

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

ALEJANDRO MENOCA,
MARCOS BRAMBILA,
GRISEL XAHUENTITLA,
HUGO HERNANDEZ,
LOURDES ARGUETA,
JESUS GAYTAN,
OLGA ALEXAKLINA,
DAGOBERTO VIZGUERRA, and
DEMETRIO VALERGA
on their own behalf and on behalf of all others
similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

Civil No. 1:14-cv-02887-JLK

**DECLARATION OF ANDREW H. TURNER IN SUPPORT OF PLAINTIFFS’
REPLY RE MOTION FOR JURY VIEW**

I, Andrew Turner, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney with the Kelman Buescher Firm, P.C., which, together with Towards Justice, the Law Office of R. Andrew Free, Milstein Law Office, Outten & Golden LLP, and Meyer Law Office, P.C., are Class Counsel in this action. I am an attorney in good standing admitted to practice before this Court.

2. I have been one of the lawyers primarily responsible for the prosecution of Plaintiffs’ and the Class’s claims in this case.

3. I make the statements in this Declaration based on my personal knowledge

and would so testify if called as a witness at trial.

4. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff Alejandro Menocal's Second Supplemental Responses to Defendant the GEO Group, Inc.'s Sixth Set of Interrogatories, dated August 18, 2020.

5. GEO has raised no deficiency concerning the response to Interrogatory Number 51 in Exhibit A.

6. Attached hereto as **Exhibit B** is a true and correct excerpt from the transcript of the Deposition of Plaintiff Grisel Xahuentitla.

7. Attached hereto as **Exhibit C** is a true and correct excerpt from the transcript of the Deposition of Plaintiff Jesus Gaytan.

8. Attached hereto as **Exhibit D** is a true and correct excerpt from the transcript of the Deposition of Plaintiff Demetrio Valerga.

9. Attached hereto as **Exhibit E** is a true and correct excerpt from the transcript of the Deposition of Absent Class Member Alejandro Hernandez Torres.

10. Attached hereto as **Exhibit F** is the Declaration of Martin M. Rosenbluth, Esq.

11. Before filing this motion, as described in the declaration of Michael J. Scimone in support of this motion, ECF No. 302, Class Counsel conferred with ICE to determine whether it took a position on the motion.

12. By email dated August 7, 2020, Anne Rose, and attorney for ICE, described ICE's background check procedure. Ms. Rose explained that ICE requires a valid

government ID (or valid immigration document for a foreign national) 72 hours in advance of the visit in order to run a criminal history check.

13. Ms. Rose informed Class Counsel that ICE's Enforcement & Removal Operations makes decisions about entry based on the results of those checks, and that it "typically" denies entry to (a) individuals with felony convictions and/or arrests or charges at any time, and (b) individuals with certain misdemeanor convictions within the last 5 years.

14. These criteria overlap with the criteria in the Jury Selection and Service Act, 28 U.S.C. § 1865(b). The only ways in which ERO's typical exclusion practices are more stringent are that ERO sometimes chooses to exclude people with felony arrests or charges (not convictions) that have since been resolved; people with felony convictions whose civil rights have been restored; and people with recent misdemeanor convictions.

15. ERO has chosen not to enforce some of these criteria. Attached to this declaration as **Exhibit F** is a true and correct copy of the declaration of Martin M. Rosenbluth, and immigration attorney, describing an example of ERO's exercise of discretion.

16. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 11, 2020.

Respectfully submitted,

By: /s/ Andrew Turner

Andrew Turner

THE KELMAN BUESCHER FIRM

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Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2020, a copy of the foregoing document was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Andrew H. Turner

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

ALEJANDRO MENOCA, *et al.*,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

No. 14 Civ. 2887 (JLK)

**PLAINTIFF ALEJANDRO MENOCA'S SECOND SUPPLEMENTAL RESPONSES TO
DEFENDANT THE GEO GROUP, INC.'S SIXTH¹ SET OF INTERROGATORIES**

Pursuant to Rules 33 of the Federal Rules of Civil Procedure and the Local Rules of the District of Colorado, Plaintiff Alejandro Menocal, by his attorneys, makes the following supplemental response to Defendant's Sixth Set of Interrogatories, dated March 6, 2020.

PRELIMINARY STATEMENT

All responses to the following Interrogatories are based on information currently known to Plaintiffs and are provided without prejudice to Plaintiffs' right to submit additional information, should it become known. Plaintiffs anticipate that as investigation and trial preparation continue, it is possible that additional facts and witnesses may become known, which may in turn warrant additions to or changes in the responses provided herein. These responses are made in a good faith effort to supply such information as is presently known to Plaintiffs.

¹ The set of interrogatories to which this pleading responds was styled incorrectly as "GEO Group, Inc.'s Fourth Set of Interrogatories." GEO's Fourth set of Interrogatories was served on November 14, 2019, and its Fifth set of Interrogatories was served on November 15, 2019. The numbering of individual interrogatories is, accordingly, corrected herein, to reflect the fact that GEO has served a total of 37 interrogatories prior to serving the current set.

These responses and objections are made without prejudice to, and are not a waiver of, Plaintiffs' right to rely on other facts or documents at trial.

Plaintiffs reserve all objections to the competence, relevance, materiality, or admissibility at trial of any information or documents requested or identified by any party. The inadvertent disclosure of any privileged information shall not be deemed to be a waiver of any applicable privilege with respect to such information or any other information.

The production of information and/or documents pursuant to this response is made without waiving, or intending to waive, but on the contrary reserving and intending to reserve: (a) the right to object on any grounds to the use of documents or information produced pursuant to this response in this or any other action or proceeding; (b) the right to object on any and all grounds, at any time, to other requests for production or other discovery mechanisms or proceedings; and (c) the right at any time to revise, correct, or supplement this response.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 38 (Numbered 36 By GEO):

Identify the source, amount, and terms of any third-party litigation financing used by Plaintiffs in this Lawsuit. For each source of financing, identify the contact information for each such source, whether individual or organization.

RESPONSE TO INTERROGATORY NO. 38:

Plaintiff objects that this interrogatory is irrelevant to the claims and defenses in this case, and is therefore beyond the scope of discovery. Disclosure of the information described in this interrogatory is not authorized or required by the Federal Rules of Civil Procedure. Moreover, this interrogatory is harassing insofar as the request for contact information appears intended to equip Defendant with the means to independently interfere, outside of this litigation, with

Plaintiff's access to funds that might support their claims for restitution for Defendant's violations of the law.

INTERROGATORY NO. 39 (Numbered 37 By GEO):

Describe all actions taken by GEO that You allege constitute "force, threats of force, physical restraint, or threats of physical restraint" under 18 U.S.C. § 1589(a)(1).

RESPONSE TO INTERROGATORY NO. 39:

Plaintiff objects to this interrogatory as follows:

1. This interrogatory is vague in its use of the term "You."² First, this interrogatory does not specify sufficiently which acts it seeks to identify. Plaintiffs respond to this interrogatory based on the understanding that it seeks acts that were directly experienced by the individual named Plaintiffs, based on GEO's representations. Second, although GEO clarified in a conference on April 30, 2020 that this interrogatory sought individualized responses from each of the named Plaintiffs, this interrogatory is phrased in terms of Plaintiffs' allegations, which are not styled as individual claims, but rather as classwide claims and allegations that derive from GEO's policies and practices that were common to the TVPA Class. Accordingly, Plaintiffs allege in this case that the individual acts which each of them experienced are part of a combination of acts which constitute a unified

² This set of interrogatories purport to incorporate the definitions from GEO's Second Set of Interrogatories, served on November 8, 2017 ("GEO's 2d Rogs"). GEO's 2d Rogs state that "'you' . . . refers to Plaintiffs in this Lawsuit, and any agent or representative of Plaintiffs." It is unclear whether "Plaintiffs" in the first clause refers to the named Plaintiffs who appear in the caption of the lawsuit, or to members of the TVPA Class, which had been certified as of the date of GEO's 2d Rogs. The term "agent or representative" further confuses matters, as it does not specify whether it is intended to refer to attorneys or other agents, or to the TVPA Class representatives (i.e., the named Plaintiffs); to the extent that the term refers to the latter, it creates further ambiguity as to the meaning of the term "Plaintiffs" in the preceding clause, as it suggests that "any agent or representative of Plaintiffs" could refer to a distinct category from "Plaintiffs."

“scheme, plan, or pattern intended to cause” the members of the TVPA Class to believe that if they did not perform labor under GEO’s HUSP, they would suffer serious harm and/or physical restraint.

2. While Plaintiff responds to this interrogatory below as it is drafted (subject to Objection 1), the response to this interrogatory should not be read in isolation from the responses to Interrogatory Nos. 41, 43, and 45 below. The TVPA prohibits persons from obtaining labor “by any one of, or *by any combination of*” the means referred to in each of these interrogatories.

Subject to these objections, Plaintiff Menocal responds to this interrogatory by incorporating his responses to GEO’s Interrogatory Nos. 27 and 28, which were served on Defendant on January 19, 2018, and his declaration dated May 6, 2016 (ECF No. 49-2). Moreover, Plaintiff alleges that GEO communicated in the Detainee Handbook, Local Supplement, Bates No. PL000029-55, that he and other members of the TVPA Class could be subjected to discipline, including solitary confinement, for refusing to clean pursuant to the HUSP. *Id.* at PL000047, 53-55. GEO also communicated in an orientation video shown to detainees that they would be subject to discipline for failing to follow rules that included mandatory cleaning pursuant to the HUSP. *See* GEO_MEN00052387 at slides 2, 7.

INTERROGATORY NO. 40 (Numbered 38 By GEO):

Describe all tasks You completed as a result of the “force, threats of force, physical restraint, or threats of physical restraint” identified in response to Interrogatory Number [39].

RESPONSE TO INTERROGATORY NO. 40:

Plaintiff objects to this interrogatory for the reasons described in response to Interrogatory No. 39, Objections 1 and 2, and further object that the cleaning tasks described in

this response were completed as the result of a combination of the acts described in response to Interrogatory Nos. 39, 41, 43, and 45.

Subject to these objections, Plaintiff Menocal responds to this interrogatory by incorporating his responses to GEO's Interrogatory Nos. 29, 30, and 32, which were served on Defendant on January 19, 2018, and his declaration dated May 6, 2016 (ECF No. 49-2).

INTERROGATORY NO. 41 (Numbered 39 By GEO):

Describe all actions taken by GEO that You allege constitute "serious harm or threats of serious harm" under 18 U.S.C. § 1589(a)(2).

RESPONSE TO INTERROGATORY NO. 41:

Plaintiff objects to this interrogatory for the reasons described in response to Interrogatory No. 39 (Objections 1 and 2). See Plaintiff's response to Interrogatory No. 39.

INTERROGATORY NO. 42 (Numbered 40 By GEO):

Describe all tasks You completed as a result of the "serious harm or threats of serious harm" identified in response to Interrogatory Number [41].

RESPONSE TO INTERROGATORY NO. 42:

Plaintiff objects to this interrogatory for the reasons described in response to Interrogatory No. 40. See Plaintiff's response to Interrogatory No. 40.

INTERROGATORY NO. 43 (Numbered 41 By GEO):

Describe all actions taken by GEO that You allege constitute "the abuse or threatened abuse of law or legal process" under 18 U.S.C. § 1589(a)(3).

RESPONSE TO INTERROGATORY NO. 43:

Plaintiff objects to this interrogatory for the reasons described in response to Interrogatory No. 39 (Objections 1 and 2).

Plaintiff Menocal responds to this interrogatory that GEO knowingly caused him to believe that disciplinary infractions, including refusal to comply with GEO's HUSP, could have adverse consequences in his immigration proceeding that was pending during his confinement at the Aurora facility. Plaintiff alleges that GEO communicated this information in the detainee orientation video, the audio for which contained the statement that failure to respect the property of other detainees and the institution "may result in disciplinary action taken against you and that could have a negative effect on your case before the government -- so the best rule is to stay out of trouble during your stay here." GEO_MEN 00056575.

INTERROGATORY NO. 44 (Numbered 42 By GEO):

Describe all tasks You completed as a result of the "the abuse or threatened abuse of law or legal process" identified in response to Interrogatory Number [43].

RESPONSE TO INTERROGATORY NO. 44:

Plaintiff objects to this interrogatory for the reasons described in response to Interrogatory No. 40. See Plaintiff's response to Interrogatory No. 40.

INTERROGATORY NO. 45 (Numbered 43 By GEO):

Describe all actions taken by GEO that You allege constitute "any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint" under 18 U.S.C. § 1589(a)(4).

RESPONSE TO INTERROGATORY NO. 45:

Plaintiff objects to this interrogatory for the reasons described in response to Interrogatory No. 39 (Objections 1 and 2).

Plaintiff Menocal responds that, as described in response to Interrogatory Nos. 39-42, he alleges that GEO coerced him and members of the TVPA class to perform work through the HUSP using threats of discipline, including solitary confinement, and by subjecting detainees to discipline, including solitary confinement, for refusing to clean under the HUSP. Specific instances of this scheme, plan, and pattern are identified in response to Interrogatory No. 39.

INTERROGATORY NO. 46 (Numbered 44 By GEO):

Describe all tasks You completed as a result of “any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint” identified in response to Interrogatory Number [45].

RESPONSE TO INTERROGATORY NO. 46:

Plaintiff objects to this interrogatory for the reasons described in response to Interrogatory No. 40. See Plaintiff’s response to Interrogatory No. 40.

INTERROGATORY NO. 47 (Numbered 45 By GEO):

Identify the categories and amounts of damages You seek on Your 18 U.S.C. § 1589 claim and for each category and amount, describe how You calculated such amounts.

RESPONSE TO INTERROGATORY NO. 47:

Plaintiff seeks compensatory damages based on the fair market value of the work he performed pursuant to GEO’s HUSP. *See* ECF No. 149 at 8. For a specific estimate of the number of hours that Plaintiff worked under the HUSP, see Plaintiff’s responses to GEO’s Interrogatory Nos. 29, 30, and 32, which were served on Defendant on January 19, 2018. Plaintiff will seek a determination of fair market value based on GEO’s records of days worked and types of work performed under the HUSP, at rates of pay and accounting for fringe benefits

equivalent to what GEO would have paid for equivalent labor performed by GEO employees. In addition, Plaintiff seeks punitive damages in an amount to be determined by the jury in this case, and attorneys' fees and costs in an amount to be determined by the Court, following Plaintiff's submission of a fee petition at the conclusion of this litigation.

INTERROGATORY NO. 48 (Numbered 46 By GEO):

Identify the categories and amounts of damages You seek on Your unjust enrichment claim and for each category and amount, describe how You calculated such amounts.

RESPONSE TO INTERROGATORY NO. 48:

Plaintiffs seeks restitution in the form of compensatory damages based on the fair market value of the work he performed pursuant to GEO's Voluntary Work Program ("VWP"), minus amounts that GEO paid him pursuant to the VWP. *See* ECF No. 149 at 6-8. For a specific estimate of the hours that Plaintiff worked under the VWP, see Plaintiff's response to GEO's Interrogatory No. 31, which was served on Defendant on January 19, 2018. For janitorial positions, the methodology for calculating the fair market value of Plaintiff's labor is set forth in the Rule 26(a)(2) report of Jeffrey Edelstein. For laundry positions, the methodology for calculating the fair market value of Plaintiff's labor is set forth in the Rule 26(a)(2) report of Matthew Alexander. For all other VWP positions, fair market value will be based on GEO's records of days worked and types of work performed under the VWP, at rates of pay and accounting for fringe benefits equivalent to what GEO would have paid for equivalent labor performed by GEO employees

Plaintiff alternatively seeks restitution in the form of disgorgement of the portion of GEO's profits under the Aurora contract that are attributable to the benefit Plaintiff conferred upon GEO. GEO's profits may be ascertained through GEO's profit and loss statements. GEO's

relative contribution to its profits under the Aurora contract may be ascertained through GEO's pricing spreadsheets, which show the cost to GEO of providing services to ICE through the Aurora contract. Plaintiff's contribution to GEO's profits may be measured by the fair market value of his labor, which is determinable through the methods described above. The relative value of each party's contribution to GEO's profits will establish the percentage of GEO's profits, during the period covered by Plaintiffs' unjust enrichment claims, which Plaintiff seeks as restitution.

In addition, Plaintiff seeks exemplary damages in an amount to be determined by the jury in this case.

INTERROGATORY NO. 49 (Numbered 47 By GEO):

For Your unjust enrichment claim, identify each and every benefit that You allege was conferred upon GEO.

RESPONSE TO INTERROGATORY NO. 49:

Plaintiff objects that this interrogatory is vaguely worded in several respects. First, it does not specify what source or sources of benefits it seeks to identify; Plaintiff presumes that the interrogatory refers to benefits conferred by labor he performed. Moreover, Plaintiff infers that this interrogatory is therefore intended to be confined to the three-year time period covered by the unjust enrichment claim in this case. In addition to these ambiguities, the interrogatory's use of the word "You" is ambiguous for the reasons explained in response to Interrogatory 39 above. Plaintiff further objects that the use of "each and every" is ambiguous, but appears to seek an itemized list of every task Plaintiff completed over the course of a three-year period. To the extent that this interrogatory seeks such a list, Plaintiff objects that this degree of specificity

is not required to prove Plaintiffs' unjust enrichment claim; the extent of the benefit conferred by Plaintiffs will be proven through the means described in response to Interrogatory No. 51 below.

For a specific estimate of the hours that Plaintiff worked under the VWP, see Plaintiff's response to GEO's Interrogatory No. 31, which was served on Defendant on January 19, 2018.³

INTERROGATORY NO. 50 (Numbered 48 By GEO):

For each benefit identified in response to Interrogatory [49], identify and describe why it would be unjust for GEO to retain each such benefit without additional payment.

RESPONSE TO INTERROGATORY NO. 50:

Plaintiff incorporates the objections stated in response to Interrogatory No. 49 above.

Plaintiff responds that it would be unjust for GEO to retain the benefits identified in response to Interrogatory No. 49 because GEO obtained Plaintiff's labor under circumstances of detention that are inherently coercive, and which compromised class members' agency in deciding to work for unfair wages, and because public policy prohibits underpaid labor.

INTERROGATORY NO. 51 (Numbered 49 By GEO):

Set forth Your trial plan for this case including, but not limited to Your trial plan for the following issues:

- a. Identification of those issues that will be resolved as common issues for all putative class members and how these issues will be resolved;
- b. Identification of those issues that will be resolved on an individual basis for all putative class members (including, but not limited to, causation, injury, reliance, affirmative defenses and damages) and how these issues will be resolved;
- c. Process for resolving Class Representative Claims including any limitations on the claims that Class Representatives can litigate;

³ For the method of measuring the value of this labor, Plaintiffs refer GEO to their response to Interrogatory No. 48.

- d. Process for resolving Absent Class Member Claims including any limitations on the claims that Absent Class Members can litigate; and
- e. Identification of the process that Plaintiffs propose be used for the calculation and distribution of any damages that may be awarded in this case to putative class members.

RESPONSE TO INTERROGATORY NO. 51:

Plaintiffs object that this interrogatory is vague in its use of the term “trial plan,” as it does not describe the proposed elements of such a plan or point to any rule describing or requiring such a plan. Plaintiffs further object that subparts c. and d. of this interrogatory are vague in their undefined distinction between “Class Representative Claims” and “Absent Class Member Claims.” The claims in this case are identified in the Complaint, and are pled on behalf of the Classes pled in the Complaint and certified by the Court. As in all properly certified class litigation, the representative Plaintiffs’ claims are typical of the claims of the Class. *See* ECF No. 57 (Class Certification Order) at 7-10. There is therefore no distinction between claims pursued in this litigation by the named Plaintiffs and the claims pursued by the absent Class Members.

Plaintiffs further object that subpart e. of this interrogatory is premature, as no verdict has been rendered and no damages awarded. The calculation of those damages will be decided by the Jury and the Court, and Plaintiffs will argue for the methodologies described in response to Interrogatories 47 and 48. To the extent that damages are awarded to the Plaintiff Class, the distribution of those damages will be a matter for the Court to decide. Depending on the extent and nature of the damages award, Plaintiffs will request that the funds be distributed through some combination of direct distribution to Class Members, fluid recovery, and/or distribution to a *cy pres* designee. *See generally* 4 Newberg on Class Actions § 12:27 (5th ed.) (describing methods of distributing damages in class actions)

With respect to subparts a. and b., Plaintiffs object that the interrogatory draws an erroneous distinction between “common issues” and “individual” issues. Plaintiffs respond as to subpart b. that there are no individual issues to be resolved through the trial in this action; that all issues tried to the Jury or the Court⁴ will be tried on a classwide basis through common proof. Plaintiffs respond as to subpart a. as follows. The response below describes only those issues on which Plaintiffs bear the burden of proof. It is not Plaintiffs’ responsibility to propose a plan for how GEO will prove its affirmative defenses at trial.

1. Trafficking Victims Protection Act claims:
 - a. Whether GEO obtained the Class Members’ labor.
 - i. This element will be proven through GEO’s records, policies, and the testimony of its corporate officers, as well as the testimony of eyewitness detainees.
 - b. Whether GEO used a combination of force, threats of force, physical restraint, threats of physical restraint, serious harm, threats of serious harm, or a scheme or plan intended to cause the belief that the Class Members would suffer serious harm or physical restraint.
 - i. This element will be proven through GEO’s policies and other documents, the testimony of its corporate officers, and the testimony of eyewitnesses. The nature of the harm caused by GEO’s use of solitary confinement will be discussed through the expert testimony of Dr. Stuart Grassian.

⁴ Plaintiffs’ responses herein are not intended to express any position as to which claims or questions should be put to the Jury as opposed to the Court.

- c. Whether GEO's acts described in part b. above caused the Class Members to provide labor to GEO.
 - i. This element will be proven through the testimony of eyewitnesses regarding the nature of detention in Aurora and the use of solitary confinement and threats thereof, as well as through the expert testimony of Dr. Stuart Grassian.
 - d. Whether GEO committed the above acts knowingly.
 - i. This element will be proven through the testimony of GEO's corporate officers.
 - e. Whether GEO's actions warrant the imposition of punitive damages.
 - i. This issue will be proven through the totality of the evidence described above, and directly through the testimony of GEO's corporate officers.
2. Unjust Enrichment claim:
- a. Whether GEO received a benefit.
 - i. This element will be proven through GEO's records and policies, the testimony of its corporate officers, and the testimony of eyewitness detainees. The extent of the benefit will be proven in part through the expert testimony of Jeffrey Edelstein and Matthew Alexander.
 - b. Whether GEO received the benefit at Class Members' expense.
 - i. This element will be proven through the testimony of eyewitness detainees, as well as the testimony of GEO's corporate officers.

- c. Whether the circumstances would make retention of that benefit unjust.
 - i. This element will be proven through the testimony of eyewitness detainees, as well as through the expert testimony of Dr. Stuart Grassian.
- d. Whether GEO's actions warrant the remedy of disgorgement of GEO's profits.
 - i. This element will be proven through the totality of the evidence described above, and directly through the testimony of GEO's corporate officers.
- e. The fair apportionment of GEO's profits under the Aurora contract, as a measure of damages pursuant to the remedy of disgorgement.
 - i. This element will be proven through the totality of the evidence described above, and directly through the testimony of GEO's corporate officers.
- f. Whether and to what extent GEO's actions warrant the imposition of exemplary damages.
 - i. This issue will be proven through the totality of the evidence described above, and directly through the testimony of GEO's corporate officers.

Dated: _____

By: /s/ Michael J. Scimone
Michael J. Scimone

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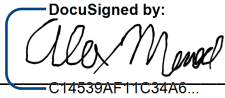
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Class Counsel

VERIFICATION

I, Alejandro Menocal, verify subject to the penalty of perjury that the foregoing
SECOND SUPPLEMENTAL RESPONSES TO DEFENDANT THE GEO GROUP, INC.'S
SIXTH SET OF INTERROGATORIES are true and correct to the best of my knowledge and
belief.

Dated: 8/18/2020

By:  _____
C14539AF11C34A6...

Alejandro Menocal

MENOCAL

VS.

THE GEO GROUP

Deposition

GRISEL XAHUENTITLA

10/26/2017

AB Court Reporting & Video

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-CV-02887-JLK

VIDEO DEPOSITION OF GRISEL XAHUENTITLA
October 26, 2017

ALEJANDRO MENOCA,
MARCOS BRAMBILA,
GRISEL XAHUENTITLA,
HUGO HERNANDEZ,
LOURDES ARGUETA,
JESUS GAYTAN,
OLGA ALEXAKLINA,
DAGOBERTO VIZGUERRA, and
DEMETRIO VALERGA,
on their own behalf and on behalf of all others
similarly situated,

Plaintiffs,

vs.

THE GEO GROUP, INC.,

Defendant.

APPEARANCES:

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and

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and

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Appearing on behalf of Plaintiffs

1 APPEARANCES (Continued):

2 NORTON ROSE FULBRIGHT US, LLP
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4 and
5 BURNS, FIGA & WILL, P.C.
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6 6400 S. Fiddlers Green Circle
Suite 1000
7 Greenwood Village, Colorado 80111
Appearing on behalf of Defendant

8 Also Present: Monika Cary, videographer

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1 different from what you had in your own pod at
2 Aurora?

3 A It was a single cell. So, of course,
4 it's for punishment, because you're going to
5 get there --

6 Q How do you know?

7 MR. HOOD: Objection.

8 A It's called a solitary confinement or
9 the hole as well --

10 Q (By Mr. Deacon) You're --

11 A -- either one. They call it --

12 Q Who told you it was one cell, solitary
13 confinement?

14 A One of the guards.

15 Q No. You said she called it "the hole,"
16 right?

17 A No. I mean -- You mean in La Plata
18 County Jail, right?

19 Q No. I'm talking about Aurora.

20 A You got me a little --

21 Q Sorry. Did I confuse you?

22 A -- confused.

23 Q I apologize.

24 A Sorry.

25 Q No. No. No. No. No. I'm on to --

1 I know you saw the one at La Plata County Jail.

2 A Yes.

3 Q And I know you didn't see the one at
4 Aurora, okay, so I'm on to Aurora now. So do you
5 know if the Aurora administrative segregation area
6 is any different from the area where you were in
7 your pod?

8 MR. HOOD: Objection.

9 A I never saw it open. You just know
10 that -- that it's going to be a solitary
11 confinement. You're going to be there by
12 yourself.

13 Q (By Mr. Deacon) How do you know that?

14 A That's -- The lieutenant was more
15 specific. She said --

16 Q I understand that, but --

17 A -- she said, "I will send you to the
18 hole. It's not going to be pleasant. You're
19 going to be there by yourself. You're not going
20 to take a shower at least for three days," so you
21 do know that there's no shower in there. So
22 probably just your bed, toilet and a sink,
23 probably. I don't know.

24 Q You don't know?

25 A I'm saying "probably," because --

1 Probably just because she said, "You might not be
2 able to take a shower in three days."

3 Q Okay. But you never knew anybody that
4 was actually in what you are describing as the
5 hole --

6 A No, sir.

7 Q -- at Aurora?

8 But you did know of people that were in
9 solitary confinement at La Plata County Jail?

10 A I did, because I saw it open.

11 Q Okay. You understand that my client
12 wasn't the -- didn't decide on whether or not you
13 were to be at Aurora?

14 MR. HOOD: Objection.

15 A They -- They did not. I don't know.

16 Q (By Mr. Deacon) That was Immigration
17 and Customs Enforcement that --

18 A Exactly. I don't know how --

19 Q How that work?

20 A -- how Immigration works.

21 Q Okay. You -- I did walk you through,
22 I believe, the detainee handbook from the
23 Department of Homeland Security, Immigration and
24 Customs Enforcement, and it did describe the
25 sanitation policy about keeping your area clean

1 I, GRISEL XAHUENTITLA, do hereby certify
2 that I have read the foregoing transcript
3 and that the same and accompanying amendment
4 sheets, if any, constitute a true and complete
5 record of my testimony.

6
7 _____
8 Signature of Deponent

9
10 () No amendments
11 () Amendments attached

12
13 Subscribed and sworn to before me
14 this _____ day of _____, 2017.

15
16 My commission expires _____

17 Seal:

18
19
20
21
22
23 TLH

24
25

1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Tracy L. Harris, do hereby certify that I
5 am a Certified Realtime Reporter, Registered Merit
6 Reporter, and Notary Public within the State of
7 Colorado; that previous to the commencement of the
8 examination, the deponent was duly sworn to
9 testify to the truth.

10 I further certify that this deposition was
11 taken in shorthand by me at the time and place
12 herein set forth, that it was thereafter reduced
13 to typewritten form, and that the foregoing
14 constitutes a true and correct transcript.

15 I further certify that I am not related to,
16 employed by, nor of counsel for any of the parties
17 or attorneys herein, nor otherwise interested in
18 the result of the within action.

19 In witness whereof, I have affixed my
20 signature this 6th day of November, 2017.

21 My commission expires July 30, 2021.

22
23
24
25

Tracy L. Harris, CRR, RMR, RPR
216 - 16th Street, Suite 600
Denver, Colorado 80202

1 AGREN BLANDO COURT REPORTING & VIDEO, INC.
216 - 16th Street, Suite 600
2 Denver, Colorado 80202
3 4450 Arapahoe Avenue, Suite 100
4 Boulder, Colorado 80303

4 November 6, 2017

5 Juno Turner, Esq.
6 OUTTEN & GOLDEN, LLP
7 685 Third Avenue, 25th Floor
8 New York, New York 10017

7 Re: Video Deposition of GRISEL XAHUENTITLA
8 Menocal vs. The Geo Group, Inc.
9 Civil Action No. 14-CV-02887-JLK

10 The aforementioned deposition is ready for
11 reading and signing. Please attend to this
12 matter by following BOTH of the items indicated
13 below:

12 _____ Call 303-296-0017 and arrange with us
13 to read and sign the deposition in our
14 office

14 _XXX_ Have the deponent read your copy and sign
15 the signature page and amendment sheets, if
16 applicable; the signature page is attached

16 _____ Read the enclosed copy of the deposition
17 and sign the signature page and amendment
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19 is attached

19 _XXX_ WITHIN 30 DAYS OF THE DATE OF THIS LETTER

20 _____ By _____ due to a trial date of _____

21 Please be sure the original signature page and
22 amendment sheets, if any, are SIGNED BEFORE A
23 NOTARY PUBLIC and returned to Agren Blando for
24 filing with the original deposition. A copy of
25 these changes should also be forwarded to counsel
of record. Thank you.

24 AGREN BLANDO COURT REPORTING & VIDEO, INC.

25 cc: All Counsel

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2 Denver, Colorado 80202
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3 Boulder, Colorado 80303

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5 GRISEL XAHUENTITLA
October 26, 2017
6 Menocal vs. The Geo Group, Inc.
Civil Action No. 14-CV-02887-JLK
7

8

9 The original video deposition was filed with
10 Charles A. Deacon, Esq., on
11 approximately the 6th day of November, 2017.

12

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13

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amendment sheets, if any, to be filed at
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to C.R.C.P. Rule 30(e)

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17 Agren Blando to be filed in the envelope
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18

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20 Thank you.

21

AGREN BLANDO COURT REPORTING & VIDEO, INC.

22

cc: All Counsel

23

24

25

MENOCAL

VS.

THE GEO GROUP

Deposition

JESUS YEPEZ GAYTAN

11/16/2017

AB Court Reporting & Video

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

AB Court Reporting & Video

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Civil Action No. 14-CV-02887-JLK

VIDEO DEPOSITION OF JESUS YEPEZ GAYTAN
November 16, 2017

ALEJANDRO MENOCA,
MARCOS BRAMBILA,
GRISEL XAHUENTITLA,
HUGO HERNANDEZ,
LOURDES ARGUETA,
JESUS GAYTAN,
OLGA ALEXAKLINA,
DAGOBERTO VIZGUERRA, and
DEMETRIO VALERGA, on their own behalf and on
behalf of all others similarly situated,

Plaintiffs,

vs.

THE GEO GROUP, INC.,

Defendant.

APPEARANCES:

OUTTEN & GOLDEN, LLP

By Juno Turner, Esq.
685 Third Avenue, 25th Floor
New York, New York 10017

and

R. ANDREW FREE LAW OFFICE

By R. Andrew Free, Esq.
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Nashville, Tennessee 37209

Appearing on behalf of Plaintiffs

AB Court Reporting & Video

1 APPEARANCES (Continued):

2 NORTON ROSE FULBRIGHT US, LLP
3 By Charles A. Deacon, Esq.
3 300 Convent Street, Suite 2100
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4 and
5 BURNS, FIGA & WILL, P.C.
5 By Dana L. Eismeier, Esq.
6 6400 S. Fiddlers Green Circle
6 Suite 1000
7 Greenwood Village, Colorado 80111
7 Appearing on behalf of Defendant

8 Also Present: Paula Wolff, videographer

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AB Court Reporting & Video

1 A Yeah.

2 Q Who?

3 A The -- Someone that was in my pod.
4 Somebody that was in my pod. Like I told you, I
5 don't know him. He was just -- When he came
6 back, he just said he was in the hole.

7 Q What was he in segregation --

8 A He didn't --

9 Q -- for?

10 A -- tell me what for.

11 Q You don't know why he was --

12 A No.

13 MS. TURNER: Let him finish his
14 question.

15 Q (By Mr. Deacon) All right. Do you
16 know anybody that was ever placed in segregation
17 for not cleaning the pod?

18 A One time.

19 Q Who?

20 A I don't know their names, but he came
21 back from -- from the hole, and he was telling us
22 about it, that he came from the hole.

23 Q But did he say it was because he didn't
24 clean?

25 A Clean, yeah.

AB Court Reporting & Video

1 Q But you don't remember his name?

2 A No.

3 Q Do you know what he looked like?

4 A Yeah, just -- He was Mexican.

5 Q Okay. Do you -- You don't know his --

6 A Huh-uh.

7 Q Have you spoken to him since you left

8 Aurora?

9 A No.

10 Q Is he any of the named parties here?

11 A No.

12 Q All right. And he said that he was
13 placed there for not cleaning the pod?

14 A Yeah.

15 Q All right. Did he tell you if it was
16 administrative segregation or disciplinary
17 segregation?

18 A He didn't tell me.

19 Q Have you ever seen segregation?

20 A Can you recall (sic) that again?

21 Q The location where segregation is.

22 A I seen it before when we used to take
23 the laundry to the pods, yeah.

24 Q Okay.

25 A I just seen the -- the outside of it.

AB Court Reporting & Video

1 Q Just the outside?

2 A Yeah.

3 Q And how does it differ from what the
4 pods look like?

5 A Dark.

6 Q Dark?

7 A Yeah, you can't see nothing.

8 Q Well, were the lights turned off?

9 A Yeah.

10 Q Okay. So nobody was in there?

11 A There was people in there. Just you
12 couldn't see.

13 Q What time of day was this?

14 A Daytime. You can't see nothing from
15 the windows. Just if the officer opens the door.

16 Q So when you take your laundry, did you
17 actually go inside the pod?

18 A No.

19 Q All right.

20 A Just to the doors.

21 Q Just to the doors?

22 A (Deponent nodded head.)

23 Q Okay. So you don't know if there's
24 tables in there like your pod. You don't know if
25 there's a rec center -- or a rec room in there

AB Court Reporting & Video

1 just like your pod.

2 You don't know that?

3 A No.

4 Q All right. Were you aware -- If you
5 turn to Page -81 -- Bates-labeled -81 -- that's
6 this number over here (indicating) on that page --
7 did you read the section that ICE put in there on
8 segregation?

9 MS. TURNER: Are you referring to
10 Section 10?

11 MR. DEACON: Yes, Section 10.

12 A What was --

13 Q (By Mr. Deacon) Did you read that --

14 A No.

15 Q -- when you had your book --

16 A No.

17 Q -- for those five months?

18 A No.

19 Q Did you see where they have a
20 difference between administrative segregation and
21 disciplinary segregation?

22 A I didn't see that.

23 Q But you do now?

24 A Yeah.

25 Q Did you see, on Page -84, the hotline

AB Court Reporting & Video

1 I, JESUS YEPEZ GAYTAN, do hereby certify
2 that I have read the foregoing transcript
3 and that the same and accompanying amendment
4 sheets, if any, constitute a true and complete
5 record of my testimony.

6

7

8

Signature of Deponent

9

10

() No amendments

11

() Amendments attached

12

13

Subscribed and sworn to before me

14

this _____ day of _____, 2017.

15

16

My commission expires _____

17

Seal:

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19

20

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23

TLH

24

25

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1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Tracy L. Harris, do hereby certify that I
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16 employed by, nor of counsel for any of the parties
17 or attorneys herein, nor otherwise interested in
18 the result of the within action.

19 In witness whereof, I have affixed my
20 signature this 29th day of November, 2017.

21 My commission expires July 30, 2021.

22

23

24

Tracy L. Harris, CRR, RMR, RPR
216 - 16th Street, Suite 600
Denver, Colorado 80202

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AB Court Reporting & Video

1 AGREN BLANDO COURT REPORTING & VIDEO, INC.
216 - 16th Street, Suite 600
2 Denver, Colorado 80202
3 4450 Arapahoe Avenue, Suite 100
4 Boulder, Colorado 80303

4 November 29, 2017

5 Juno Turner, Esq.
6 OUTTEN & GOLDEN, LLP
7 685 Third Avenue, 25th Floor
8 New York, New York 10017

9 Re: Video Deposition of JESUS YEPEZ GAYTAN
10 Menocal vs. The Geo Group, Inc.
11 Case No. 14-CV-02887-JLK

12 The aforementioned deposition is ready for
13 reading and signing. Please attend to this
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of record. Thank you.

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25 cc: All Counsel

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2 216 - 16th Street, Suite 600
3 Denver, Colorado 80202
4 4450 Arapahoe Avenue, Suite 100
5 Boulder, Colorado 80303

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JESUS YEPEZ GAYTAN
November 16, 2017
Menocal vs. The Geo Group, Inc.
Case No. 14-CV-02887-JLK

The original video deposition was filed with
Charles A. Deacon, Esq., on
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attached to the sealed original.

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cc: All Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-CV-02887-JLK

VIDEO DEPOSITION OF DEMETRIO VALERGA
October 27, 2017

ALEJANDRO MENOCA,
MARCOS BRAMBILA,
GRISEL XAHUENTITLA,
HUGO HERNANDEZ,
LOURDES ARGUETA,
JESUS GAYTAN,
OLGA ALEXAKLINA,
DAGOBERTO VIZGUERRA, and
DEMETRIO VALERGA,
on their own behalf and on behalf of all others
similarly situated,

Plaintiffs,

vs.

THE GEO GROUP, INC.,

Defendant.

APPEARANCES:

TOWARDS JUSTICE-DENVER

By David Seligman, Esq.
1535 High Street, Suite 300
Denver, Colorado 80218

and

THE KELMAN BUESCHER FIRM

By Andrew H. Turner, Esq.
600 Grant Street, Suite 450
Denver, Colorado 80203

Appearing on behalf of Plaintiffs

AB Court Reporting & Video

1 APPEARANCES (Continued):

2 NORTON ROSE FULBRIGHT US, LLP
3 By Charles A. Deacon, Esq.
300 Convent Street, Suite 2100
4 San Antonio, Texas 78205
and
5 BURNS, FIGA & WILL, P.C.
6 By Dana L. Eismeier, Esq.
6400 S. Fiddlers Green Circle
7 Suite 1000
Greenwood Village, Colorado 80111
Appearing on behalf of Defendant

8 Also Present: Monika Cary, videographer

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AB Court Reporting & Video

1 A Well, in the pod you were living with
2 three other people. It's four -- There's
3 four-men rooms and there's eight-men rooms, so
4 you're living with three other people in one room.
5 And you're out all of the -- from when they let
6 you come out at 5:30, 6 o'clock, whatever time
7 they let you come out for breakfast, and then
8 you're out. Then you go in for count, come back
9 out, and you're out all day long.

10 The administrative, they put you in a
11 cell by yourself. You have your radio, your
12 canteen, and they bring you the phone whenever you
13 want when you're in the administrative side of --
14 but you have -- you're not out. You're in that
15 room all day long.

16 Q Is there just one room?

17 A It's just -- Well, there's multiple
18 rooms.

19 Q Okay. Multiple rooms --

20 A Yes.

21 Q -- in administrative segregation?

22 A Yes.

23 Q Okay. But it's the same physical
24 layout that the pod is in --

25 A No, it's not.

AB Court Reporting & Video

1 Q Your -- Your room is not the same?

2 A No, it's not. It's for one individual.

3 Q Okay. One --

4 A Just one person, one bed, one desk,
5 one bath- -- one toilet. And over there in the
6 pod, it's four beds, one toilet, one desk. Here,
7 it's just you're by yourself.

8 Q Okay. And -- All right. So the
9 difference is you're by yourself?

10 A Correct.

11 Q Okay. And now tell me about -- How
12 does that contrast with disciplinary segregation?

13 A From -- If you're convicted of their
14 write-up or whatever they want to call it, their
15 disciplinary action, they take your canteen, they
16 take your radio, and you have limited access to go
17 out to the yard, to the -- They'll -- They'll
18 escort you to the yard, but you have only one hour
19 of recreation on the other side.

20 When you're sitting on the other side
21 waiting to be -- your disposition or whatever
22 they're doing, you can go to the yard twice, three
23 times a day over there. And over there, it's
24 different. You can only go one time.

25 Q Okay.

AB Court Reporting & Video

1 A They take the canteen. They take the
2 radio. You can't see the TV. That's what they
3 were doing on the administrative side -- or the
4 disciplinary side. Excuse me.

5 Q Okay. So on the administrative side,
6 you --

7 A You could see the TV -- You could see
8 the TV. You could stand there and watch. They'll
9 bring you the phone. I mean, they still give you
10 the phone on the disciplinary side, so . . .

11 Q Okay. And what's the canteen? I'm
12 sorry.

13 A Canteen is commissary.

14 Q Okay.

15 A Just soups, just coffee, stuff like
16 that, you know what I mean? Stuff that you can
17 still get on that administrative side. When you
18 go on disciplinary, you can't have coffee, you
19 can't have soups. The three meals a day that they
20 bring you is -- that's what you have. The radio
21 that they supply, they take that from you. So
22 that's what you don't have on the other side.

23 Q Okay. And the showers are in both?

24 A Oh, showers -- You can have showers --
25 You know, if you want to shower, they will not --

AB Court Reporting & Video

1 you know, you can go to the shower. "Hey, I need
2 to go to the shower."

3 "Okay. Turn around, cuff up. We'll
4 take you to the shower."

5 Q Okay. And in administrative
6 segregation, you're -- you're allowed to go out in
7 the --

8 A No.

9 Q -- the yard three times.

10 A You -- You can go -- They have to
11 escort you.

12 Q Yes.

13 A There's a little -- It's a -- It's a
14 dog kennel.

15 Q Uh-huh.

16 A So they put you in a dog kennel. So
17 what it is, it's just a fenced out dog kennel.
18 There's two -- That's what it really looks like.
19 It's a really big dog kennel. So they escort
20 you handcuffed. And they make you turn around,
21 they take the handcuffs and they just close the
22 little door like that. They had you handcuffed
23 up, so . . .

24 Q So you got inside?

25 A They -- They -- They -- The guard

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1 I, DEMETRIO VALERGA, do hereby certify
2 that I have read the foregoing transcript
3 and that the same and accompanying amendment
4 sheets, if any, constitute a true and complete
5 record of my testimony.

6

7

8

Signature of Deponent

9

10

() No amendments

11

() Amendments attached

12

13

Subscribed and sworn to before me

14

this _____ day of _____, 2017.

15

16

My commission expires _____

17

Seal:

18

19

20

21

22

23

TLH

24

25

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1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Tracy L. Harris, do hereby certify that I
5 am a Certified Realtime Reporter, Registered Merit
6 Reporter, and Notary Public within the State of
7 Colorado; that previous to the commencement of the
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16 employed by, nor of counsel for any of the parties
17 or attorneys herein, nor otherwise interested in
18 the result of the within action.

19 In witness whereof, I have affixed my
20 signature this 7th day of November, 2017.

21 My commission expires July 30, 2021.

22

23

24

25

Tracy L. Harris, CRR, RMR, RPR
216 - 16th Street, Suite 600
Denver, Colorado 80202

AB Court Reporting & Video

1 AGREN BLANDO COURT REPORTING & VIDEO, INC.
216 - 16th Street, Suite 600
2 Denver, Colorado 80202
4450 Arapahoe Avenue, Suite 100
3 Boulder, Colorado 80303

4 November 7, 2017

5 Juno Turner, Esq.
OUTTEN & GOLDEN, LLP
6 685 Third Avenue, 25th Floor
New York, New York 10017
7

8 Re: Video Deposition of DEMETRIO VALERGA
Menocal vs. The Geo Group, Inc.
Civil Action No. 14-CV-02887-JLK
9

10 The aforementioned deposition is ready for
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of record. Thank you.

24 AGREN BLANDO COURT REPORTING & VIDEO, INC.

25 cc: All Counsel

AB Court Reporting & Video

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5

DEMETRIO VALERGA

October 27, 2017

6

Menocal vs. The Geo Group, Inc.
Civil Action No. 14-CV-02887-JLK

7

8

The original video deposition was filed with
9 Charles A. Deacon, Esq., on
10 approximately the 7th day of November, 2017.

11

_____ Signature waived

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19

Thank you.

20

AGREN BLANDO COURT REPORTING & VIDEO, INC.

21

cc: All Counsel

22

23

24

25

Alejandro Torres 07/16/2020
ALEJANDRO MENOCA vs GEO GROUP

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLORADO
3 Civil Case No. 1:14-cv-02887-JLK-MEH

4 ALEJANDRO MENOCA,
5 MARCOS BRAMBILA,
6 GRISEL XAHUENTITLA,
7 HUGO HERNANDEZ,
8 LOURDES ARGUETA,
9 JESUS GAYTAN,
10 OLGA ALEXAKLINA,
11 DAGOBERTO VIZGUERRA, and
12 DEMETRIO VALERGIA,
13 on their own and on behalf of all others similarly
14 situated,
15 Plaintiffs,
16 v.
17 THE GEO GROUP, INC.,
18 Defendant.

15
16 VIDEOTAPED REMOTEDEPO™ DEPOSITION OF
17 ALEJANDRO HERNANDEZ TORRES
18 APPEARING REMOTELY FROM
19 TOLUCA, MEXICO
20 July 16, 2020 - 9:00 a.m.

21
22 REPORTED BY:
23 Teresa Lynne Cardenas, RPR, CRR
24 APPEARING REMOTELY FROM DENVER, COLORADO

25

Alejandro Torres 07/16/2020
ALEJANDRO MENOCA vs GEO GROUP

1 A P P E A R A N C E S

2 For the Plaintiffs:

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10 One California Street, 12th Floor
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12 akoshkin@outtengolden.com

13 For the Defendant The GEO Group, Inc.:

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16 1900 16th Street, Suite 1700
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19 MICHAEL Y. LEY, ESQ.
20 DANA L. EISMEIER, ESQ.
21 Burns, Figa & Will, P.C.
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25 Also Present:

Daniel Whitten, Videographer
Bety Zinan, Interpreter

05:04:59 1 And there was a person who helped me, and I worked in
05:05:02 2 yard keeping. And that same person asked me if I knew
05:05:13 3 how to drive a rig. And that's the way I was driving
05:05:25 4 the rig, the trailer. Those the two jobs I had.

05:05:31 5 **Q. Do you have family in the United States?**

05:05:38 6 A. My wife and two daughters.

05:05:41 7 **Q. Were you deported from the United States?**

05:05:47 8 A. Yes.

05:05:48 9 **Q. And your family, did they go with you?**

05:06:00 10 A. No, I'm on my own here in Mexico, and my
05:06:03 11 wife and daughters are in Denver.

05:06:05 12 **Q. Do you get to see them ever?**

05:06:15 13 A. My daughter Nelly has come down three
05:06:20 14 times. She's a U.S. citizen.

05:06:22 15 (The court reporter interrupted for
05:06:22 16 clarification of the record.)

05:06:22 17 A. My daughter Nelly has come -- has been
05:06:34 18 here for three times. She is a U.S. citizen. And my
05:06:42 19 other daughter is ten years old.

05:06:55 20 THE INTERPRETER: I need correction for
05:06:56 21 the record. Counsel, it is not clear to the
05:07:04 22 interpreter who is a citizen who has come down three
05:07:08 23 times.

05:07:09 24 **Q. (BY MR. MILSTEIN) Tell us your two**
05:07:11 25 **daughters' names and their ages and which one, if**

05:07:14 1 **either, is a citizen.**

05:07:16 2 MS. SCHEFFEY: Object to form.

05:07:28 3 A. My daughter Nelly, she is ten years old.

05:07:34 4 Excuse me. She's going to turn ten in October. She

05:07:40 5 is a citizen. And my daughter Diana is going to turn

05:07:50 6 21 tomorrow. And Diana has come once to see me, and

05:08:04 7 Nelly has come three times. My wife has come once to

05:08:12 8 see me.

05:08:15 9 **Q. Were you detained at the GEO detention**

05:08:18 10 **center in Aurora?**

05:08:24 11 A. Yes.

05:08:27 12 **Q. Were you ever sent to solitary**

05:08:29 13 **confinement during your time there?**

05:08:39 14 A. Yes, four times.

05:08:48 15 **Q. You've told us before that one of those**

05:08:50 16 **times you were sent because you refused to do the work**

05:08:53 17 **without pay, right?**

05:09:05 18 MS. SCHEFFEY: Object to form.

05:09:06 19 A. Yes.

05:09:09 20 **Q. (BY MR. MILSTEIN) Mr. Hernandez Torres,**

05:09:11 21 **tell us about segregation at GEO in Aurora.**

05:09:36 22 A. It is a room -- it is a meter -- 10 or 8

05:09:39 23 meters wide by 3 1/2 meters. And there is a bed.

05:09:55 24 It's made of steel. A toilet and a wash basin. Above

05:10:10 25 the wash basin, there is a square -- there is a square

05:10:25 1 opening and -- I need look for the word. There is
05:10:33 2 square -- it's like -- there is a square bar that --
05:10:40 3 where the air conditioning is coming through -- a
05:10:44 4 vent, a square vent where the air-conditioning is
05:10:47 5 coming through, and it's always very cold. The door
05:10:55 6 is made of steel. And it has glass for about half a
05:11:11 7 meter and with 3 or 4 inches where all the guards have
05:11:25 8 a bell. So every 15 or 20 minutes, they will drag
05:11:44 9 this device through the door until it rings. There's
05:11:47 10 no way you can go to sleep because the light is always
05:11:55 11 on. That's segregation.

05:12:02 **12 Q. How many hours per day do you spend in**
05:12:04 **13 that cell when you're in segregation?**

05:12:12 14 A. All the time.

05:12:17 **15 Q. How did you stay warm if the AC was on**
05:12:21 **16 all of the time?**

05:12:55 17 A. So, you know, when you -- when they think
05:12:59 18 that they give you a -- some linen, one. And they
05:13:03 19 give you like a vinyl pillow. So when you cannot
05:13:09 20 withstand the cold anymore, I would wrap myself with
05:13:12 21 the sheet, and then I would kind of curl myself up so
05:13:26 22 that I could warm up my body with my own breathing.
05:13:40 23 On one occasion, I was in that position. And the
05:13:53 24 guard, when he saw I was covered up, opened the door
05:14:01 25 up, took the sheet from me, and left me there with

05:14:07 1 nothing.

05:14:10 2 **Q. Were you able to take showers when you**
05:14:13 3 **were in segregation?**

05:14:32 4 A. Depends on the guard. He can say, Do you
05:14:35 5 want to shower? And it can be every day, every other
05:14:38 6 day. Going to take a shower, you would take off all
05:15:00 7 of your clothes, be nude, being female or male.

05:15:20 8 So when you were washing yourself with
05:15:24 9 one hand, and then they have -- take off the handcuff
05:15:28 10 because you are standing there with one hand cuffed
05:15:30 11 while your other hand -- and on your foot. I'm sorry.
05:15:41 12 My right hand and my right foot, so I would scrub
05:15:48 13 myself with one hand. And so when I would be done
05:15:56 14 with that side of my body, I would call him for him to
05:16:01 15 switch sides with the -- with the -- to switch sides
05:16:06 16 so I could -- with the cuff so I could wash the other
05:16:08 17 side of my body. That was very uncomfortable. I felt
05:16:28 18 I was being abused, humiliated.

05:16:33 19 **Q. Where were the guards when you were**
05:16:35 20 **getting undressed for your shower?**

05:16:49 21 A. They would stand near you, and sometimes
05:16:55 22 they would go back to the desk. When they would go --
05:17:03 23 went back to the desk with the cuffs, they took their
05:17:23 24 time, and it was cold.

05:17:26 25 **Q. What gender were the guards who changed**

1 I, ALEJANDRO HERNANDEZ TORRES, do hereby
2 certify that I have read the above and foregoing
3 deposition and that the same is a true and accurate
4 transcription of my testimony, except for attached
5 amendments, if any.

6 Amendments attached () Yes () No

7

8

9

ALEJANDRO HERNANDEZ TORRES

10

11

12

13

The signature above of ALEJANDRO
14 HERNANDEZ TORRES was subscribed and sworn to or
15 affirmed before me in the county of _____,
16 state of _____, this ____ day of
17 _____, 2020.

18

19

20

Notary Public
My commission expires

21

22

23

24

25 ALEJANDRO HERNANDEZ TORRES 7/16/20 (tc)

MENOCAL

VS.

THE GEO GROUP

Deposition

DEMETRIO VALERGA

10/27/2017

AB Court Reporting & Video

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 1:14-cv-02887-JLK

ALEJANDRO MENOCA,
MARCOS BRAMBILA,
GRISEL XAHUENTITLA,
HUGO HERNANDEZ,
LOURDES ARGUETA,
JESUS GAYTAN,
OLGA ALEXAKLINA,
DAGOBERTO VIZGUERRA and
DEMETRIO VALERGA,
on their own behalf and on behalf of all others similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

DECLARATION OF MARTIN M. ROSENBLUTH, ESQ.

1. My name is Martin M. Rosenbluth, Esq.. I have achieved the age of majority. I have personal knowledge of the facts set forth in this declaration.
2. I am an attorney employed by Polanco Law, P.C. in Durham, North Carolina. I am the lead attorney in my firm's Lumpkin, Georgia office.
3. For the past six months, Mr. Rodney Montoya has been employed in our office. His duties include regularly assisting and interviewing individuals in the Stewart Immigration Court, located within the Stewart Detention Center located in Lumpkin, Georgia. The individuals he represents are most often detained in the Stewart Detention Center – a secure ICE/DHS detention center. He regularly meets with my clients inside the Detention Center via Skype, which requires he be cleared by Core Civic employees and by ICE.

4. Further, he recently was lead counsel in an asylum hearing that was conducted in the Stewart Immigration Court. This required security clearance and approval of ICE, CoreCivic and the Executive Office of Immigration Review.
5. Mr. Montoya also enters the Stewart Immigration Court on almost a weekly basis to deliver documents to the court on behalf of the firm, which also requires that he be cleared by CoreCivic and the Executive Office of Immigration Review.
6. Our firm represented Mr. Montoya in his immigration case prior to him coming to work for our firm. Due to his fact that ICE maintained that he was convicted of an aggravated felony, he was not eligible to apply for asylum but we obtained Deferral of Removal in his case.
7. ICE, CoreCivic and the Executive Office of Immigration Review, are all aware of Mr. Montoya's criminal and immigration history but have allowed Mr. Montoya to enter the Stewart Detention Center and the Stewart Immigration Court.
8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 10, 2020.



Martin M. Rosenbluth, Esq.