

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

DEPOSITION DESIGNATIONS
OF BRUCE A. SCOTT, JR. AS
RULE 30 (B)(6) DESIGNEE OF
THE GEO GROUP, INC.

Plaintiffs present (1) Plaintiffs’ designations of the Deposition of Bruce A. Scott, Jr., as a rule 30(b)(6) designee of The GEO Group, Inc., and (2) Defendant’s counter-designations and objections. The designated pages are attached, with Plaintiffs’ designations highlighted in yellow and Defendant’s counter-designations highlighted in green.

DATED this 24th day of April, 2020.

SCHROETER GOLDMARK & BENDER

s/ Jamal N. Whitehead

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Lindsay L. Halm, WSBA #37141
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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 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 24th day of April, 2020.

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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

No. 17-cv-05769-RJB

vs.)

THE GEO GROUP, INC., a Florida)
corporation,)
)
Defendant.)

VIDEO DEPOSITION UPON ORAL EXAMINATION OF
BRUCE A. SCOTT, JR.
AS A RULE 30(b)(6) DESIGNEE OF
THE GEO GROUP, INC.

810 Third Avenue, Suite 500
Seattle, Washington

Plaintiff's Deposition Designations

DATE: Tuesday, December 10, 2019

REPORTED BY: Donald W. McKay, RMR, CRR, CCR 3237

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Videographer

1 I N D E X

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4	MR. WHITEHEAD.....	6

6 E X H I B I T S

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9	Exhibit 353	Plaintiffs' Amended Notice of Videotaped Rule 30(b)(6) Deposition to The GEO Group	9
10	Exhibit 354	GEO's Fed. R. Civ. P. 26(a)(1) Initial Disclosures	13
11	Exhibit 355	Untitled spreadsheets (GEO-Nwauzor 084666)	23
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5		Classification, Singleton and Heye,	
6		re: Voluntary Work Program 2011 PBNDS	
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1 Seattle, Washington; Tuesday, December 10, 2019
2 10:13 a.m.

3
4 THE VIDEOGRAPHER: We're now on the record.
5 Today's date is December 10, 2019. The time is
6 now 10:13 a.m.

7 This is the video-recorded deposition of Bruce
8 Scott, 30(b)(6) representative for The GEO Group, Inc.,
9 in the matter of Ugochukwu Goodluck Nwauzor, et al.,
10 versus The GEO Group, Inc., pending in the United States
11 District Court, Western District of Washington at
12 Seattle, Case No. 17-cv-05769-RJB.

13 This deposition is at the request of the
14 plaintiff.

15 My name is Lindsey Lewis, your videographer,
16 here with Don McKay, your court reporter. We represent
17 Seattle Deposition Reporters.

18 This deposition is taking place at Schroeter
19 Goldmark & Bender, 810 Third Avenue, Suite 500, Seattle,
20 Washington, 98104.

21 Will counsel please identify and state your
22 appearances for the record.

23 MR. WHITEHEAD: Good morning. Jamal Whitehead
24 on behalf of Mr. Nwauzor and the certified class.

25 MS. ROE: Rebecca Roe with Jamal Whitehead.

1 MS. MELL: Joan Mell. GEO.

2 Bruce Scott, witness, 30(b)(6).

3 MR. POLOZOLA: My name is Lane Polozola. I am
4 counsel for the State of Washington in a separate
5 consolidated lawsuit, Washington versus GEO.

6 THE VIDEOGRAPHER: Will the court reporter
7 please administer the oath.

8

9 BRUCE A. SCOTT, JR. called as a witness in the
10 above-entitled cause, being
11 first duly sworn, testified
12 as follows:

13

14

E X A M I N A T I O N

15 BY MR. WHITEHEAD:

16 Q. Good morning, Mr. Scott. We met yesterday when
17 I deposed you in your individual capacity. I will
18 introduce myself again, though, for the benefit of the
19 record. I'm Jamal Whitehead. I represent Mr. Nwauzor,
20 as well as Mr. Aguirre-Urbina in their lawsuit against
21 The GEO Group.

22 Mr. Scott, could you please state and spell your
23 name for the record.

24 A. Bruce Arnold Scott, Jr. B-R-U-C-E, A-R-N-O-L-D,
25 S-C-O-T-T, J-R.

Bruce Scott, Jr.

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1 Q. I take it your employment status didn't change
2 overnight, you are still a GEO employee?

3 A. Yes.

4 Q. Well, we covered three ground rules at the
5 outset of your deposition yesterday. I'd like to cover
6 them again, because I think it's always good to have
7 them front and center in your mind.

8 First and foremost is that this is not a
9 practice. We are to conduct ourselves as if the judge
10 and the jury were here today and ready to make a
11 decision. Do you understand that?

12 A. Yes.

13 Q. And with the help of the written transcript and
14 the video, the judge and the jury will use them to
15 assess your cooperation and your credibility. Do you
16 understand that?

17 A. Yes.

18 Q. Second off, I am not a mind reader. If there is
19 anything that prevents you from giving full and accurate
20 testimony, will you let me know?

21 A. Yes.

22 Q. And that goes for my questions. I'll do my best
23 to ask good questions; but to the extent you don't
24 understand something that I've asked, will you let me
25 know?

1 A. Yes.

2 Q. And then, finally, I'm looking for your full
3 cooperation. I want your best and most accurate
4 testimony. Do you understand that?

5 MS. MELL: Object to the form.

6 THE WITNESS: Yes.

7 BY MR. WHITEHEAD:

8 Q. I am going to ask many yes or no questions,
9 because I want to work efficiently to get us out of here
10 today. To the extent I ask you a yes or no question,
11 will you give me a yes or no answer?

12 MS. MELL: Object to the form.

13 THE WITNESS: Yes.

14 BY MR. WHITEHEAD:

15 Q. So the deposition today is different than the
16 deposition that you gave yesterday in that you've been
17 designated by The GEO Group to testify on the company's
18 behalf about information known or reasonably known to
19 GEO on certain subjects. Is that your understanding of
20 why you're here today?

21 A. Yes.

22 Q. And have you agreed to testify on GEO's behalf
23 today?

24 MS. MELL: Object to the form.

25 THE WITNESS: Yes.

Bruce Scott, Jr.

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1 BY MR. WHITEHEAD:

2 Q. And you understand that your answers are binding
3 on the company?

4 MS. MELL: Object to the form.

5 THE WITNESS: Yes.

6 MR. WHITEHEAD: This will be 353.

7 (Exhibit 353 marked for identification.)

8 BY MR. WHITEHEAD:

9 Q. Mr. Scott, you've just been handed Exhibit 353.
10 Have you seen this document before?

11 A. Let me review.

12 Yes.

13 Q. And the matters of examination begin on page
14 four. Have you reviewed those?

15 A. Yes.

16 Q. Tell me what GEO did to prepare you to provide
17 testimony about information known or reasonably
18 available to the company about the matters listed in the
19 30(b)(6) deposition notice that is Exhibit 353.

20 MS. MELL: Object to the form.

21 THE WITNESS: I just reviewed the standards, the
22 ICE standards, related to this deposition.

23 BY MR. WHITEHEAD:

24 Q. Anything else?

25 A. Some documents -- some documents that have been

1 produced already, to my knowledge, reviewed those just
2 for subject knowledge.

3 Q. Anything else?

4 A. No.

5 Q. So you said ICE standards. What ICE standards
6 did you review to prepare for the deposition today?

7 A. The 2011 Revision 16 PBNDS standards, which is
8 the Performance-Based National Detention Standards.

9 Q. That's a rather lengthy document. Were there
10 any particular sections that you focused on?

11 A. Particularly on the Voluntary Work Program
12 section.

13 Q. Section 5.8?

14 A. That sounds about right. But like you said,
15 it's a very lengthy document.

16 Q. Any other sections within the 2011 PBNDS that
17 you recall reviewing to prepare for your testimony today
18 as the 30(b)(6) designee?

19 A. No.

20 Q. You said documents that you believe have been
21 produced. Which documents are you referring to?

22 A. There was several documents, items along the
23 lines of some of these questions in Exhibit A and
24 throughout this. I can't recall specifically which
25 documents, but they relate to this 30(b)(6) notice.

1 Q. How many documents did you review?

2 A. Maybe four.

3 Q. And were they documents with narrative
4 descriptions? Spreadsheets? Give me an idea of the
5 type of documents that you reviewed.

6 A. I remember a spreadsheet and I remember a
7 disciplinary action form.

8 Q. What was the spreadsheet about?

9 A. The spreadsheet had to do with numbers related
10 to the Voluntary Work Program and just overall numbers
11 of the 2016 Voluntary Work Program and expenditures of
12 the facility.

13 Q. When did you review these documents, both the
14 ICE standards as well as the other documents that you
15 mentioned?

16 A. Last night.

17 Q. Are there any other sources of information that
18 you reviewed or had access to, to prepare for your
19 deposition today?

20 A. No.

21 Q. Please list for me the people that provided
22 factual information with respect to any of the matters
23 that you expect to testify to today as GEO's 30(b)(6)
24 designee.

25 A. I didn't speak to anybody about the 30(b)(6)

1 deposition notice.

2 Q. Did you learn any facts from your attorney in
3 the context of preparing for your 30(b)(6) testimony?

4 MS. MELL: Object to the form.

5 You don't have to answer anything that's
6 privileged.

7 THE WITNESS: I'm not answering that question,
8 sir.

9 MR. WHITEHEAD: Well, the rule is a little bit
10 different in the context of a 30(b)(6) deposition. To
11 the extent the deponent learns facts from counsel,
12 attorney-client privilege is waived.

13 So, Ms. Mell, for the record, what is your
14 instruction to the witness?

15 THE WITNESS: I can't instruct the witness --
16 I'm not going to instruct the witness not to answer.
17 There is a privilege that is associated with your past
18 question. I don't know what you want to ask now and I
19 can't object to it until I know what you're asking him.

20 BY MR. WHITEHEAD:

21 Q. My question is, Mr. Scott, did you learn any
22 facts in the context of preparing for this 30(b)(6)
23 deposition from counsel?

24 A. No.

25 Q. Are you able to tell us everything that GEO

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1 knows or has available to it with respect to the matters
2 listed in the 30(b)(6) notice that is Exhibit 353?

3 MS. MELL: Object to the form.

4 THE WITNESS: To the best of my ability.

5 BY MR. WHITEHEAD:

6 Q. Are there any matters that you feel unprepared
7 or uncomfortable testifying about?

8 A. No.

9 MS. MELL: I would, just for the record, note
10 that we haven't waived any of the objections.

11 BY MR. WHITEHEAD:

12 Q. Are you aware that GEO has filed a counterclaim
13 against the named plaintiffs for unjust
14 enrichment/offset?

15 A. No.

16 Q. What is GEO's claimed offset amount?

17 A. From my understanding, the offset amount that is
18 claimed in the documentation I reviewed was \$28.12.

19 Q. And the document that you reviewed, do you know
20 what that is?

21 A. The spreadsheet I referred to earlier.

22 (Exhibit 354 marked for identification.)

23 BY MR. WHITEHEAD:

24 Q. Mr. Scott, you've just been handed Exhibit 354.
25 Have you seen this document before?

1 A. No.

2 Q. Well, the first page of the document references
3 or is captioned GEO's -- it states the rule -- Rule
4 26(a)(1) Initial Disclosures.

5 I want to direct your attention to page three of
6 the document. Are you with me?

7 A. I am there.

8 Q. In the middle of the page there, there is a
9 section called Computation of Damages, and then it shows
10 item one, "Offset: \$17.12 per hour of participation in
11 the Voluntary Work Program." Do you see that?

12 A. I see that.

13 Q. Is \$17.12 per hour of participation in the
14 Voluntary Work Program GEO's claimed offset amount in
15 this case?

16 A. The next paragraph looks more familiar to me
17 where it says, each detainee who elects to participate
18 in the voluntary program receives at least \$27.12 per
19 hour in compensation.

20 Q. To round out that sentence, it says, "in
21 addition to the \$1.00 per day allowance." That's my
22 question. Is it \$17.12 per hour or \$27.12 per hour that
23 GEO is claiming as its offset?

24 A. Currently, based on the available information --
25 and not all relevant information is known on the

1 computation of this offset -- we have it listed as

2 \$27.12 an hour.

3 Q. Do you know why \$17.12 is listed on this
4 disclosure?

5 A. I do not. It seems to be a typo based on the
6 rest of the paragraph under that.

7 Q. In that way, then, we can disregard \$17.12 as
8 the company's claimed offset amount. Is that correct?

9 A. Yeah, our current estimated offset amount is
10 \$27.12 per hour.

11 Q. So to answer my question, the answer is yes, we
12 can disregard the \$17.12 per hour amount listed on this
13 disclosure?

14 MS. MELL: Object to the form.

15 I think we're struggling with an offset issue
16 and terminology. I mean, you understand that you have
17 to know what the minimum wage is. Right?

18 MR. WHITEHEAD: I want the witness to answer the
19 question. I mean, this is clearly defined as one of the
20 areas of examination.

21 MS. MELL: I'm just saying, I think that's where
22 you're struggling, if you want to understand that
23 answer. But that's fine. I can ask him the questions
24 if it needs clarity.

25 MR. WHITEHEAD: No, that's fine.

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1 BY MR. WHITEHEAD:

2 Q. So, Mr. Scott, as between \$17.12 per hour and
3 \$27.12 per hour, what is GEO's claimed offset amount?

4 MS. MELL: Objection, asked and answered.

5 THE WITNESS: The \$27.12 is the claimed amount.

6 It's an estimated number based on some variables that we
7 don't know all the answers to at this time.

8 BY MR. WHITEHEAD:

9 Q. All right. Who came up with the \$27.12?

10 A. I don't know specifically who came up with it.
11 It's based on a number of data points and a formula that
12 come up to the \$27.12.

13 Q. Who came up with the formula to reach this
14 \$27.12?

15 A. A spreadsheet that I reviewed, Mr. Kimble had
16 come up with the formula for the \$27.12 an hour.

17 Q. And this offset figure, when did GEO first
18 arrive at this amount?

19 A. I don't recall the specific date or time that it
20 was arrived at this amount. This is based on a lot of
21 data and the formula that Mr. Kimble came up with to
22 determine this number.

23 Q. I'll represent to you that this lawsuit was
24 filed in September 2014. Was this offset amount reached
25 before the lawsuit or after?

1 A. After.

2 Q. And \$27.12, were there ever any other offset
3 amounts reached or discussed by GEO?

4 A. No.

5 Q. Walk me through how GEO arrived at the amount of
6 \$27.12 per hour as the offset amount.

7 A. We looked at total 2016 data, and took the total
8 participants in the Voluntary Work Program for 2016, and
9 we multiplied that by an estimated hours worked and
10 average hours worked per detainee during that time
11 period, to determine a total number of hours worked in
12 that year; and divided that by the total expenditures of
13 equipment, services, building costs, taxes, a number of
14 other factors, divided -- that equated out to the \$27.12
15 an hour.

16 Q. In 2016, what was the total number of
17 participants in the program?

18 A. I can't recall off the top of my head. I know
19 it's listed on some documentation somewhere.

20 Q. Do you have those documents with you today?

21 A. I do not.

22 Q. All right. And the estimated hours worked by
23 detainee, I believe you said was part of the formula.
24 Did I get that right?

25 A. Yes.

1 Q. What was the estimated hour or hours worked by
2 detainees used in your formula?

3 A. The estimated average hours worked by detainees,
4 I believe, was 1.72 hours.

5 Q. How was that estimate reached?

6 A. That is purely an estimate. Most Voluntary Work
7 Program assignments only last 30 minutes, sometimes not
8 even 30 minutes. We don't have time records of each
9 individual work period. It was not a requirement and is
10 not a requirement of the ICE PBNDS standards for
11 voluntary work. It's our best estimate of the number of
12 hours that each individual spent on average, working any
13 day for the Voluntary Work Program.

14 Q. What sources of information did GEO consult to
15 reach that 1.72 hours estimate?

16 A. Really just knowledge of the program, of what
17 detainees actually do in the Voluntary Work Program.

18 Q. And in estimating 1.72 hours, was it GEO's
19 intent to be accurate in its estimate?

20 MS. MELL: Object to the form.

21 THE WITNESS: As accurate as available since the
22 ICE standard, nor contract require any such
23 documentation of time spent within the Voluntary Work
24 Program.

25 BY MR. WHITEHEAD:

1 Q. Well, I guess what I'm driving at is that this
2 wasn't an arbitrary number. 1.72 hours represents GEO's
3 best estimate. Is that correct?

4 MS. MELL: Object to the form.

5 THE WITNESS: Based on available knowledge and
6 without any detailed information from the Voluntary Work
7 Program that's not required, it's our best estimate.

8 BY MR. WHITEHEAD:

9 Q. And is 1.72 hours still GEO's best estimate of
10 the average detainee shift?

11 MS. MELL: Object to the form of the question.

12 THE WITNESS: It's hard to answer. The
13 Voluntary Work Program from day-to-day is very fluid.
14 It's hard to come up with a specific set of hours. It
15 probably would not be the same from day-to-day if we
16 actually counted hours in the Voluntary Work Program.

17 BY MR. WHITEHEAD:

18 Q. Well, for purposes of deriving GEO's offset
19 amount, is GEO sticking with or changing the 1.72 hours
20 detainee shift estimate?

21 MS. MELL: Object to the form of the question.

22 THE WITNESS: Based on -- when more available
23 information is known about the -- how many detainee
24 workers or what the overall end process wants to be --
25 it's hard to know. It's a number right now. The 1.72

1 hours is our best estimate within the Voluntary Work
2 Program.

3 BY MR. WHITEHEAD:

4 Q. So that's yes, that is still GEO's estimated
5 hours for the average detainee shift?

6 MS. MELL: Object to the form of the question.

7 THE WITNESS: Based on the documentation in
8 front of me, yes.

9 BY MR. WHITEHEAD:

10 Q. Well, it's not based on the documentation in
11 front of you. Like I said at the outset, it's a
12 30(b)(6) deposition, so it's a little bit different.
13 You're speaking on behalf of the company. So my
14 question is a yes or no one. On behalf of the company,
15 is 1.72 hours still the company's estimate for the
16 average detainee shift? Yes or no.

17 MS. MELL: Object to the form of the question.
18 Move to strike.

19 And don't tell my client what to do.

20 THE WITNESS: I've answered the question. As of
21 right now, based on the documentation and the
22 information that we have, 1.72 hours is the number.

23 BY MR. WHITEHEAD:

24 Q. And then you said that the total number of
25 participants multiplied by the estimated hours worked is

1 then divided by GEO's expenditures. Did I get that
2 right?

3 A. The costs related to the detainees in that
4 program. Hygiene, products used, bedding used,
5 uniforms, the cost of housing, food, a number of
6 different topics, taxes. All those things that relate
7 to the detainee and their housing determines that
8 number.

9 Q. That's what I would like for you to unpack for
10 me. I want to discuss in detail the expenditures that
11 are included in GEO's offset analysis. Could you give
12 me a list of the expenditures or costs that GEO has
13 considered in formulating its offset amount?

14 MS. MELL: Object to the form of the question.

15 THE WITNESS: There is a number of related
16 items. I mean, we could sit down if you have some
17 documentation to review, but I won't be able to rattle
18 off everything from memory. We have provided some
19 information that was related to determining these
20 numbers. I'd like to refer to that documentation.

21 BY MR. WHITEHEAD:

22 Q. Did you bring it with you?

23 A. I do not have it.

24 Q. Do you know the title of the document that
25 you're thinking of?

1 A. No. It was a spreadsheet that you had related
2 to earlier.

3 Q. Well, let's look at Exhibit 354, page three.
4 These are GEO's initial disclosures. It appears that
5 some of those expenditures are detailed here. The
6 disclosures list room, clothing, food, laundry,
7 utilities, et cetera. Do you see that?

8 A. Yes.

9 Q. Are those items or expenditures that were
10 considered in reaching GEO's offset amount?

11 A. Yes.

12 Q. And those expenditures as listed, what time
13 period did GEO review?

14 A. Well, I take -- in the fiscal year 2016
15 expenditures.

16 Q. For the fiscal year 2016 -- let's back up a
17 step. When does GEO's fiscal year run from? From when
18 to when?

19 A. Our fiscal year relates to the calendar year for
20 the information -- I believe that is from January
21 through December of 2016.

22 Q. So for the fiscal year 2016, how much did GEO
23 spend on rooming civil immigration detainees at the
24 Northwest Detention Center?

25 MS. MELL: Object to the form.

Bruce Scott, Jr.

December 10, 2019

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1 THE WITNESS: I don't have the individual
2 amounts memorized. The total expenditures listed here
3 equated to [REDACTED].

4 (Exhibit 355 marked for identification.)

5 BY MR. WHITEHEAD:

6 Q. You've just been handed Exhibit 355. It's a
7 series of spreadsheets that GEO produced to the
8 plaintiffs in this case. Have you seen these documents
9 before?

10 A. These look similar to the 2016 spreadsheet that
11 I looked at.

12 Q. And you're referring to the last page of the
13 document?

14 A. Yes.

15 Q. Looking at the last page of Exhibit 355,
16 entitled "Fiscal Year 2016," is this a fair and accurate
17 representation of GEO's expenditures for that fiscal
18 year?

19 A. For the items listed on the page, yes.

20 Q. Now, we'll discuss the items listed on this
21 page -- well, strike that.

22 The items listed on this page, the last page of
23 Exhibit 355, are these the expenditures that are
24 included within GEO's offset computations?

25 MS. MELL: Object to the form.

1 THE WITNESS: Yes.

2 BY MR. WHITEHEAD:

3 Q. As far as expenditures go, are there any
4 expenditures missing from this list that GEO has
5 included in its offset calculations?

6 MS. MELL: I'm going to object to the form.
7 Is your question as to all of this?

8 MR. WHITEHEAD: Joan, my question is how did you
9 guys reach the offset amount? So I want to break it
10 down and figure out the component parts of how the
11 offset amount was derived.

12 MS. MELL: But there is not 2016 in here.

13 MR. WHITEHEAD: Well, the last page of the
14 exhibit. These are double sided.

15 MS. MELL: I don't see it in here.

16 Oh, I'm sorry. Okay.

17 MR. WHITEHEAD: Are you with us?

18 MS. MELL: I'm with you, but I still have the
19 same objection in terms of clarifying apples to apples.
20 If you want to go through each year --

21 MR. WHITEHEAD: I want to true it up, and I'll
22 work with the witness to do so.

23 BY MR. WHITEHEAD:

24 Q. All right. So, Mr. Scott, looking at

25 Exhibit 355, the last page that represents fiscal year

1 2016, are there any expenditures not listed that GEO
2 includes within its offset calculations?

3 A. No.

4 Q. Now, looking at the first block of expenses that
5 appear to be related to meals and food, do those
6 expenditures represent the cost of detainee food
7 services or do they also include the cost of food
8 services provided to GEO personnel?

9 A. These are related to detainee food service.

10 Q. GEO provides meals to its employees. Is that
11 correct?

12 A. Yes.

13 Q. Do you know how many meals, either on a daily or
14 a per-week basis, that GEO provides for its own
15 personnel?

16 A. I don't have that information on the top of my
17 head.

18 Q. But it's your testimony that those employee
19 meals are not reflected in the meal expenditures that we
20 see on Exhibit 355?

21 A. The total meals prepared for the facility are
22 based on the detainee population. There is extra food
23 that is prepped in that to make sure that we serve
24 enough food, and it's that spare amount of food that
25 staff are able to get during meal service during each

1 meal.

2 Q. Looking at the laundry expenditures, does GEO
3 provide laundry services for its staff?

4 A. No.

5 Q. And the floor cleaning and maintenance of the
6 facility, as well as pest control, are those benefits
7 enjoyed by everyone at the facility, not just the
8 detainees?

9 A. Those are areas required by the ICE PBNDS
10 standard. The facility is there for the detainees. All
11 that is in detainee areas -- occupied areas.

12 Q. And if we look at the bottom-right figure
13 reflected on the last page of 355, we see [REDACTED].
14 Do you see that?

15 A. Yes.

16 Q. Does that represent the total expenditures by
17 GEO for that fiscal year?

18 A. No.

19 Q. What's missing?

20 A. I do not know what's missing. That figure
21 calculates everything that's listed in the first column
22 on this page as related to detainees.

23 Q. Perhaps that's a good question to orient us.
24 The expenditures that are reflected here on the last
25 page of Exhibit 355, what do they represent?

1 A. They represent a calculation total of those line
2 items that are listed on this page. All of these are
3 related to things that go towards the detainees, and
4 rooming, housing, and boarding a detainee.

5 Q. So this is GEO's overhead, so to speak, for
6 housing detainees. Is that a fair way to put it?

7 MS. MELL: Object to the form.

8 THE WITNESS: No, I don't believe so. This
9 total number on the bottom is a calculation of all these
10 items on this page.

11 BY MR. WHITEHEAD:

12 Q. This is not a trick question. I'm just trying
13 to group or understand what I'm looking at here.

14 Is there any way for you to categorize or tell
15 us, big picture, what these expenditures represent?

16 MS. MELL: Object to the form.

17 THE WITNESS: As I previously stated, these
18 expenditures go towards what we have for rooming,
19 boarding detainees. These are everything that we've
20 listed totaling the [REDACTED] that we used in our
21 calculation to determine the offset.

22 BY MR. WHITEHEAD:

23 Q. So things like GEO's personnel costs for its
24 correction officers, that would not be reflected on this
25 document?

1 A. I do not see that listed on this document.

2 Q. All right. So the figure that we see in the
3 bottom-right corner of Exhibit 355 there on the last
4 page, [REDACTED], that's the same figure that we see in
5 GEO's initial disclosures, Exhibit 354. Is that right?

6 A. Correct.

7 Q. And those figures are one and the same?

8 A. Yes.

9 Q. Looking at Exhibit 354, there is a reference to
10 the total allowance paid of [REDACTED]. What does that
11 number represent?

12 A. Which exhibit are you looking at again, sir?

13 Q. 354, GEO's initial disclosures. I'm on page
14 three.

15 A. So that represents the total allowance -- the
16 total detainee pay that was done in fiscal year 2016.

17 Q. So [REDACTED] represents the wages that GEO paid
18 to detainee workers for fiscal year 2016?

19 MS. MELL: Object to the form.

20 THE WITNESS: That was the total allowance paid
21 under the Voluntary Work Program in accordance with the
22 ICE standards for 2016.

23 BY MR. WHITEHEAD:

24 Q. Now, each dollar of that [REDACTED], does that
25 represent a detainee shift?

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1 A. Well, detainees don't work in shifts. That one
2 dollar would represent a voluntary activity in the
3 Voluntary Work Program per each detainee in that year.

4 Q. Is there a one-to-one correlation; meaning that
5 for each dollar spent by GEO in the program, does that
6 represent a detainee workday?

7 MS. MELL: Object to the form of the question.

8 THE WITNESS: The number is one dollar per
9 volunteer activity within the Voluntary Work Program in
10 accordance with the ICE standards.

11 BY MR. WHITEHEAD:

12 Q. So each dollar spent represents a detainee
13 worker activity?

14 A. Yes.

15 Q. And tell me what is a detainee worker activity?
16 How are you defining that term?

17 MS. MELL: Object to the form.

18 THE WITNESS: The activity is the Voluntary Work
19 Program assignment activity that detainee performs. It
20 could be five minutes, it could be one hour within that
21 day. It's a Voluntary Work Program activity.

22 BY MR. WHITEHEAD:

23 Q. The detainee work program, are detainee workers
24 paid by activity or by day?

25 A. In accordance with the standard, the detainee is

1 permitted one activity detail per day, and the
2 compensation for that is one dollar a day in accordance
3 with the ICE standard.

4 Q. Now, the expenditures that GEO bases its claimed
5 offset upon, would the offset amount change if the
6 expenditure amount changed?

7 MS. MELL: Object to the form.

8 THE WITNESS: By definition of a mathematical
9 formula, if one number changed within the formula, I
10 would assume that the product of that formula would
11 change.

12 BY MR. WHITEHEAD:

13 Q. So GEO's offset is based upon fiscal year 2016
14 figures. Correct?

15 A. The formula used to derive the \$27.12 in
16 Exhibit 354 is based on the 2016 data.

17 Q. Is GEO's claimed offset amount different or the
18 same for 2017?

19 A. I do not know. I don't have the 2017 numbers in
20 front of me to do the calculation.

21 Q. What about 2018? Is GEO's offset amount the
22 same or different for 2018?

23 A. Again, sir, I don't have the 2018 data in front
24 of me to be able to determine the offset amount.

25 Q. Is your answer the same if I were to ask about

1 2019?

2 A. Yes.

3 Q. Now, the expenditures for which GEO now seeks an
4 offset, is GEO reimbursed by ICE for those same amounts?

5 MS. MELL: Object to the form.

6 THE WITNESS: I don't know the answer to that
7 question. There is a lot of different contract work
8 within that question to be able to answer it.

9 BY MR. WHITEHEAD:

10 Q. With respect to how GEO reached its offset
11 amount for fiscal year 2016, have you told me everything
12 about the way in which GEO derived that number?

13 MS. MELL: Did you say '16?

14 MR. WHITEHEAD: I did.

15 MS. MELL: Okay.

16 THE WITNESS: Yes.

17 BY MR. WHITEHEAD:

18 Q. Now, to my question about whether or not GEO is
19 reimbursed by ICE for its expenditures, would it help to
20 look at the ICE contract?

21 MS. MELL: I object to the form.

22 THE WITNESS: It's a lengthy contract with a lot
23 of different contract in it. I don't think I would be
24 able to answer that -- that question.

25 BY MR. WHITEHEAD:

1 Q. Do you suspect the answer to question is
2 contained within the contract?

3 MS. MELL: Object to the form of the question.

4 THE WITNESS: I don't suspect anything. I do
5 not know.

6 (Exhibit 356 marked for identification.)

7 BY MR. WHITEHEAD:

8 Q. You've just been handed Exhibit 356. What are
9 we looking at here?

10 A. This appears to be a portion of the current
11 contract with the Statement of Work.

12 Q. You say "a portion of." What, if anything,
13 appears missing to you?

14 A. Well, this is the base contract. There is a
15 number of modifications to the contract over time with
16 different requirements from ICE that sometimes change
17 line item amounts, add additional requirements, take
18 requirements away. I mean, this is the base contract,
19 but not all inclusive of everything that relates to
20 payment under the contract in the contracting sense.

21 Q. If we look at the first page of Exhibit 356,
22 it's dated September 24, 2015. Do you see that there in
23 the bottom-right corner?

24 A. Where it says, "Date signed"?

25 Q. Yes. Do you see that?

1 A. I see that.

2 Q. Since September 24, 2015, can you tell me about
3 any revisions to the contract?

4 A. There has been a number of revisions to the
5 contract. I don't know how many or what those specific
6 changes were or what they changed.

7 Q. Let's look at the second page of Exhibit 356.
8 Towards the bottom there, there is a reference to,
9 "Detention bed days, guaranteed minimum beds, 1,181
10 beds/day." Do you see that?

11 MS. MELL: I object to the form. I'm not
12 following you.

13 THE WITNESS: Do you have a line item that
14 you're looking at?

15 BY MR. WHITEHEAD:

16 Q. 0001A.

17 Are you with me now?

18 A. I see that line item.

19 Q. What is the reference, "Detention bed days"?

20 A. There is a definition to a bed day on page 46,
21 which is Bates No. 096345 of that document. The
22 contract defines what the bed day is.

23 Q. And the bed day, does that form the basis for
24 how GEO is paid by ICE?

25 A. That's just one of a series of numbers in this

1 contract, sir.

2 Q. Was that the base assumption, though, that GEO
3 is paid a basic bed day or bed rate by however many
4 number of detainees are in the facility?

5 MS. MELL: Object to the form.

6 THE WITNESS: As one portion of a
7 multiple-line-item contract.

8 BY MR. WHITEHEAD:

9 Q. Is that the primary measure, though, for how GEO
10 is paid?

11 MS. MELL: Object to the form.

12 THE WITNESS: This is a multi-line-item
13 contract, sir. It's just one point along the contract.

14 BY MR. WHITEHEAD:

15 Q. Well, tell me, how is GEO paid under the
16 contract?

17 MS. MELL: Object to the form.

18 THE WITNESS: From my understanding and
19 knowledge, we submit a multiple-page invoice to the
20 contracting officer's representative, and then it's the
21 contracting officer's representative that determines
22 what is being paid under the contract.

23 BY MR. WHITEHEAD:

24 Q. What's the contract amount? Is there a total
25 contract amount?

1 A. Again, with a number of modifications to the
2 contract, which change some of the language that's here,
3 I do not know.

4 Q. Take a look at page 42 of the contract. It's
5 the one that bears Bates stamp GEO-Nwauzor 96341.

6 A. Okay. I'm on 96341.

7 Q. If you look at line item 9006, the last sentence
8 of the page there, it says, "The total amount of award:
9 [REDACTED]." Do you see that?

10 A. Well, I see that listed on this page, sir, yes.

11 Q. As of September 2015, was the total contract
12 award to GEO for operating the Northwest Detention
13 Center [REDACTED] as reflected here in the document?

14 A. Again, without knowing all the in and outs of
15 any modification that's ever been made to this contract
16 and how the COR determines payment based on all of those
17 different modifications and line items, I do not know.

18 Q. My question is, as of September 24, 2015, can
19 you say yes or no, whether or not [REDACTED] reflects
20 the contract from ICE to GEO?

21 MS. MELL: Object to the form.

22 THE WITNESS: I do not know, sir. All the
23 information is not available to answer that question.

24 BY MR. WHITEHEAD:

25 Q. Who would have that information?

1 A. I think the owners of the contract, the ICE
2 contracting officers, may know the answer to that
3 question.

4 Q. All right. To the question, though, the bed-day
5 rate, looking at page 46 of the contract, Exhibit 356 --
6 are you on that page?

7 A. Yes.

8 Q. I'm looking at line item 6 there, the Bed-Day
9 Rate. It reads, "Bed-day rate is an all-inclusive
10 burdened rate to include all costs inclusive of direct
11 cost, indirect costs, overhead and profit necessary to
12 provide the detention and food service requirements
13 required in the PWS." Did I read that correctly?

14 MS. MELL: Object to the form.

15 THE WITNESS: The requirements described in the
16 PWS?

17 The document speaks for itself. That's what the
18 words are on the page.

19 BY MR. WHITEHEAD:

20 Q. So, that's my question, the bed-day rate, it
21 includes direct costs, the indirect costs, overhead and
22 profit.

23 A. In accordance with the ICE contract, that's the
24 definition of a bed-day rate.

25 Q. And ICE pays GEO the bed-day rate. Correct?

1 A. As one line item in a multi-line-item contract,
2 we do get paid a bed-day rate.

3 Q. To the extent that GEO seeks, as part of its
4 offset, food, hygiene, and housing costs, as part of its
5 offset, is GEO seeking to recover twice for the same
6 amounts?

7 MS. MELL: Object to the form of the question.

8 THE WITNESS: I don't know how you would
9 determine twice -- the spreadsheet is here. The numbers
10 that we determined the offset are all listed.

11 BY MR. WHITEHEAD:

12 Q. Well, looking at the spreadsheet -- and by
13 "spreadsheet," you're referring to Exhibit 355.
14 Correct?

15 A. Yes.

16 Q. Let's look at the last page, fiscal year 2016.
17 Are you with me?

18 A. Yes.

19 Q. The first line item there shows "Meals/Food
20 Expense." Do you see that?

21 A. Yes.

22 Q. Meals/food expense, is that a component of the
23 bed-day rate? Yes or no?

24 MS. MELL: Object to the form of the question.

25 THE WITNESS: Again, sir, there is various other

1 line items. This is a multi-line-item contract. A
2 portion of it may be in the bed-day rate, but there is
3 multiple line items and amendments to a contract. I
4 don't know where all these numbers tie into these
5 multiple line items.

6 BY MR. WHITEHEAD:

7 Q. What about the line item for resident clothing?
8 Is resident clothing a component of the bed-day rate?
9 Yes or no?

10 MS. MELL: Object to the form of the question.

11 THE WITNESS: I don't see clothing listed in the
12 bed-day rate explanation of terms. Again, with a
13 multi-line-item contract, it's hard to know exactly
14 where clothing fits into the contract.

15 BY MR. WHITEHEAD:

16 Q. GEO's line item for utilities, is that a
17 component of the bed-day rate? Yes or no.

18 MS. MELL: Object to the form.

19 THE WITNESS: Again, sir, I'm not the
20 contracting expert, and it's a multi-line-item contract
21 with multiple things. I can read the definition that
22 the contract says the explanation of term of a bed-day
23 rate is. I do not know, with all the different
24 modifications that are here, what all is included by
25 line item in that one explanation of term.

1 BY MR. WHITEHEAD:

2 Q. Well, this deposition is a 30(b)(6) deposition,
3 meaning that you are testifying on behalf --

4 MS. MELL: Counsel, don't --

5 MR. WHITEHEAD: Hold on.

6 MS. MELL: No, you're not asking a question.
7 You're not going to start lecturing to my client. This
8 is a deposition. You ask him a question and he'll
9 answer it. You don't get to lecture him. You don't get
10 to go on and on about what you want to hear. Ask a
11 question and he'll answer the question.

12 MR. WHITEHEAD: We've got to speak one at a
13 time, counsel, for the record. I'm sure the court
14 reporter will appreciate it.

15 BY MR. WHITEHEAD:

16 Q. Mr. Scott, this is a 30(b)(6) deposition. You
17 told me at the outset that you understood that you were
18 testifying on behalf of the company. Do you remember
19 that?

20 MS. MELL: Object to the form.

21 THE WITNESS: Yes.

22 BY MR. WHITEHEAD:

23 Q. And you told me that you felt comfortable
24 testifying to the items listed in the 30(b)(6)
25 deposition notice. Do you remember that?

1 MS. MELL: Object to the form of the question.
2 You're not going to sit here and badger my client. Now
3 knock it off. Ask him a question. Those aren't
4 questions. You're badgering him. You're not even
5 asking him for information. You're asking him to agree
6 with you.

7 BY MR. WHITEHEAD:

8 Q. Do you remember telling me that you were
9 prepared to testify about the items listed in the
10 30(b)(6) notice?

11 MS. MELL: He remembers. Okay? Come on. Let's
12 get on with this deposition. This is inappropriate.
13 You're just badgering the witness.

14 BY MR. WHITEHEAD:

15 Q. Is that a yes, sir?

16 A. There has been a lot of talk, sir. Would you
17 repeat your question.

18 Q. Well, I'd like for you to look at the notice.
19 Let's ground it in the notice. We're looking at
20 Exhibit 353. I'd like for you to look at page six. I'm
21 looking at Item 4, subpart (j). For example, are you
22 prepared today to testify about all compensation by ICE
23 to GEO for operating the Northwest Detention Center?

24 A. I can explain facts and help you interpret some
25 of the items provided. I do not know, in a

1 multi-line-item contract, every in and out of the page,
2 what numbers are on the page. I'm here, I can help you
3 understand the facts as presented in front of me for
4 this notice. I don't think I'm expected to know and
5 memorize every word of a contract.

6 Q. Well, a basic fact would be how much ICE is
7 paying GEO. Would you agree?

8 A. Yes.

9 Q. So how much is the contract for between ICE and
10 GEO?

11 MS. MELL: Object to the form.

12 THE WITNESS: Again, sir, there is multiple
13 steps in the contract, multiple line items, amendments.

14 BY MR. WHITEHEAD:

15 Q. Is your answer you don't know?

16 MS. MELL: Object to the form of the question or
17 statement, commentary. Move to strike.

18 THE WITNESS: Sir, I can help you with documents
19 provided based on, you know, everything there is related
20 to a contract, multiple pages. If we have that
21 documentation available to review, I can help explain
22 and define stuff; but I am not supposed to know, on a
23 multiple line item, with very many variables, what a
24 singular number is on multiple line items, amendments
25 that are not present here in this document.

1 BY MR. WHITEHEAD:

2 Q. All right. Last question on this subject. That
3 figure of [REDACTED] found on page 42 of
4 Exhibit 356, what does that number represent?

5 A. This number is a listed number on this page of
6 the contract. I don't want to assume without adding up
7 all the numbers on the other pages of this contract.
8 The base contract as listed here by ICE -- all I can
9 read is the total amount of the award. [REDACTED]
10 is the obligation for the award as shown in 15G.

11 Q. Exhibit 355, the spreadsheets for GEO's
12 expenditures, do you know who prepared this document?

13 A. There is not an author listed on this document.

14 Q. Do you believe this document to be produced by
15 someone from GEO?

16 A. Yes.

17 Q. Do you know whether this was a litigation
18 document or if this was made in sort of the ordinary
19 course of business?

20 A. I don't know specifically the cause of why this
21 document was created. Since it's related -- the
22 [REDACTED] is related to the offset amount, this
23 document -- it looks it was created to assist in the
24 offset amount.

25 Q. This document appears to be -- to have been

1 created by someone with knowledge of GEO's finances?

2 A. At least knowledgeable with the line items that
3 they were adding to the computation of the offset
4 amount.

5 Q. Do you have any reason to doubt the accuracy of
6 Exhibit 355?

7 A. No.

8 Q. Do you know the current Washington State minimum
9 wage?

10 A. I do not.

11 (Exhibit 357 marked for identification.)

12 BY MR. WHITEHEAD:

13 Q. You've just been handed Exhibit 357. Have you
14 seen this document before?

15 A. The document -- it looks like a legal document.
16 I've seen lots of them. I can't recall if I've
17 necessarily seen this one or not.

18 Q. Exhibit 357 is titled, "Defendant The GEO Group,
19 Inc.'s Responses to Plaintiff Chao Chen's First
20 Interrogatories and Requests for Production." That's on
21 page one. Do you see that?

22 A. I see that.

23 Q. Did you play any role in responding to
24 plaintiff's interrogatories and requests for production?

25 A. I've done this a few times. Recalling exactly

1 which questions answered, I don't remember which
2 specific questions.

3 Q. Look at page 32 for me. It's a verification
4 from an affiant, James Black. Who is James Black?

5 A. James Black was the regional vice-president of
6 the western region for the GEO Group.

7 Q. I'd like to direct your attention to page --
8 it's the bottom of page 12, top of page 13. There is an
9 interrogatory there with the question that says, "Please
10 describe in detail how you determined the offset amount
11 of \$17.12 per hour described on page three of your
12 Rule 26 Initial Disclosures dated December 20, 2017."
13 Do you see that?

14 A. I see that.

15 Q. And then the response, GEO's response, follows
16 on the next page.

17 A. In "Answer to No. 7"?

18 Q. Correct.

19 A. I see that.

20 Q. The second to last sentence there says, "The
21 numbers come from the budget and actual expenditures of
22 the NWDC." Do you see that?

23 A. I do.

24 Q. As far as expenditures go, does it mean anything
25 different than what you've already told me about?

1 A. This is related to that spreadsheet. I don't
2 have any reason to believe it's different.

3 Q. And as far as budget goes, what does that refer
4 to?

5 A. A budget is a normal course of business. Most
6 businesses have a budget. We have a budget that covers
7 certain line items of the contract. The numbers
8 reported, to my knowledge, based on that spreadsheet,
9 looks like they come from the actual expenditures within
10 our tracking systems.

11 Q. GEO's budget, is it a deficit budget?

12 MS. MELL: Object to the form.

13 THE WITNESS: I don't know what type of budget
14 it is.

15 BY MR. WHITEHEAD:

16 Q. Do you know what a deficit budget is?

17 A. No.

18 Q. Do you know whether GEO expects to break even on
19 its contract with ICE?

20 MS. MELL: Object to the form.

21 THE WITNESS: I don't know.

22 BY MR. WHITEHEAD:

23 Q. Do you know whether GEO takes a loss on its
24 contract with ICE?

25 A. I don't have that information.

1 MS. MELL: I would object to the form, too. I
2 think that we do have a rule in this case -- remind me
3 if this is incorrect -- but I think we have a rule on
4 the disclosure side of the money equation that pertains
5 to the Northwest Detention Center. Did that change in
6 this case? You'd have to remind me where we are. State
7 versus Nwauzor. I don't know.

8 MR. WHITEHEAD: We don't have anything in this
9 case. Obviously, the scope is a little bit different in
10 terms of GEO's finances for us. But I think, as a basic
11 baseline question to the witness, does the GEO contract
12 with ICE -- do you know whether or not GEO takes a loss
13 on its contract?

14 MS. MELL: I'll just object to the form of the
15 question.

16 THE WITNESS: I don't know that information.

17 BY MR. WHITEHEAD:

18 Q. GEO expects to make a profit. Correct?

19 MS. MELL: Object to the form of the question.

20 THE WITNESS: GEO operates under contract with
21 Immigration and Customs Enforcement under this contract,
22 and we perform services for ICE to the best of our
23 ability in housing detainees safely and securely,
24 respecting their human rights and dignity. We just
25 operate under a contract, sir.

1 BY MR. WHITEHEAD:

2 Q. That contract -- you're referring to
3 Exhibit 356 -- one of the components of it is that GEO
4 makes a profit. Correct?

5 A. It's a multi-page document. We perform the
6 services listed in the contract.

7 Q. Well, let's go to page 46. We're back at the
8 bed-day rate. Feel free to read the entirety of line
9 item six there.

10 My question to you is, do you agree that profit
11 is a component of the bed-day rate that ICE pays to GEO?

12 A. I don't want to try to figure out what -- I can
13 read the bed-day rate.

14 Q. Does GEO expect full reimbursement from ICE for
15 the cost of operating the Northwest Detention Center?

16 MS. MELL: Object to the form of the question.

17 THE WITNESS: Sir, again, with a multi-line-item
18 contract, there is -- this is not a singular amount.
19 There is multiple line items in the contract. I do not
20 know how to answer that question.

21 MR. WHITEHEAD: I think here is a good spot for
22 a break.

23 THE VIDEOGRAPHER: We're now going off the
24 record. The time is 11:24 a.m.

25 (Recess taken from 11:24 to 11:41.)

1 THE VIDEOGRAPHER: We're now back on the record.

2 The time is 11:41 a.m.

3 BY MR. WHITEHEAD:

4 Q. Mr. Scott, have you heard the term "fully
5 burdened contract" before?

6 A. No.

7 Q. Looking at Exhibit 356, this is GEO's contract
8 with ICE as of September 24, 2015. Do you know whether
9 this contract contemplates all aspects of the services
10 that GEO is to provide for ICE?

11 MS. MELL: Object to the form.

12 THE WITNESS: In certain relations to the
13 contract and different modifications and amendments,
14 there is several things that have changed this contract.
15 I don't know how to answer that question.

16 BY MR. WHITEHEAD:

17 Q. Well, as of September 24, 2015, I mean, is this
18 the expected contract amount that GEO can expect on its
19 contract with ICE?

20 MS. MELL: Object to the form of the question.

21 THE WITNESS: Again, sir, there is multiple line
22 items within this, with modifications, even as of this
23 date, new requirements that have come on. It's
24 challenging to answer the question as you're asking.

25 BY MR. WHITEHEAD:

1 Q. All aspects of ICE's payment to GEO, are they
2 covered by Exhibit 356 as of the date of the document?

3 MS. MELL: Object to the form of the question.

4 THE WITNESS: Sir, again, without having all of
5 the potential modifications and amendments that have
6 been made to the document -- to this contract, I don't
7 know.

8 BY MR. WHITEHEAD:

9 Q. Well, as you sit here today, are you aware of or
10 can you tell me about an amendment to the contract that
11 has affected GEO's expected contract amount?

12 A. Sir, there has been multiple amendments and
13 modifications to the contract, based on service years.
14 Without having all the available information to review,
15 I can't say the number here is the number, in fact, when
16 you look at the entire auspices of the contract and any
17 modifications or amendments that relate to it.

18 Q. Where would you look for that information?

19 A. We would -- I would ask the government
20 contracting office to provide all information related to
21 the contract that they wish us to fulfill.

22 Q. I asked the question, but I don't know that I
23 got an answer.

24 Are you aware of any amendments to the contract
25 that affect the contract price that GEO can expect from

1 ICE?

2 MS. MELL: Object to the form of the question.

3 Asked and answered.

4 Counsel, your commentary is improper.

5 THE WITNESS: Without seeing -- I don't want to
6 guess as to what a document said or how it changed.
7 There has been multiple amendments and modifications to
8 the contract. Without seeing those and relating to
9 those to determine the information to answer your
10 question -- I would like to refer to that instead of
11 just guessing. I don't want to guess, sir.

12 BY MR. WHITEHEAD:

13 Q. Well, can you describe one for me?

14 MS. MELL: Object to the form. One?

15 MR. WHITEHEAD: A contract modification.

16 THE WITNESS: Sir, again, there is many
17 potential modifications to the contract. Trying to
18 guess or remember what the language on one page out of
19 many pages -- I'm more than willing to look at
20 documentation to help explain what that documentation
21 says if we have documentation provided to help me answer
22 that question. I can't remember every page of a
23 multi-line-item contract.

24 BY MR. WHITEHEAD:

25 Q. Is your answer, "I don't know"?

1 MS. MELL: Object to the form of the question.
2 Mischaracterizes his testimony.

3 THE WITNESS: I can't answer the information --
4 with the information provided.

5 BY MR. WHITEHEAD:

6 Q. Let's look at Exhibit 355. Back to the
7 spreadsheet. I'd like for you to look at the last page,
8 fiscal year 2016. I asked, at a higher level, about
9 whether or not GEO was reimbursed by ICE for certain
10 line items that are reflected on this document, but I'd
11 like to take it item by item, just to make sure that our
12 record is clear. Do you understand?

13 MS. MELL: I'm going to object. I don't know
14 what you're instructing him to do or not do.

15 THE WITNESS: I can relate to the information
16 that's on this page. Whether or not -- you're asking me
17 to say have we been reimbursed for each of these line
18 items? Is that what you're asking me to do, sir?

19 BY MR. WHITEHEAD:

20 Q. Yes. So let's take the first one. Looking at
21 the fiscal year 2016, there is a line item there, 56510,
22 for meals/food and expense. Do you see that?

23 A. I do.

24 Q. Is GEO reimbursed by ICE for this line item?

25 MS. MELL: Object to the form of the question.

1 THE WITNESS: This document speaks for itself.
2 These are numbers that we listed as part of performing
3 the calculation of the offset. Whether or not -- if we
4 have any billing information, invoices to show what was
5 actually submitted to ICE, I can't answer the question.
6 This document relates to data and information we put
7 down to help compute the offset of the \$27.12.

8 BY MR. WHITEHEAD:

9 Q. Well, let's try it this way: I'll ask you yes,
10 no, or I don't know, and we'll go through each of the
11 items.

12 MS. MELL: No, we're not going to do that.

13 MR. WHITEHEAD: Meals --

14 MS. MELL: He gets to answer the question as he
15 deems appropriate. You can't instruct him what to
16 answer. You can't instruct as to the answer before you
17 even ask the question.

18 MR. WHITEHEAD: Let's speak one at a time so our
19 record is clear.

20 MS. MELL: I'm speaking one at a time.

21 BY MR. WHITEHEAD:

22 Q. All right. So, Mr. Scott, meals/food and
23 expense, yes, no, or I don't know, does ICE reimburse
24 GEO for this line item?

25 MS. MELL: Object to the form.

1 THE WITNESS: I don't have the relevant
2 information to be able to answer that question.

3 BY MR. WHITEHEAD:

4 Q. Where would you look for the relevant
5 information?

6 A. Again, I would look for billing or invoices to
7 see what we -- I mean, for example, I know, in the
8 Voluntary Work Program that's listed in -- it's a line
9 item on the contract -- GEO has zero profit in that
10 because it's -- whatever number that is, is passed right
11 to the ICE client and they pay. As far as the rest of
12 these, I'm not going to guess or speculate on what was
13 reimbursed, how it was reimbursed, in accordance with
14 the bill given to the ICE contracting office
15 representative.

16 Q. So is that what you would look to then as the
17 definitive statement, any bills submitted by GEO to ICE?

18 MS. MELL: Object to the form.

19 THE WITNESS: Again, sir, contracting is
20 complicated. It's line items. It's multiple things.
21 It's not just one set amount total; it's individual line
22 items, computations on those line items. If you gave me
23 a total amount, I couldn't even tell you exactly which
24 line items were built into each one of these.

25 BY MR. WHITEHEAD:

1 Q. I'm going to ask my question again as
2 straightforwardly as I possibly can. Where would I look
3 if I wanted to know whether GEO is reimbursed by ICE for
4 meals and food?

5 MS. MELL: Object to the form of the question.

6 THE WITNESS: I would ask the ICE contracting
7 officer what she accepted as far as the line item in
8 that one item, as far as the invoice that we give to
9 ICE.

10 BY MR. WHITEHEAD:

11 Q. So you would look to the contracting officer,
12 and he or she would give you some sort of information
13 about bills submitted to ICE. Did I get that right?

14 MS. MELL: Object to the form of the question.

15 THE WITNESS: I don't know how ICE runs their
16 processes. You're asking questions that I can't answer
17 with just a singular page of numbers in front of me on a
18 multiple-line-item budget with multiple different
19 computations under each line item.

20 BY MR. WHITEHEAD:

21 Q. Looking at Exhibit 355, the statement for fiscal
22 year 2016, are you able to say definitively, for any of
23 these line items, whether or not GEO is reimbursed by
24 ICE?

25 MS. MELL: Object to the form.

1 THE WITNESS: I cannot say definitively without
2 all the information available.

3 (Exhibit 358 marked for identification.)

4 BY MR. WHITEHEAD:

5 Q. You've just been handed Exhibit 358. These
6 appear to be bills submitted by GEO to ICE. Do you
7 agree?

8 MS. MELL: Object to the form. This isn't the
9 complete bill, I can tell you that.

10 Just so you know, the bill is this big
11 (indicating). I mean, it's at least -- it's over --
12 it's like this.

13 MR. WHITEHEAD: GEO -- Joan, you've made many,
14 many, many speaking objections throughout the
15 depositions that we've taken together. Normally, I
16 don't engage. But when it crosses the line to coaching
17 the witness, that's when I like to intervene. Please
18 don't instruct the witness how to answer.

19 MS. MELL: I'm not. I'm telling you this is an
20 incomplete exhibit. You were testifying as to what it
21 was. So it's not. It's not even the complete --

22 (Overlapping speakers.)

23 MR. WHITEHEAD: That's a speaking objection that
24 instructs the witness on how to answer. Don't do it
25 anymore.

1 MS. MELL: He can answer if he thinks it's
2 something complete. But you're representing that it's
3 the bill. It's not.

4 BY MR. WHITEHEAD:

5 Q. Mr. Scott, have you had an opportunity to review
6 Exhibit 358?

7 A. I've looked through 358, yes.

8 Q. What are we looking at here?

9 A. We're looking at a limited number of pages. The
10 subject, monthly billing. But this is an invoice --
11 certain invoice numbers. I can't say if this is
12 inclusive of all the invoices, because of the
13 multiple-line-item budget. This seems to be a portion
14 of a monthly bill to ICE.

15 Q. Let's look at the first page of Exhibit 358.
16 It's dated March 4, 2017. Do you see that at the top
17 left?

18 A. Yes.

19 Q. The next block of text there, it shows for the
20 period January 1st through 31st, 2017. Do you see that?

21 A. Yes.

22 Q. What is that reference to?

23 A. That's a reference of the information contained
24 on this page would be inclusive of the days January 1st
25 through January 31st, 2017.

1 Q. And this is a bill submitted by GEO to ICE,
2 covering that time period?

3 A. This is an invoice number as a part of the main
4 bill.

5 Q. Looking at this invoice, what are the line items
6 for which GEO is seeking payment from ICE?

7 A. The line items that appear on the page that I'm
8 looking at marked CLIN 1001A, CLIN 1001B, there is some
9 transportation CLINs, facility CLINs, and a grand total
10 for the CLINs listed on this page.

11 Q. What is a CLIN?

12 A. A CLIN is a contract line item number as related
13 to the contract that we looked at earlier. So this
14 would relate to a singular line in that multi-line item
15 budget -- not budget, I'm sorry -- but the contract.

16 Q. So comparing Exhibit 358 to Exhibit 356, can you
17 tell what that first CLIN on 358 is referencing within
18 the ICE contract?

19 A. Well, again, I can say what it relates to; but
20 without having all the modifications and amendments that
21 adjust this contract over time, I would not be able to
22 say with specificity.

23 Q. Yes, no, or I don't know, that reference to
24 CLIN 1001A is a reference to the bed rate paid by ICE to
25 GEO?

1 MS. MELL: Object to the form.

2 THE WITNESS: I can relate CLIN 1001A in the
3 contract on Bates stamp 96304, but again, this may not
4 be the actual based on amendments and modifications to
5 the contract, but 1001A lines up with detention bed days
6 in the contract.

7 BY MR. WHITEHEAD:

8 Q. Looking at the statement there, CLIN 1003 for
9 detainee worker pay, you see a figure of [REDACTED]. Do
10 you see that?

11 A. Yes.

12 Q. Does each dollar here represent a detainee
13 worker workday?

14 A. Each dollar here would represent a detainee -- a
15 Voluntary Work Program assignment within a day. It's
16 not a workday; it's a program assignment. It's a
17 detail. The detainee could work for 15 minutes, 30
18 minutes. It's a voluntary program work activity.

19 Q. So each dollar spent there represents a
20 Voluntary Work Program activity. Did I get that right?

21 A. That's what I would relate it to.

22 Q. May a detainee worker do more than one Voluntary
23 Work Program activity a day?

24 A. The contract -- the ICE contract says detainee
25 should only perform one activity in a day.

1 Q. So one activity a day. Correct?

2 A. In accordance with the ICE standard, yes.

3 Q. And each dollar spent or reflected here on this
4 invoice, the first page of Exhibit 358, represents a
5 detainee work program activity?

6 A. Yes.

7 Q. You see transportation on this invoice as well.
8 What do these transportation line items refer to?

9 A. They refer to individual line items within the
10 ICE contract.

11 Q. Is this ICE Air?

12 MS. MELL: Object to the form. This?

13 THE WITNESS: Not all inclusive of ICE Air.

14 There is multiple requirements in the contract, in the
15 ICE standards, for transportation.

16 BY MR. WHITEHEAD:

17 Q. Looking at the first page of Exhibit 358, there
18 is a reference to contract. That contract reference,
19 does it refer to what we see at Exhibit 356?

20 A. Well, it refers to -- well, the base contract,
21 and it also lists the task order, which is one of those
22 items that change and modify a contract, which I don't
23 see listed, but I can see the base contract as listed
24 as ending 00015 as the base contract in Exhibit 356 as
25 ending 00015.

1 Q. Is that the way to characterize Exhibit 356,
2 base contract?

3 A. I refer to it as base contract because there are
4 multiple amendments and task orders and modifications
5 that change this contract.

6 Q. I understand that part of your testimony. But
7 as it relates to Exhibit 356, would you consider that
8 the base contract?

9 A. That's my terminology for that. This contract
10 labeled here as the number, HSCEDM-15-D-00015.

11 Q. And what you call the base contract, have you
12 heard others refer to it using different terminology?

13 A. The contract.

14 Q. Anything else?

15 MS. MELL: Object to the form.

16 Anything else?

17 THE WITNESS: It is the contract.

18 BY MR. WHITEHEAD:

19 Q. Looking at the next page of Exhibit 358, we see
20 again a reference to CLIN 1001A. Is this a reference to
21 the bed rate that ICE pays GEO?

22 A. It references the specific line item in the
23 contract, sir.

24 Q. And that line item on the contract -- yes, no,
25 or I don't know --

1 MS. MELL: Objection.

2 BY MR. WHITEHEAD:

3 Q. -- is that the bed rate?

4 MS. MELL: Object to the form.

5 THE WITNESS: Again, sir, that CLIN relates to
6 the contract. It could relate to a modification. It
7 could relate to an amendment of the contract. I can
8 read what 0100A (sic) relates to in the contract.

9 BY MR. WHITEHEAD:

10 Q. Which is?

11 A. I'm looking for it, sir.

12 As listed in the contract, CLIN 1001A is listed
13 as the detention bed days.

14 Q. Do you have any reason to believe that the
15 subsequent modifications that you've testified about
16 have changed CLIN 1001A to be anything other than the
17 bed-day rate?

18 A. I would just refer to them numerically. 1001A
19 would equate to a line item, 1001A, in the contract.
20 That is the key identifier.

21 (Exhibit 359 marked for identification.)

22 BY MR. WHITEHEAD:

23 Q. I've just handed you Exhibit 359. Take a moment
24 to review the document. But my question to you will be
25 what are we looking at?

1 A. Exhibit 359 is a number of -- it looks like
2 spreadsheets showing the Monthly Voluntary Worker
3 Program Spend in years ranging 2005 to 2016.

4 Q. This represents the amount that GEO has paid to
5 detainee workers participating in the Voluntary Work
6 Program. Correct?

7 A. This would equate to a number on a line item of
8 the contract that ultimately ICE pays the detainees for
9 the Voluntary Work Program.

10 Q. Break that down for me. Is it the case that GEO
11 pays the detainee workers and then seeks reimbursement
12 from ICE or does ICE pay the detainee workers directly?

13 A. Well, GEO pays the funds for the Voluntary Work
14 Program and then submits a pass-through line item to the
15 client, ICE, which then reimburses GEO for that amount
16 with zero profit.

17 Q. All right. So to my question, then,
18 Exhibit 359, the expenditures for the Voluntary Work
19 Program represent the amounts that GEO has paid to
20 detainee workers. Correct?

21 A. In those given years, yes.

22 Q. And then GEO seeks reimbursement from ICE for
23 those exact same amounts. Correct?

24 A. Yes.

25 Q. I had asked you a similar question with respect

1 to Exhibit 358. But are we to assume that each dollar
2 spent in the Voluntary Work Program represents a
3 Voluntary Work Program activity as you termed it
4 earlier?

5 A. Yes.

6 Q. And detainee workers are limited to one
7 Voluntary Work Program activity a day. Correct?

8 A. The standard language identifies that a detainee
9 should only work one activity in a day.

10 Q. Now, this document here that is Exhibit 359, was
11 this created by someone knowledgeable about GEO's
12 spending on the Voluntary Work Program?

13 A. Yes.

14 Q. Does the information contained here appear
15 accurate to you?

16 A. For the 2016 information we reviewed earlier, I
17 see the similar numbers. I have no reason to believe
18 it's inaccurate.

19 Q. Earlier, I asked you a question about whether or
20 not GEO makes a profit on its contract with ICE at the
21 Northwest Detention Center. Do you remember that?

22 A. Yes.

23 Q. And your answer was?

24 MS. MELL: Object to the form.

25 THE WITNESS: I answered that. We could go back

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1 in the record and identify the answer.

2 BY MR. WHITEHEAD:

3 Q. The transcript isn't ready yet. Is it yes, no,
4 or I don't know?

5 MS. MELL: No, we're not going to do that.

6 THE WITNESS: I've already answered that
7 question, sir.

8 (Exhibit 360 marked for identification.)

9 (Discussion off the stenographic record.)

10 BY MR. WHITEHEAD:

11 Q. Mr. Scott, I've just handed you Exhibit 360.

12 What are we looking at here?

13 A. 360 is titled, "Northwest ICE Processing Center
14 Facility Financial Summaries."

15 Q. Have you seen this document before?

16 A. No.

17 Q. Do you know whether this was made by someone at
18 GEO?

19 A. Well, there is no author on this, but I
20 recognize items on this page. I would not have any
21 reason to believe it was not made by somebody at GEO.

22 Q. Looking at the top there, we see a line item for
23 Total Revenue. Do you see that?

24 A. Yes.

25 Q. What does that figure represent or those figures

1 represent? We see them on a year-by-year basis. What
2 does that line item Total Revenue represent?

3 A. It represents the total earned revenue.

4 Q. Meaning all money coming into GEO at the
5 Northwest Detention Center on its contract with ICE?

6 MS. MELL: Object to the form of the question.

7 THE WITNESS: The document speaks for itself. I
8 read earned revenue and a number of different dollar
9 amounts per year on this form.

10 BY MR. WHITEHEAD:

11 Q. Let's look toward the bottom. Do you see a
12 reference to Total Operating Expenses? Do you see that?

13 A. I see that.

14 Q. What does Total Operating Expenses refer to?

15 A. I would equate that to the line item -- the
16 individual line items right above that, in that area
17 that they total these listed line items on this page,
18 totaling the operating expenses.

19 Q. And the next line item down, Gross Margin, what
20 does that refer to?

21 A. Without doing the math on the form, it looks
22 like a formulaic entry computing a couple of different
23 data points on this form.

24 Q. I haven't done the math either, but perhaps
25 revenue minus expenses.

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1 A. As a potential, but without doing the math, to
2 speak plainly --

3 Q. Fair enough.

4 We see Indirect Costs underneath Gross Margin.
5 What does that refer to?

6 A. The line item -- there is an asterisk which
7 indicates on this form a 2009 Pricing Index (sic)
8 Allocation. All I can read is what this form says.

9 Q. What about Facility Use Costs? What does that
10 mean?

11 A. Again, it's a line item on this report, Facility
12 Use Costs, with a number of dollar amounts over the
13 years.

14 Q. And then, lastly, we see Net Margin. What does
15 that mean?

16 A. There is a number of -- a number of dollar
17 amounts assigned to net margin. I again would assume
18 it's a formulaic entry on the form, computing some
19 different numbers on this page.

20 Q. Based on what you see here and what you know of
21 GEO's operations, both in your capacity as a 30(b)(6)
22 designee and associate warden, does this figure
23 represent GEO's profit on a year-by-year basis?

24 MS. MELL: Object to the form.

25 THE WITNESS: GEO is a for-profit business. I

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1 would say that this indicates, in some fashion, some of
2 the profit based on the numbers that I see on this page.

3 BY MR. WHITEHEAD:

4 Q. So looking at fiscal year 2018, we see a net
5 margin of [REDACTED]. Correct?

6 A. That's what this individual page says, yes, sir.

7 Q. Was that GEO's net profit for 2018?

8 A. Based on this report that I'm reading, it was
9 the net margin for 2018. I see [REDACTED].

10 Q. That was GEO's take-home based on what it made
11 on the contract less its expenses. Correct?

12 MS. MELL: Object.

13 THE WITNESS: That, I don't know. I'm just
14 reading what this report says.

15 BY MR. WHITEHEAD:

16 Q. Do you have any reason to believe that this
17 figure of [REDACTED] is anything other than GEO's
18 profit for the year?

19 A. I don't know everything that goes into the
20 profit in the multi-line-item contract. I can suspect
21 that it says the net margin for 2018 was [REDACTED]
22 based on this singular report.

23 Q. Well, setting aside Exhibit 360, do you know
24 GEO's profit for last year?

25 A. I do not.

1 Q. What about for 2017? Do you know that answer?

2 A. No.

3 Q. 2016?

4 A. No.

5 Q. 2015?

6 A. No.

7 Q. And in terms of the figures shown for each of
8 those years on the Net Margin line, do you have any
9 reason to believe that those figures are anything other
10 than GEO's net profit for the years listed?

11 A. This is a singular report that we're looking at.
12 I can read the numbers on the page, but without having
13 other reports and information -- I can read the numbers
14 on the page for each of those individual years as being
15 the net margin.

16 Q. Mr. Scott, this goes back to one of those yes or
17 no questions. I think this one lends itself well to yes
18 or no.

19 MS. MELL: Your opinion about the nature of your
20 questions is totally irrelevant and an improper way to
21 handle a deposition. It should be stricken.

22 MR. WHITEHEAD: Joan, let me get my question
23 out.

24 MS. MELL: Ask your question.

25 MR. WHITEHEAD: And then you can lodge your

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1 speaking objection and we can continue on with the
2 proceedings.

3 BY MR. WHITEHEAD:

4 Q. So, Mr. Scott -- strike that line.

5 Mr. Scott, yes or no, was GEO's net profit for
6 2018 8,466,700 -- strike that. I'm sorry. I read it
7 wrong.

8 MS. MELL: If you just use "margin," I won't
9 object. If you use the word "margin," it's not
10 objectionable.

11 MR. WHITEHEAD: I want to use profit.

12 MS. MELL: All right.

13 BY MR. WHITEHEAD:

14 Q. Mr. Scott, yes or no, was [REDACTED] GEO's gross
15 profit for fiscal year 2018?

16 MS. MELL: Object to the form.

17 THE WITNESS: This report does not show me what
18 you're saying. I can read the form and the report shows
19 net margin for each year. I can read that number for
20 you, sir.

21 BY MR. WHITEHEAD:

22 Q. Yes or no. Was GEO's net margin for 2018

23 [REDACTED] ?

24 A. Based on the form I'm looking at, yes.

25 Q. What is the distinction you draw between net

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1 margin and net profit, if any?

2 A. Net margin is listed on this report with a
3 number attached to it. Profit relating to any other
4 reports or expenses or contract line items, I would not
5 want to speculate on that.

6 Q. Again, my question is different. What is the
7 difference between net margin and net profit, as you
8 understand it?

9 MS. MELL: Object to the form.

10 THE WITNESS: Again, sir, net margin is listed
11 on this report, this singular report, with a number of
12 dollar amounts per these years. The profit, if there is
13 another report or a series of reports that we want to
14 review to look at that -- I don't want to speculate as
15 to how this report relates to any other documentation in
16 a multiple-line-item contract.

17 BY MR. WHITEHEAD:

18 Q. Yes, no, or I don't know, did GEO make a profit
19 last year?

20 MS. MELL: Object to the form of the question.

21 THE WITNESS: Yes.

22 BY MR. WHITEHEAD:

23 Q. How much?

24 A. I don't know.

25 Q. Yes, no, or I don't know, did GEO make a profit

1 in 2017?

2 MS. MELL: Same objection.

3 THE WITNESS: Yes.

4 BY MR. WHITEHEAD:

5 Q. How much?

6 A. I don't know.

7 Q. Yes, no, or I don't know, did GEO make a profit
8 in 2016?

9 MS. MELL: Object to the form.

10 Counsel, I won't object if you quit instructing
11 him how to answer the question. If you ask him if they
12 made a profit, I won't object.

13 THE WITNESS: Would you like to repeat the
14 question, please.

15 BY MR. WHITEHEAD:

16 Q. Yes, no, or I don't know, did GEO make a profit
17 for 2016?

18 MS. MELL: Object to the form.

19 THE WITNESS: Yes.

20 BY MR. WHITEHEAD:

21 Q. Yes, no, or I don't know, did GEO make a profit
22 in 2015?

23 MS. MELL: Object to the form.

24 THE WITNESS: Yes.

25 BY MR. WHITEHEAD:

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1 Q. Yes, no, or I don't know, did GEO make a profit
2 for 2014?

3 MS. MELL: Object to the form.

4 THE WITNESS: Yes.

5 BY MR. WHITEHEAD:

6 Q. Yes, no, or I don't know, has GEO been
7 profitable so far this year, 2019?

8 MS. MELL: Object to the form.

9 THE WITNESS: I don't have any information to
10 speculate on that.

11 BY MR. WHITEHEAD:

12 Q. Would you be surprised if GEO did not make a
13 profit this year?

14 A. I would not like to speculate without numbers
15 and facts. Again, contract line items change, task
16 orders change. I would not like to guess at what ends
17 up happening.

18 Q. What is the Voluntary Work Program?

19 A. The Voluntary Work Program is required by the
20 contract and the ICE Performance-Based National
21 Detention Standards as a program that allows detainees
22 to perform voluntary work, earning a compensation of one
23 dollar a day, in an effort to have them help out in the
24 facility, spend time, not be idle. That's what the
25 voluntary program is.

1 Q. What are the basic job categories?

2 MS. MELL: Object to the form.

3 THE WITNESS: There are no basic job categories
4 as listed by the standard. There is a number of program
5 activities that detainees can volunteer into in various
6 parts of the facility.

7 BY MR. WHITEHEAD:

8 Q. You're referring to job activities. Isn't it
9 true that GEO creates job descriptions for the detainee
10 worker programs?

11 A. There are descriptions of the activities that
12 they can perform under that program that list what they
13 should do in that program, so they know what they're
14 doing and what they're volunteering for.

15 Q. And they're referred to as job descriptions.
16 Correct?

17 A. They have been referred to as job descriptions.
18 I think the new policy changed some terminology in that
19 and they're called work program assignments -- voluntary
20 program assignments now.

21 Q. When was that change made?

22 A. I don't know the exact date of the change, but
23 there has been a policy change.

24 Q. Well, I'll represent to you this lawsuit was
25 filed September 2017. Do you know whether the change

1 was made before or after the lawsuit?

2 A. I would say that would be after that lawsuit.

3 Q. Do you know why the change occurred?

4 A. I don't know. I'm not a policy developer for
5 GEO.

6 Q. Do detainee workers work in the kitchen?

7 A. Detainees volunteer to work in the kitchen.

8 Q. Do detainee workers work in the laundry unit?

9 A. Detainees volunteer to work in the laundry.

10 Q. Do detainee workers perform janitorial services?

11 A. Detainee workers clean portions of the facility
12 in multiple different areas. Janitorial services is a
13 broad term.

14 Q. Do detainee workers work in the barber shop?

15 A. We do have detainee workers that volunteer in
16 the barber shop.

17 Q. Do detainee workers paint?

18 A. We do have detainees that volunteer to paint.

19 Q. Now, if you were to take the detainee worker
20 labor out of the equation, how would GEO carry forward
21 its operations with respect to each of the job
22 categories we just discussed?

23 MS. MELL: Object to the form of the question.

24 THE WITNESS: I have trouble with your question.
25 Can you restate the question, please.

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1 BY MR. WHITEHEAD:

2 Q. Sure. If you take detainee labor out of the
3 equation and assuming GEO's present personnel levels,
4 how would GEO carry out its operations with respect to,
5 let's say, the kitchen?

6 MS. MELL: Object to the form.

7 THE WITNESS: We don't have detainee labor; we
8 have detainees that volunteer. It would come to the
9 food service department. If there were no detainees
10 that volunteered to work in the food service department,
11 the existing staff in the food service department would
12 perform the duties as required under the contract.

13 BY MR. WHITEHEAD:

14 Q. How many people are in the food service
15 department right now, as far as GEO personnel goes?

16 A. I have ten food service officers, a food service
17 administrator, an assistant food service administrator,
18 and food service clerk. A total of 13.

19 Q. They don't all work at once. Correct?

20 A. There are shifts.

21 Q. So let's take morning shift. How many GEO
22 personnel are on the morning shift in the kitchen?

23 A. You would have to define some parameters of the
24 morning shift.

25 Q. How do you define morning shift?

1 A. Typically, we have three food service officers,
2 which are also cooks, that show up in the morning prior
3 to 7 o'clock, 8 o'clock, when the food service
4 administrator and the clerk come in. So it could start
5 at 3, depending on the holidays. Typically, 3 in the
6 morning until the food service administrator and food
7 service clerk arrive, which puts us at 5. And there are
8 some staggered shifts in there as well. So it's hard to
9 say without getting very specific.

10 Q. How many detainee workers work the morning
11 shift?

12 A. That number fluctuates from day-to-day.

13 Q. Give me a range.

14 A. Some mornings, you may have three workers; some
15 mornings, you may have six to ten workers. It just
16 really depends.

17 Q. And as many as 30. Is that correct?

18 A. We do, in the Voluntary Work Program, have 30
19 spots available for volunteer workers in the food
20 service department.

21 Q. All right. So let's take the detainee workers
22 out of the equation. Could GEO's existing personnel
23 carry out its morning shift operations in the kitchen?

24 A. GEO would ensure that the morning shift
25 operations were covered should no detainee workers show

1 up.

2 Q. How?

3 A. If no detainees show up to the kitchen, we have
4 other available staff that could do other items like
5 clean dishes. Not work with food, because you're
6 required a food handler card to cook the food. We would
7 assign additional staff members into the kitchen or call
8 on other staff members, incur some overtime, the kitchen
9 staff, to ensure that the standards and feeding of the
10 detainees are met.

11 Q. And would that be sustainable over the long
12 haul?

13 MS. MELL: Object to the form.

14 THE WITNESS: I don't want to speculate on what
15 the long haul would be.

16 BY MR. WHITEHEAD:

17 Q. I understood, from your testimony yesterday,
18 that GEO has contingency plans in place in the event of
19 detainee worker stoppages. Did I get that right?

20 A. Yes.

21 Q. So is there a contingency plan in place in the
22 kitchen in the event that there is a long-term detainee
23 worker stoppage?

24 A. The contingency plan in place would look at many
25 variables in accordance with that, and the appropriate

1 decisions would be made as needed based on the
2 information available for that work stoppage.

3 Q. So that's yes, there is a plan?

4 A. There is a plan available.

5 Q. Tell me, what does that plan entail?

6 A. The plan entails looking at different variables
7 of an emergency situation and making an informed
8 decision based on the information provided during that
9 event.

10 Q. How long could a plan that entailed pulling GEO
11 personnel from other parts of the facility into the
12 kitchen last in the event of a long-term detainee worker
13 stoppage?

14 A. I don't want to speculate on how that -- there
15 is other options that we could look at.

16 Q. You would agree with me, though, that pulling
17 personnel from other parts of the facility into the
18 kitchen could impact the operations of other parts of
19 the facility?

20 MS. MELL: Object to the form.

21 THE WITNESS: No, sir. We would not rob posts
22 to fill another one. We would offer overtime, we would
23 seek possibly TDY staff from other facilities -- I'm
24 sorry -- seek TDY staff, temporary duty staff. There
25 are a number of options available. Speculating on the

1 potentials of anything would just be that, it would be
2 speculating and planning for potential occurrences.

3 BY MR. WHITEHEAD:

4 Q. What about in the barber shop? What if --
5 strike that.

6 In the barber shop, do or does GEO personnel cut
7 hair?

8 A. No.

9 Q. It's only the detainee workers. Correct?

10 A. We have volunteer detainee barbers that work in
11 the barber shop.

12 Q. And if the detainee workers did not cut hair,
13 who would?

14 MS. MELL: Object to the form.

15 THE WITNESS: Again, with contingency plans,
16 we've never -- as far as my knowledge, we've never had
17 that happen. There is always detainees on that
18 volunteer for activities. If one person doesn't want to
19 do it, there is usually somebody else that volunteers
20 for that activity. There is usually people on a waiting
21 list, waiting to do that.

22 BY MR. WHITEHEAD:

23 Q. But taking detainee work out of the equation,
24 what would GEO's plan be or what is GEO's plan in the
25 barber shop?

1 MS. MELL: Object to the form.

2 THE WITNESS: Again, I don't want to speculate
3 on what the overall plan would be. Are we taking
4 detainee workers out of the equation for a day or --
5 there is many different variables to determine an
6 effective solution for that occurrence.

7 BY MR. WHITEHEAD:

8 Q. Well, if you'll indulge me, assume three months.
9 What would GEO do in that scenario?

10 A. That's assuming nobody else wants to volunteer?

11 Q. Correct.

12 A. We would look at the emergency plan. We would
13 determine if there is still -- we would go to the
14 client, determine if there is still a need to perform
15 the haircuts under the standard, look at different
16 options, and an informed decision would be made based on
17 all the relevant facts and variables that were contained
18 therein. I don't want to speculate on a future event
19 and planning, because there is always many different
20 ways you can plan and overcome obstacles.

21 Q. Presumably, though, the answer would include
22 trying to pull in other GEO personnel to do the work?

23 A. I don't think we would pull in other GEO
24 personnel to perform barber duties. We would seek out
25 to the client, potentially look for a waiver of that

1 line item, of barber shop activities for three months,
2 if we knew it was going to be three months. There could
3 be other options that GEO looks at.

4 Q. In terms of the options that GEO would look at
5 in the event of a long-term volunteer worker stoppage,
6 whether it be in the kitchen or any of the other jobs,
7 would one of the considerations be looking to an outside
8 contracting agency to perform the functions that were
9 previously performed by the detainee workers?

10 MS. MELL: Object to the form.

11 THE WITNESS: That could be one of many options
12 that were weighed.

13 MR. WHITEHEAD: Lane, can I see your 314.

14 MR. POLOZOLA: 314.

15 MR. WHITEHEAD: Yes, please.

16 Joan, I'm happy to print off another copy, if
17 you'd like. But Exhibit 314 is the Volunteer Work
18 Program Agreement. This is a copy of it. May I show
19 the witness or would you prefer that we print another
20 copy and check it in as another exhibit?

21 MS. MELL: I'm not sure what you're asking.
22 It's already an exhibit, you're just pulling it out of
23 your exhibit binder?

24 MR. WHITEHEAD: Because we don't have the -- the
25 court reporters did not bring the previous exhibits --

1 MS. MELL: Right, right.

2 Okay. So -- no, I don't mind you showing it to
3 the witness. We're just going to all kind of share it?

4 MR. WHITEHEAD: Yes.

5 MR. MELL: Do you need it first?

6 MR. WHITEHEAD: No, I've got mine. It's marked
7 up.

8 MS. MELL: Okay. Then we'll just look at this.
9 That's fine.

10 MR. WHITEHEAD: It's just one line that I've got
11 a question about.

12 MS. MELL: No, that's fine.

13 BY MR. WHITEHEAD:

14 Q. Mr. Scott, you've been handed Exhibit 314. What
15 are we looking at here?

16 A. We're looking at the Voluntary Work Program
17 Agreement dated 1/30/2014.

18 Q. You've seen this form before. Correct?

19 A. Yes.

20 Q. If you look towards the bottom there, above that
21 redacted line, it says, "We thank you for your important
22 contribution to maintaining this facility." Do you see
23 that?

24 A. Yes.

25 Q. Do the detainee workers make an important

1 contribution in maintaining the Northwest Detention
2 Center?

3 A. Detainees often take very much pride in the work
4 that they do. This is just a way of thanking them for
5 volunteering and working inside the facility, that is on
6 a voluntary basis.

7 Q. And it's an important part of the facility's
8 operations. Correct?

9 A. It covers a number of required standards in the
10 ICE contract and standards. Cleanliness is an important
11 role in any facility, and detainees take great pride in
12 living in a clean facility.

13 Q. Do they play an important role in keeping the
14 Northwest Detention Center clean?

15 A. They're one of many roles that assist in that,
16 but -- again, I can read the sentence. I don't want to
17 read outside the sentence. The sentence says, "We thank
18 you for your important contributions to maintaining this
19 facility." We appreciate the voluntary activities that
20 they do to keep themselves from not being idle and doing
21 the great work that they do.

22 Q. Is it true that GEO assigns detainee workers to
23 individual work details?

24 A. No.

25 Q. How does that work?

1 A. Detainees volunteer for the work program
2 assignment that they would like to perform.

3 Q. And then GEO approves or not the work
4 assignment. Is that fair to say?

5 A. The only approval process that comes in, whether
6 or not a detainee, in accordance with the standards, can
7 perform a certain work detail. There are certain
8 standards that do not permit detainees into certain work
9 program assignments. But otherwise, we do not
10 discriminate in any reason, race, disability, sex, age,
11 religious preference, sexual preference, into that
12 program assignment.

13 Q. GEO sets the schedule for detainee workers.
14 Correct?

15 A. The schedule is set on a number of items, not
16 only GEO, but the healthcare department, healthcare
17 requirements, healthcare schedules, what they're doing
18 at a certain time. There is other variables that play
19 into effect with a daily work schedule. Some detainees
20 cannot be commingled with other detainees in accordance
21 with the standard. So it's an ebb and flow of when
22 detainees can work, based on standard requirements, to
23 make sure that we don't violate any other portion of the
24 standards.

25 Q. I understand that aspect of your testimony. My

1 question is a little bit different. It's not so much
2 how the schedule is created, but whether GEO sets the
3 schedule. Does GEO set the work schedule for the
4 detainee workers?

5 A. The schedules are set based on need, with all
6 the other parameters, to ensure that we can have
7 detainees where they're allowed to be at certain times
8 of the day.

9 Q. And it's GEO that does that. Correct?

10 A. We may write the schedule based on information
11 from a lot of different things; courts, asylum cases,
12 facility movement schedule, classification levels, many
13 different variables.

14 Q. But in each of those scenarios, it's GEO that
15 writes the schedule. Correct?

16 A. The master facility program schedule and the
17 hours of work, we write.

18 Q. And GEO provides detainees with training
19 necessary to do their work assignments within the worker
20 program. Correct?

21 MS. MELL: Object to the form.

22 THE WITNESS: Yes.

23 BY MR. WHITEHEAD:

24 Q. To the extent one is necessary, GEO provides
25 uniforms to the detainee workers. Correct?

1 A. Yes.

2 Q. So, in the kitchen, GEO provides those uniforms
3 to the kitchen detainee workers. Correct?

4 A. Yes. As a requirement of the ICE standard.

5 Q. And detainee workers do not have the discretion
6 to deviate from their job assignments. Correct?

7 A. When you say "deviate from their job
8 assignments" -- should they want to volunteer for
9 another program assignment?

10 Q. Well, if a detainee worker is scheduled to work
11 in the kitchen, they don't have discretion to perform
12 their kitchen functions elsewhere in the facility, for
13 example.

14 A. Well, I don't think you would want to cook food
15 elsewhere in the facility, but there are job
16 descriptions and normal things to be done in the
17 kitchen. We can't have a detainee do something outside
18 those job descriptions.

19 Q. And GEO's expectation is that the detainee
20 workers perform the tasks that are on their job
21 descriptions. Correct?

22 A. As a matter of the Voluntary Work Program, in
23 accordance with the ICE standards and ACA, yes.

24 Q. GEO supervises the detainee workers as they go
25 about their work?

1 A. Yes. The contract requires supervision of all
2 detainees while they're housed at the Northwest ICE
3 Processing Center.

4 Q. If detainee workers do not perform their job
5 satisfactorily, they can be terminated. Correct?

6 A. The standard says removal from a Voluntary Work
7 Program assignment. If a detainee say is doing an
8 unsafe act or is otherwise doing something that would
9 violate a standard or a health code, they may be removed
10 from that work program assignment.

11 Q. And GEO may initiate the process to have that
12 worker removed. Correct?

13 A. Typical removals work under the disciplinary
14 standard, which is a completely different set of
15 standards where a detainee can be removed from a work
16 program.

17 Q. Again, without talking about the ins and outs of
18 the standards, the disciplinary procedures or
19 proceedings, my question is whether GEO may initiate
20 removal proceedings against a detainee worker for doing
21 a bad job.

22 A. In accordance with the established standards,
23 yes.

24 Q. And detainee workers cannot earn more money by
25 demonstrating exceptional skill in their job role.

1 Correct?

2 A. Under the standard in the contract, offer of
3 compensation for one dollar a day.

4 Q. Everyone is paid the same, regardless of their
5 skill and experience.

6 A. Yes.

7 Q. Can detainee workers seek employment outside the
8 Northwest Detention Center?

9 A. I do not recall anything in the contract or the
10 ICE standard that would permit that.

11 Q. And GEO pays the detainee workers directly.

12 Correct?

13 MS. MELL: Object to the form.

14 THE WITNESS: GEO places a dollar a day in the
15 detainee's trust account, which the detainees have
16 access to.

17 BY MR. WHITEHEAD:

18 Q. And then GEO seeks reimbursement for that amount
19 from ICE. Correct?

20 A. Yes.

21 MR. WHITEHEAD: All right. Let's take a break.

22 THE VIDEOGRAPHER: We're now going off the
23 record. The time is 12:44 p.m.

24 (Lunch recess taken from 12:44 to 1:38.)

25 THE VIDEOGRAPHER: We're now back on the record.

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1 The time is 1:38 p.m.

2

3 E X A M I N A T I O N (continued)

4 BY MR. WHITEHEAD:

5 Q. Mr. Scott, before the break, I had asked you
6 some questions about different work stoppage scenarios,
7 work stoppage on the part of detainee workers, and you
8 told me about some of the considerations or
9 contingencies that GEO had in place. Do you recall
10 having that discussion?

11 A. I remember talking about detainee work
12 stoppages.

13 Q. And if I understood you correctly -- this is not
14 to put words in your mouth -- but that you listed off
15 several options, one being overtime for existing
16 workers. Is that correct?

17 A. That could be a potential option.

18 Q. You had mentioned pulling in workers from other
19 parts of the facility. Did I get that right?

20 A. As far as overtime periods, yes.

21 Q. As well as pulling in GEO workers from other GEO
22 facilities to work at the Northwest Detention Center.
23 Did I get that right?

24 MS. MELL: Object to the form.

25 THE WITNESS: I did say that TDY options would

1 be available.

2 BY MR. WHITEHEAD:

3 Q. What does TDY stand for?

4 A. Temporary duty.

5 Q. You mentioned that a third-party contracting
6 agency would be an option. Did I get that right?

7 A. That could be an option.

8 Q. Beyond what we just discussed, are there any
9 other options or considerations that GEO would have to
10 address a detainee worker stoppage of a prolonged
11 nature?

12 MS. MELL: Object to the form.

13 THE WITNESS: Again, it would be difficult to
14 outline every potential option based on the relevant
15 information that would be with any event. The options
16 that I've listed now are the options that I can think of
17 that would be considered in any prolonged detainee work
18 stoppage.

19 BY MR. WHITEHEAD:

20 Q. You also mentioned that GEO pays the detainee
21 workers directly for their participation in the
22 Voluntary Work Program, but that ICE then reimbursed GEO
23 for the cost. Did I get that correct?

24 MS. MELL: Object to the form.

25 THE WITNESS: Yes.

1 BY MR. WHITEHEAD:

2 Q. When did that become the case, that ICE paid
3 directly and then sought reimbursement from GEO?

4 MS. MELL: Object to the form.

5 THE WITNESS: Restate it. I think you have it
6 backwards.

7 BY MR. WHITEHEAD:

8 Q. I did. I apologize.

9 Has it always been the case that GEO paid
10 directly and then sought reimbursement from ICE for the
11 Voluntary Work Program?

12 A. That's typically how it is. If that's been the
13 case since the inception of the contract, I could not
14 state that. But there has always been a line item in
15 the contract for Voluntary Work Program. Whether that
16 was paid to the detainee trust fund by GEO or through
17 another vendor that runs the detainee trust account --
18 typically, we pay the detainee trust account, and then
19 we seek reimbursement through ICE for that dollar
20 amount.

21 Q. And then, to your knowledge, has that always
22 been the sequence or was it different at some point?

23 A. I don't believe it to be different at any
24 portion, but I don't have the relevant information to
25 specify that throughout the entire term of the number of

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1 contracts that we have had.

2 Q. What is GEO's policy with respect to detainee
3 worker pay in the Voluntary Work Program at the
4 Northwest Detention Center?

5 MS. MELL: Object to the form.

6 THE WITNESS: You're asking for the policy
7 number or just -- I'm not sure what you're asking, sir.

8 BY MR. WHITEHEAD:

9 Q. Well, regarding the rate of pay, what is it?

10 A. The compensation allowable under the contract is
11 one dollar per day.

12 Q. How was that rate of pay determined?

13 A. It is what's listed in the ICE PBNDs standard,
14 and there is a line item in the contract, I believe,
15 that states one dollar a day.

16 Q. Anywhere else in terms of where GEO derives its
17 understanding that detainee worker pay is a dollar a
18 day?

19 A. GEO would rely on the contract and the allocable
20 standards for that dollar amount.

21 Q. So the contract, itself, and the PBNDs are the
22 two sources. Correct?

23 A. Yes.

24 Q. Is there a specific section within the PBNDs
25 that you're thinking of?

1 A. There is a compensation section in the Voluntary
2 Work Program standard.

3 (Exhibit 361 marked for identification.)

4 BY MR. WHITEHEAD:

5 Q. You've just been handed Exhibit 361. What are
6 we looking at here?

7 A. This is Standard 5.8, Voluntary Work Program,
8 listed in the Performance-Based National Detention
9 Standards, 2011, revised December 2016.

10 Q. Is this the current version of the Voluntary
11 Work Program provision regarding -- I'm sorry. Strike
12 that.

13 Is this the current version of the PBNDS
14 regarding the Voluntary Work Program?

15 A. This is the current -- Revision 2016 is the
16 current PBNDS standard.

17 Q. Can you show me where within Section 5.8 of the
18 PBNDS that GEO derives the understanding that it pays
19 detainee workers a dollar a day?

20 A. On page Bates number stamp 19097, under
21 paragraph K marked "Compensation."

22 Q. Specifically, what is the language that GEO
23 refers to or relies upon?

24 A. The language in the standard reads, "the
25 compensation is at least \$1.00 (USD) per day."

1 Q. In reading that language, does GEO read that to
2 limit GEO to paying one dollar a day?

3 A. GEO reads this as the minimum acceptable
4 allowance within the ICE PBNDS standard is one dollar a
5 day.

6 Q. So this amount is the minimum, but it does not
7 represent a maximum.

8 MS. MELL: Object to the form.

9 THE WITNESS: I read the sentence, the
10 compensation is least one dollar per day.

11 BY MR. WHITEHEAD:

12 Q. And that phrase, "at least," what does that mean
13 within the context of this sentence?

14 MS. MELL: Object to the form.

15 THE WITNESS: In the context of -- this sentence
16 is taken in the context of the standard where there are
17 expected practices and minimum acceptable limits of
18 work. One dollar a day is the required amount in
19 accordance with the PBNDS standard.

20 BY MR. WHITEHEAD:

21 Q. And to clarify, one dollar is the minimum
22 amount. Correct?

23 MS. MELL: Object to the form.

24 THE WITNESS: The minimum amount -- as read, the
25 compensation is at least one dollar per day.

1 BY MR. WHITEHEAD:

2 Q. Has GEO ever paid more than a dollar a day to
3 detainee workers at the Northwest Detention Center?

4 A. To my knowledge, per activity, we pay one dollar
5 a day. There was an occurrence in the barber shop where
6 there was very limited hours where we may pay a detainee
7 for two activities in a day.

8 Q. And when was that in the barber shop that
9 certain barbers may have been paid more?

10 A. The barbers -- barbers in the barber shop, based
11 on some of the -- or the standard language that we
12 referred to earlier, where certain classification levels
13 can't be mixed with other classification levels, it
14 really -- not everybody can be out at the same time,
15 meaning barbers can only cut within their certain
16 classification levels, and that only -- doesn't happen
17 every day of the month. So a determination was made
18 that we would allow them to have another task when they
19 were not cutting hair; but I can't sit here and say that
20 they never did two tasks during the same day, but the
21 understanding was they would be able to cut hair and
22 then have another voluntary program work assignment,
23 earning a dollar a day, when they were not cutting hair.

24 Q. Other than what you've just described for me
25 concerning barbers in some cases working more than one

1 worker activity, can you think of another time that GEO
2 paid more than one dollar a day to a detainee worker?

3 A. My recollection I have -- another time that we
4 looked at something similar was in the kitchen where we
5 were going to offer the females a chance at working in
6 the food service department, but that wasn't an everyday
7 event. So kind of under the same premise, when they
8 were -- since it wasn't an available everyday detail,
9 they would be allowed to work in the kitchen and they
10 were allowed to have another voluntary program
11 assignment earning a dollar a day on days they weren't
12 working in the kitchen.

13 Q. Anything else?

14 A. To my knowledge, that's all I can remember at
15 this time.

16 (Exhibit 362 marked for identification.)

17 BY MR. WHITEHEAD:

18 Q. You've just been handed Exhibit 362. What are
19 we looking at here?

20 A. This is titled a Batch Listing. It seems to
21 indicate a detainee earning certain transaction amounts
22 on various days.

23 Q. Let's back up a step. What is or what are batch
24 listings?

25 A. It's just a transaction term. This batch looks

1 like it was run for just this detainee. It's a
2 processing application in the detainee pay system.

3 Q. So this is a ledger, so to speak, reflecting
4 payments to detainees?

5 MS. MELL: Object to the form.

6 BY MR. WHITEHEAD:

7 Q. In terms of what a Batch Listing is, not
8 necessarily this exhibit.

9 MS. MELL: Object to the form.

10 THE WITNESS: I won't relate those two together.
11 This is just one batch, showing where these transactions
12 were made to this detainee's account.

13 BY MR. WHITEHEAD:

14 Q. What do batch listings typically reflect?

15 A. I don't know precisely what a Batch Listing
16 lists. I see another batch on the second page of the
17 document that you've presented that has multiple
18 detainees. It looks like this is just kind of what the
19 report title is for the data that is pulled for each
20 individual page.

21 Q. Other than the Voluntary Work Program, are there
22 any other occasions or reasons that GEO would make a
23 payment to a civil immigration detainee at the Northwest
24 Detention Center?

25 A. If a family member sends in funds, money or

1 work -- or a money order to the detainee, you might
2 likely see that listed in the detainee account system.
3 If the detainee wants to send money external to a family
4 member, they may do that. You may see a deduction on a
5 detainee's account based on where he wants to send his
6 money.

7 Q. Any other reason that you can think of that GEO
8 would make a payment to a detainee at the Northwest
9 Detention Center?

10 MS. MELL: Object to form.

11 THE WITNESS: I can't think of anything. I
12 don't see any other on the transactions that are listed
13 here that indicate any different to me at this time.

14 BY MR. WHITEHEAD:

15 Q. And you mentioned the detainee account system.

16 Is that the Keefe banking system?

17 A. We currently use Keefe as an accounting system
18 for detainee trust accounts.

19 Q. How long has GEO used the Keefe banking system,
20 at the Northwest Detention Center?

21 A. A number of years. I don't know the specific
22 date that Keefe started operating with the Northwest ICE
23 Processing Center; but to my recollection, we've used
24 Keefe for a number of years now.

25 Q. More than five?

1 A. I wouldn't hazard a guess. There was one
2 previous banking system. I don't know -- I can't recall
3 the name of that one. We've been using Keefe ever
4 since.

5 Q. So back to Exhibit 362. On the first page, we
6 see a batch listing for an individual here on the first
7 line and it reflects a payment of two dollars. Do you
8 have any explanation for why the payment there would be
9 two dollars?

10 A. According to the Batch Listing, it looks like
11 the detainee performed laundry work on dates 4/5 and
12 4/7, therefore, earning a dollar for those days,
13 totaling two dollars for that line item.

14 Q. So two separate shifts, then?

15 A. Two separate program activities.

16 Q. On separate days?

17 A. On separate days.

18 Q. Let's look at the next page. In the middle of
19 the page, thereabouts, we see two individuals that
20 received two dollars. What is the explanation for why
21 these individuals received a two dollar payment?

22 A. I don't have an explanation. It could be
23 that -- in the comments where it's listed that it was
24 kitchen work on 4/6, it could have been a typo of two
25 dollars instead of one dollar or a mis-entry of the

1 detail. Without going back and looking at applicable
2 records and pay sheets, I would not be able to determine
3 exactly why the items are listed on this page as they
4 are.

5 Q. Has GEO ever considered revising the amount it
6 pays detainee workers on a daily basis?

7 A. To my knowledge, we've never had ICE come down
8 and say there is any difference in the contract or the
9 PBNDS standard where we would pay more than one dollar a
10 day.

11 Q. Is that direction that GEO is awaiting from ICE?

12 A. It is an ICE standard and ICE contract that we
13 work for. We intend to meet the provisions of the ICE
14 contract and the ICE standard.

15 Q. Why does GEO pay one dollar per day to the
16 detainee workers?

17 A. The Voluntary Work Program assignment details in
18 the contract and the PBNDS standard require one dollar a
19 day and that is the compensation that is paid under the
20 ICE Voluntary Work Program.

21 Q. If I understood your testimony earlier regarding
22 the PBNDS, the requirement was that GEO pays at least a
23 dollar a day. Did I get that right?

24 MS. MELL: Object to the form.

25 THE WITNESS: That's the language we read in the

1 ICE standard, but I think I said we look at that as --
2 the minimum standard required to meet the expected
3 practice of the standard is one dollar a day.

4 BY MR. WHITEHEAD:

5 Q. So back to my question. Why doesn't GEO pay
6 more money?

7 A. The ICE contract and the standard speak for
8 themselves. We intend to meet the minimum expectation
9 requirements of the ICE contract and the standard, which
10 lists one dollar a day as the compensation.

11 Q. You also referred to the ICE contract. We've
12 got Exhibit 356, which you previously referred to as the
13 base contract, as of September 24, 2015. Looking at
14 that base contract, can you show me where there is a
15 limitation that ICE can only pay one dollar a day?

16 MS. MELL: Object to the form.

17 BY MR. WHITEHEAD:

18 Q. I'm sorry. That GEO can only pay a dollar a
19 day.

20 MS. MELL: Object to the form.

21 THE WITNESS: As an example, on page Bates
22 stamped 96341, line item 9006, "Detainee volunteer wages
23 for the detainee work program. Reimbursement for this
24 line item will be at the actual cost of \$1.00 per day
25 per detainee. Contractor shall not exceed the amount

1 shown without prior approval by the contracting
2 officer."

3 BY MR. WHITEHEAD:

4 Q. Well, the reference there to the word
5 reimbursement, does that language refer specifically to
6 the rate at which ICE will reimburse GEO for the
7 Voluntary Work Program?

8 A. I didn't write the contract to know what the
9 meaning of the language is. I understand this to be
10 directly related to the Performance-Based National
11 Detention Standards which we're required to use, and
12 those do meet up together and say the one dollar a day
13 is the compensation for the Voluntary Work Program.

14 Q. Has ICE -- excuse me.

15 Has GEO ever considered paying more than a
16 dollar a day to the voluntary workers?

17 A. At the Northwest ICE Processing Center, not to
18 my knowledge, other than the two indications that I
19 mentioned earlier, with barber shop and female kitchen
20 workers. To my knowledge, it's always been one dollar a
21 day under the Voluntary Work Program.

22 Q. Has GEO ever sought guidance from ICE about how
23 much it can pay in the Voluntary Work Program?

24 A. To my knowledge, no. I'm not the only one that
25 may speak with ICE, but to my knowledge, no.

1 Q. Back to Exhibit 361. This is the excerpt from
2 the PBNDS regarding the Voluntary Work Program. Looking
3 at the Compensation section that's on the page that
4 bears Bates stamp GEO-Nwauzor 19097 -- are you with me?

5 A. Yes.

6 Q. Now, the line there that we've been focusing on,
7 "The compensation is at least \$1.00 (USD) per day."

8 A. I see that listed in the standard.

9 Q. Are you aware of what the previous version of
10 the PBNDS said with respect to detainee worker
11 compensation?

12 A. There has been a number of previous versions.
13 To which version are you referring to, sir?

14 Q. The one immediately preceding the one that we
15 are looking at as Exhibit 361.

16 A. Would you be referring to the PBNDS 2011 with
17 the 2012 errata? That version?

18 Q. Yes.

19 A. To my recollection, the language is the same in
20 that version as this version.

21 Q. What about the version preceding the -- did you
22 say 2012 with the errata?

23 A. Yes.

24 Q. The version that preceded that, did that include
25 the same language about "at least"?

1 A. The PBNDS 2011 version?

2 Q. Yes.

3 A. To my knowledge, the language is the same as the
4 2011 version that we see here.

5 (Exhibit 363 marked for identification.)

6 BY MR. WHITEHEAD:

7 Q. You have just been handed Exhibit 363. Have you
8 seen this document before?

9 A. No, I'm not listed on the memo. I don't recall
10 seeing this document before.

11 Q. Who is Associate Warden McHatton?

12 A. Associate Warden McHatton was the previous
13 associate warden to my position as the assistant
14 facility administrator.

15 Q. And Singleton and Heye, who are they?

16 A. They're officers that work in the classification
17 department.

18 Q. If you look at the second item of this memo
19 here, it reads, "States that compensation is now at
20 least \$1.00, however, doesn't say we don't have the
21 option to pay more if we like." Do you see that?

22 A. I see that.

23 Q. I'm focusing on the word "now." Reading that
24 sentence, does it refresh your memory about whether or
25 not the at least language was a recent change to the

1 PBNDS?

2 A. To my knowledge, the 2008 PBNDS standard -- the
3 language changed from 2008 standard and changed in the
4 2011 standard, where they added the word "at least."

5 Q. So the 2008 version did not include the "at
6 least" language when talking about the dollar a day that
7 GEO must pay the detainee workers. Did I get that
8 right?

9 A. That's my recollection without reviewing the
10 2008 standard. That was a number of years ago. But to
11 my recollection, as stated in this memo, the language
12 changed, therefore, Officer Singleton and Heye are
13 reporting out that there was a language change to the
14 standard.

15 Q. And this language change, is it true that it
16 gave GEO the option to pay more if it chose?

17 A. Again, based on the contract line item and the
18 standard where we would have to have authority from the
19 contracting officer, I read it as the same as I've
20 stated before. At least the expected practice is one
21 dollar a day unless ICE authorizes more.

22 Q. Did GEO ever seek permission to pay more?

23 A. Not to my knowledge, GEO has sought to pay more
24 than a dollar a day, based on the contract language in
25 the standard.

1 (Exhibit 364 marked for identification.)

2 BY MR. WHITEHEAD:

3 Q. You've just been handed Exhibit 364. It's an
4 e-mail exchange. The initial e-mail was from Charles
5 Howard, according to the document. Who is Charles
6 Howard?

7 A. Charles Howard is an ICE headquarters employee
8 who is currently the detention services manager.

9 Q. Do you know what he does as the detention
10 services manager?

11 A. The detention services manager in terms --
12 audits the facility and gauges the contract to the
13 standards to ensure that we are following the contract
14 and the PBNDS standards.

15 Q. And then the recipients to Mr. Howard's e-mail,
16 James Gronewold, who is that?

17 A. At the time of this e-mail, James Gronewold
18 would be the contracting officer representative for ICE.

19 Q. And Mr. Gronewold, is he stationed at the
20 Northwest Detention Center?

21 A. At the time of this e-mail, Mr. Gronewold was
22 stationed at the Northwest Detention Center, and has
23 since retired from ICE service.

24 Q. Bill McHatton, you've told me that he was the
25 associate warden at Northwest Detention Center.

1 Correct?

2 A. Yes, he was, prior to me, the associate warden
3 at the Northwest Detention Center.

4 Q. R. Kimble, who is that?

5 A. R. Kimble is the -- is Ryan Kimble. He is the
6 business manager at the Northwest ICE Processing Center.

7 Q. And then, finally, Edith Conway, who is that?

8 A. Edith Conway is -- based on the e-mail tag,
9 ice.dhs.gov, is a government employee. I can't remember
10 her specific title or location.

11 Q. I said, finally, but there is one more
12 recipient, on the cc line, Nathalie Asher. Who is that?

13 A. Nathalie Asher, at the time, was the field
14 offices director for ICE.

15 Q. Did she work out of the Northwest Detention
16 Center as well?

17 A. No.

18 Q. Where was she stationed, if you know?

19 A. The field office director is out of the ICE --
20 the Tukwila ICE offices.

21 Q. Now, looking at Mr. Howard's e-mail, he writes
22 to the recipients -- I'm reading the last sentence
23 there -- "According to the standard, there is a minimum
24 compensation of \$1.00, however, there is no maximum."

25 Do you see that?

1 A. I see that.

2 Q. What do you take that to mean, that sentence?

3 A. I'm not Mr. Howard to know exactly what he
4 stated, but based on the time period of the e-mail and
5 when the 2011 revision standards came out, he's
6 insinuating that there is a known language change from
7 the 2008 version to the 2011 version.

8 Q. And that the language states no maximum that GEO
9 may pay the detainee workers at the Northwest Detention
10 Center. Correct?

11 A. I don't see that language in the standard. We
12 can read the standard language again, sir.

13 Q. Again, though, I'm focusing on the language here
14 for Mr. Howard. Was anything along these lines
15 communicated to you, that ICE had written an e-mail
16 stating that there is a minimum compensation of one
17 dollar, however, there is no maximum compensation?

18 MS. MELL: I object to the form.

19 Counsel, you used "you" there, and I just want
20 to make sure you're cautious as to how you're using it
21 there. Are you still in the corporate sense?

22 BY MR. WHITEHEAD:

23 Q. We can do it both ways. I mean, based on the
24 testimony so far -- let's start with in your role as the
25 30(b)(6) designee. Can you tell me about internal

1 discussions that GEO had in response to ICE personnel
2 Howard's e-mail stating that there is no maximum
3 associated with the Voluntary Work Program as shown on
4 Exhibit 364.

5 A. To my knowledge, all discussion with -- the
6 PBNS language changed from 2008 to 2011. It was just
7 noting that there was a language change and the standard
8 now says at least one dollar per day.

9 Q. Specifically to the point about there is no
10 maximum, do you recall any discussions about -- and I'm
11 speaking to you now as associate warden or perhaps chief
12 security officer at this time -- do you recall any
13 discussions about the fact that ICE had written an
14 e-mail stating that there is no maximum for detainee
15 worker pay?

16 MS. MELL: Object to the form.

17 THE WITNESS: No. At the time, my recollection
18 is we noted the language change in the standard from
19 2008 to 2011, and we adjusted our policies and
20 procedures to represent the new language of the
21 standard.

22 BY MR. WHITEHEAD:

23 Q. Were there any adjustments specifically related
24 to detainee worker pay?

25 A. The only adjustments that would have been made

1 is the new language to ensure that we stay consistent
2 with the current standard in place at the time. We
3 would have changed our policies and procedures to
4 reflect the new language.

5 Q. What is a request for an equitable adjustment?

6 A. It's a business term. I've heard that before.
7 Speaking specifically without looking at anything, I
8 don't know off the top of my head what the exact meaning
9 of a request for equitable adjustment is.

10 (Exhibit 365 marked for identification.)

11 BY MR. WHITEHEAD:

12 Q. I've just handed you what has been marked as
13 Exhibit 365. There are a number of redactions on the
14 page. If you look at that first paragraph, it states,
15 "On February 14, 2018, GEO submitted a request for
16 equitable adjustment..." Do you see that?

17 A. I see that.

18 Q. Tell me about that request for an equitable
19 adjustment.

20 A. This looks outside the scope of the facility.
21 This was sent by Washington, D.C. to GEO headquarters.
22 I would not have any knowledge of this.

23 Q. This letter appears to be sent from GEO to ICE.
24 Would you agree with me on that?

25 A. It appears to be sent from GEO headquarters to

1 Washington, D.C.

2 Q. Immigration and Customs Enforcement. Correct?

3 A. The subject line where it's sent to does say,
4 "Acting Deputy Director, Immigration and Customs
5 Enforcement."

6 Q. And then that line about GEO submitting a
7 request for equitable adjustment, as you sit here today,
8 do you have any knowledge at all about that?

9 A. I have no knowledge of this memo drafting or why
10 it was drafted. This is not something we would see at
11 the facility level.

12 Q. And then, if you look at the bulleted sentence
13 before the largest black box there on the page, it
14 reads, "We have conducted an estimation of the costs
15 necessary to achieve compliance with the plaintiffs."
16 Do you see that?

17 A. I see that written on the memo.

18 Q. Can you tell me about any estimated cost that
19 GEO has run regarding complying with Washington State
20 minimum wage laws?

21 A. No, sir. Again, this is at a much higher level
22 than the facility level. I have no knowledge of any of
23 this.

24 Q. Do you have any insights into what may be under
25 the redactions on this page?

GEO Objections Foundation, FRE 402,
701, 802.

Bruce Scott, Jr.

December 10, 2019

Page 112

1 MS. MELL: Object to the form.

2 THE WITNESS: I have no idea, sir.

3 MS. MELL: Counsel, is there something that's
4 responsive to this in the CR 30(b)(6)?

5 MR. WHITEHEAD: I'm sure there is a topic that
6 covers it, probably the last one dealing with GEO's
7 communications with ICE.

8 MS. MELL: I would just object in terms of
9 notice, that he needed to be prepared to speak as to
10 this subject matter, this particular exhibit.

11 MR. WHITEHEAD: Duly noted.

12 BY MR. WHITEHEAD:

13 Q. The Keefe banking data, that's currently the
14 system that GEO uses to transmit payment for the
15 Voluntary Work Programs to the individual detainee
16 workers. Is that correct?

17 A. The Keefe is the detainee accounting system. It
18 does a number of things. One of those things is where
19 we deposit a dollar a day for the detainee in the
20 Voluntary Work Program.

21 Q. Are you aware of any facility-wide -- facility
22 being the Northwest Detention Center -- facility-wide
23 worker -- strike that.

24 Are you aware of any facility-wide -- facility
25 being the Northwest Detention Center -- detainee worker

1 stoppages in March 2014?

2 A. That was quite some time ago. We have had
3 detainees intermittently not work for two to three days.
4 Recalling a specific event off the top of my head back
5 in 2014, I don't recall one right now.

6 Q. What about in April 2014?

7 A. Again, sir, I don't recall any specific events.
8 They choose not to work in the voluntary program from
9 time to time on a limited basis.

10 Q. What about May 2014?

11 A. I don't know, sir.

12 Q. February 2015?

13 A. I don't know.

14 Q. March 2015?

15 A. I don't know.

16 Q. August 2015?

17 A. Again, there could be times throughout where
18 detainees have voluntarily not shown up to work. I
19 don't recall any specific dates.

20 Q. What about September 2015?

21 A. I don't know, sir.

22 Q. And lastly, October 2015.

23 A. I don't know.

24 Q. I'll represent to you that GEO has produced to
25 the plaintiffs in this action, Keefe banking data for

1 the volunteer work program participants; and looking at
2 the data, there is no data for the months that I just
3 inquired about. Do you have any explanation or insight
4 into why there would be no Keefe banking data for those
5 dates?

6 A. For specific dates within that time period?

7 Q. The months. My inquiry was on the month.

8 A. There is an entire month where there is no data,
9 sir? I don't have anything to review to --

10 Q. I'm sorry?

11 A. I don't have any documentation to refer to.

12 Q. And I don't have a document to put in front of
13 you. I'm just asking if you're aware of anything that
14 would account for why we don't have data between March
15 and May 2014, February to March 2015, and September to
16 October 2015.

17 MS. MELL: Object to the form.

18 THE WITNESS: No, I don't have any knowledge;
19 and to my recollection, we've never had any work
20 stoppages lasting that long. To the best of my
21 recollection, detainees volunteer not to work for two to
22 three days. I don't have enough information to answer
23 that question for you.

24 BY MR. WHITEHEAD:

25 Q. Quickly, I'd like to go back to GEO's offset

1 calculations. I had asked you about GEO's formula for
2 calculating the offset amount, and the first component
3 that you related to me was that GEO looked at the total
4 participants in the Voluntary Work Program as the first
5 step in calculating the offset. Do you recall that?

6 A. Is there a specific exhibit that we're referring
7 to now?

8 Q. Sure. We can take a look at Exhibit 354. You
9 may also want to take a look at 355, and perhaps 359.

10 A. Okay. I have 354.

11 Q. So 354 are GEO's Initial Disclosures. The third
12 page there, there is a section, "Computation of
13 Damages," and it begins with, "Each detainee who elects
14 to participate in the Voluntary Work Program..." Do you
15 see that?

16 A. Yes.

17 Q. My question is, how many detainee workers
18 participated in the program in 2016 at the Northwest
19 Detention Center?

20 A. In 2016, based on the standard that one dollar a
21 day is used kind of as a benchmark to determining
22 program participants, since we do not keep time logs --
23 there is no requirement in the standard for that -- in
24 2016, based on the program spend for the monthly
25 voluntary worker program, we're estimating 157,913

1 voluntary work tasks were done. As far as the actual
2 number of detainees that performed those tasks over that
3 period, it's not recorded in this data.

4 Q. So you looked at the number of tasks -- or I
5 should say that's what's reflected in Exhibit 359 -- on
6 the volunteer worker program spend?

7 A. Correct. Now, understanding that multiple
8 detainees -- in an entire month, the detainee is working
9 more than one day. So if you're trying -- how many
10 actual detainees were in there? That's not discernible
11 from this number.

12 MR. WHITEHEAD: Let's take a break.

13 THE VIDEOGRAPHER: We're now going off the
14 record. The time is 2:27 p.m.

15 (Recess taken from 2:27 to 2:38.)

16 THE VIDEOGRAPHER: We're now back on the record.
17 The time is 2:38 p.m.

18 BY MR. WHITEHEAD:

19 Q. Mr. Scott, I know that some of my questions may
20 have been pointed, but have I been fair with you today?

21 MS. MELL: Object to the form. He's not
22 answering that question.

23 We're done.

24 MR. WHITEHEAD: Okay.

25 MS. MELL: Thank you.

1 THE VIDEOGRAPHER: This concludes the videotaped
2 deposition. We're now going off the record. The time
3 is 2:39 p.m.

4 THE REPORTER: Is signature reserved?

5 MS. MELL: Yes.

6 (Deposition adjourned at 2:39 p.m.)

7 (Signature reserved.)

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S I G N A T U R E

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the CHANGE SHEET flyleaf page hereof.

Signed in _____, Washington, this _____ day of _____ 20__.

BRUCE A. SCOTT, JR.

Taken: Tuesday, December 10, 2019

Re: Nwauzor, et al., v. The GEO Group
Cause No.: 17-cv-05769-RJB
Donald W. McKay, RMR, CRR, CCR

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter, hereby certify:

That the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully;

That the transcript of the deposition is a full, true and correct transcript to the best of my ability;

That I am neither an attorney for, nor a relative or employee of any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition, within 30 days upon its completion and submission, unless waiver of signature was indicated in the record.

Donald W. McKay, RMR, CRR
Washington Certified Court Reporter No. 3237
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C H A N G E S H E E T

5 PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS SHEET,
6 SHOWING PAGE, LINE AND REASON.

7	PAGE	LINE	CORRECTION AND REASON
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
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19	_____	_____	_____
20	_____	_____	_____

21 _____
 22 BRUCE A. SCOTT, JR.
 23 Taken: Tuesday, December 10, 2019

24 Re: Nwauzor, et al., v. The GEO Group
 Cause No.: 17-cv-05769-RJB
 25 Donald W. McKay, RMR, CRR, CCR