pro hac vice*)
1900 Sixteenth Street, Suite 1700
Denver, Colorado 80202
Tel: (303) 260-7712
Fax: (303) 260-7714
Colin.Barnacle@akerman.com
Ashley.Callhoun@akerman.com
Adrienne.Scheffey@akerman.com

Adam J. Berger, WSBA #20714
Lindsay L. Halm, WSBA #37141
Jamal N. Whitehead, WSBA #39818
Rebecca J. Roe, WSBA #7560
810 Third Avenue, Suite 500
Seattle, WA 98104
Tel: (206) 622-8000 ~ Fax: (206) 682-2305
berger@sgb-law.com
halm@sgb-law.com
whitehead@sgb-law.com

III BRANCHES LAW, PLLC
Joan K. Mell, WSBA #21319
1019 Regents Boulevard, Suite 204
Fircrest, WA 98466
Tel: (253) 566-2510
joan@3brancheslaw.com

THE LAW OFFICE OF R. ANDREW FREE
Andrew Free (*Pro Hac Vice*)
P.O. Box 90568
Nashville, TN 37209
Tel: (844) 321-3221 ~ Fax: (615) 829-8959
andrew@immigrantcivilrights.com

1
2 *Attorneys for Defendant*

SUNBIRD LAW, PLLC
Devin T. Theriot-Orr, WSBA # 33995
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154-1003
Tel: (206) 962-5052 ~ Fax: (206) 681-9663
devin@sunbird.law

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MENTER IMMIGRATION LAW, PLLC
Meena Menter, WSBA # 31870
8201 164th Ave NE, Suite 200
Redmond, WA 98052
Tel: (206) 419-7332
meena@meenamenter.com

Class Counsel

ROBERT FERGUSON
Attorney General of Washington

s/ Lane Polozola

MARSHA CHIEN, WSBA No. 47020
ANDREA BRENNEKE, WSBA No. 22027
LANE POLOZOLA, WSBA No. 50138
PATRICIO A. MARQUEZ, WSBA No. 47693
Assistant Attorneys General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744
marsha.chien@atg.wa.gov
andrea.brenneke@atg.wa.gov
lane.polozola@atg.wa.gov
patricio.marquez@atg.wa.gov

Attorneys for Plaintiff State of Washington

ORDER

IT IS SO ORDERED:

DATED this _____ day of March, 2020.

ROBERT J. BRYAN
United States District Judge

Jointly 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*)

Attorneys for Defendant

ROBERT FERGUSON
Attorney General of Washington

s/ Lane Polozola

MARSHA CHIEN, WSBA No. 47020
ANDREA BRENNEKE, WSBA No. 22027
LANE POLOZOLA, WSBA No. 50138
PATRICIO A. MARQUEZ, WSBA No. 47693

Attorneys for State of Washington

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2020, I electronically filed the foregoing 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 – 72nd 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

DATED at Seattle, Washington this 12th day of March, 2020.

s/ Virginia Mendoza
VIRGINIA MENDOZA, Legal Assistant
SCHROETER GOLDMARK & BENDER
810 Third Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 622-8000/Fax: (206) 682-2305
Email: mendoza@sgb-law.com