

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. 17-cv-05769-RJB

DECLARATION OF JAMAL N.  
WHITEHEAD IN SUPPORT OF  
PLAINTIFFS’ MOTIONS IN  
LIMINE

I, JAMAL N. WHITEHEAD, declare as follows:

1. I am over the age of eighteen, competent to testify in this matter, and do so based on personal knowledge.

2. Before filing this motion, I conferred with GEO’s counsel by telephone on March 9 and 11, 2020. We discussed the parties’ proposed motions in limine in an effort to resolve any disputes. The parties agreed on several issues, and expect to submit a stipulation containing those agreements this same day or soon after. One such stipulation is an agreement between the parties that neither Plaintiffs nor members of the class shall be referred to as “illegals.”

3. Mr. Aguirre-Urbina's criminal history is as follows:

Disposition Date	Description	Type	Sentence
05/31/2012	Delivery of controlled substance, methamphetamine	Felony Conviction	12 months + 1 day
05/31/2012	Possession with intent to deliver, methamphetamine	Felony Conviction	12 months + 1 day
05/31/2012	Possession with intent to deliver, marijuana	Felony Conviction	6 months
01/25/2011	Theft 3	Bail Forfeiture	None
06/30/2010	Obstruction	Misdemeanor Conviction	365 days, 365 days suspended
12/01/2009	Malicious Mischief	Misdemeanor Conviction	90 days, with 90 days suspended
03/17/2009	Possession of marijuana	Misdemeanor Conviction	90 days, with 89 days suspended
03/17/2009	False Statements	Misdemeanor Conviction	90 days, with 89 days suspended

4. On March 11, 2020, counsel for GEO suggested that to the extent it was permitted to inquire about Mr. Aguirre-Urbina's mental state, that any such examination would occur outside the presence of the jury.

5. Attached as **Exhibit A** is a true and correct copy of an excerpt from the Deposition of Ugochukwu Goodluck Nwauzor on June 19, 2018.

6. GEO has identified over a dozen witnesses from various Washington agencies and all but a few of its proposed exhibits relate to Washington correctional facilities and programs, including proposed exhibits A-14-A-104, A-111-A-114, A-119-A-217, A-224A-227, A-230, and A-232A-233.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

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

*s/ Jamal N. Whitehead*

\_\_\_\_\_  
JAMAL N. WHITEHEAD

**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:

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DATED at Seattle, Washington this 12<sup>th</sup> day of March, 2020.

s/ Virginia Mendoza  
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# **EXHIBIT A**

Deposition of Ugochukwu Nwauzor  
6/19/2018

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THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

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CHAO CHEN, individually and )  
on behalf of all those ) No. 3:17-cv-05769-RJB  
similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
THE GEO GROUP, INC., a )  
Florida corporation, )  
 )  
Defendant. )

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VIDEO-RECORDED DEPOSITION UPON ORAL EXAMINATION OF  
NWAUZOR UGOCHUKWU  
June 19, 2018  
Fircrest, Washington

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Taken Before:

Laura A. Gjuka, CCR #2057  
Certified Shorthand Reporter

Deposition of Ugochukwu Nwauzor  
6/19/2018

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1 Q Some medication?

2 A Some medication. And that was -- I was -- I forgot that  
3 pod, before I was transferred to G-2.

4 Q Okay. So that --

5 A That was my first pod when I got there in detention.  
6 And then there we have a kind of general restroom.  
7 There in G-2 -- there in G-2, in my room, we have the  
8 toilet, we have everything there. You can pee there.  
9 But in the former pod it's general. It's not in the  
10 room. Everybody is -- you know, the bed is outside the  
11 hall. Then we are in G-2, I have -- everybody have room  
12 inside. The only thing we come around to do is take a  
13 shower outside. But you can have your everything in  
14 your room.

15 There something happened when I was taking the pill.  
16 The doctor tell me I will be frequently going to, you  
17 know, pee a lot of water. When I taking that drug, you  
18 know, I see kind of change in my body. Like going to  
19 pee, the doctor also told me you will experience much  
20 urination, you know.

21 Some -- when I went to the general -- you know, the  
22 general toilet, somebody was already there. I don't  
23 know what I can do, like -- you know, I have to say, I  
24 hold my this thing. I don't know what to do. I was  
25 like, What is going on? Please, Bro. And the guy over

Deposition of Ugochukwu Nwauzor  
6/19/2018

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1 there is not an English-speaking guy. He doesn't  
2 understand me. And myself, I don't understand him. He  
3 starting shouting.

4 I'm like my bladder like coming out my -- you know,  
5 I left that restroom, walked down to another restroom.  
6 I met one Africa guy, that guy is from Africa, he going,  
7 Please, please, please, please. Then just. The first  
8 guy went to the -- went to the --

9 MS. MELL: Security.

10 THE WITNESS: -- security in charge of the  
11 pod. The security called me. I explained everything to  
12 the security, brought all my pills to the security.  
13 Look at what I'm going through. I don't have a private  
14 room. If I have private room I can pee there whenever I  
15 want to pee. But the condition I find myself. I can't  
16 pee outside there. When I got go to the room, I saw  
17 this guy, and this guy couldn't help me. I don't know  
18 what he -- you know, what he thought I'm going to do to  
19 him.

20 I'm like -- I was crying. Most of the people there  
21 understand, you know, the condition I find myself. The  
22 guard said, You're going to remove me from this pod,  
23 reported me to the highest security. They called me. I  
24 explained everything to them. Look at what's happened.  
25 They told me they going to check the camera. They going



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6/19/2018

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1 to view to know what I said was true.

2 I've said, Since I'm born, I'm a child of God. And  
3 when I say something, that is how it be. I don't lie.  
4 I tell you about me. That's okay. They going to  
5 investigate. After the chief security officer, they  
6 investigate it -- they took me to a cell. They took me  
7 to a cell from morning to evening. They took me to a  
8 cell.

9 I was crying in the cell. Said, what did I do? You  
10 know, ask my fellow young guy to help me, let me pee.  
11 That's the only problem, you know, bad I did. That's  
12 what happened.

13 BY MR. DEACON:

14 Q Okay. So another detainee reported you to the guard --

15 A Yeah.

16 Q -- because of that incident?

17 A That incident.

18 Q Okay. My question to you, though, is: Did you get  
19 medical attention for having a problem urinating?

20 A That's what -- yeah.

21 Q Okay.

22 A Yeah.

23 Q Okay. Was that when you first got to the Northwest  
24 Detention Center? Was it early on when you were at  
25 Northwest Detention Center?

Deposition of Ugochukwu Nwauzor  
6/19/2018

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1 C E R T I F I C A T E

2 I, Laura Gjuka, a Certified Court Reporter in  
3 and for the State of Washington, residing at  
4 University Place, Washington, authorized to administer  
5 oaths and affirmations pursuant to RCW 5.28.010, do  
6 hereby certify;

7 That the foregoing Verbatim Report of Proceedings  
8 was taken stenographically before me and transcribed  
9 under my direction; that the transcript is a full, true  
10 and complete transcript of the proceedings, including  
11 all questions, objections, motions and exceptions;

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

17 That upon completion of signature, if required, the  
18 original transcript will be securely sealed and the same  
19 served upon the appropriate party.

20 IN WITNESS HEREOF, I have hereunto set my hand this  
21 25th day of June, 2018.

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Laura Gjuka, CCR No. 2057