

EXHIBIT A

Scheffey, Adrienne (Assoc-Den)

From: Andrew Free <andrew@immigrantcivilrights.com>
Sent: Monday, December 2, 2019 1:33 PM
To: Barnacle, Colin (Ptnr-Den)
Cc: Lydia Wright; Novoa - External; Scheffey, Adrienne (Assoc-Den)
Subject: Re: Novoa v. GEO - deposition notice

Colin:

Thanks for this update on GEO's position. Mr. Zoley is well-aware of the personal role he played not only in requesting ICE's intervention in this case and others, but also in his personal lobbying efforts with City of Adelanto officials for them to end the City's Inter-Governmental Services Agreement with ICE. So are we. Plaintiffs did not choose to personally involve Mr. Zoley in these matters, GEO did. As such, his testimony is essential, and the *Apex* doctrine does not apply.

I suggest the parties are at an impasse regarding the Zoley Deposition. GEO should move forward in seeking its protective order.

Best regards,

Andrew



Tel: (844) 321-3221 Fax: (615) 829-8959

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Licensed to Practice in Tennessee

On Mon, Dec 2, 2019 at 3:02 PM <colin.barnacle@akerman.com> wrote:

Lydia,

Circling back to George Zoley's deposition notice. Thanks for the additional detail. We have reviewed the portions of the depositions you cited, and Exhibit 15, and do not believe either support a deposition of Mr. Zoley, nor do they demonstrate the required *Apex* doctrine factors. Exhibit 15 is a letter from George Zoley asking for an equitable adjustment related to the "out-of-scope" costs in defending the VWP. It appears the question Plaintiffs sought to have answered in Mr. Venturella's deposition was whether there was any follow-up to the letter sent by Mr. Zoley. The relevant portion of Mr. Venturella's deposition is as follows:

Q. Okay, were you involved in the April 18th updated individual requests for equitable adjustments out of Adelanto, Aurora and Tacoma that is reflected in this letter?

A. No.

Q. Okay, did you know that those updated individual requests for equitable adjustments had been submitted to ICE on behalf of GEO?

A. I was not aware of their submittal, but aware - I was aware that they were being prepared.

Q. Okay, and how did you know that?

A. With counsel.

Q. Okay, have you had any communications with anyone at ICE about this letter? I know you haven't seen it before today, but --

A. No.

Q. Okay.

A. Excuse me.

Q. That's all right. And do you know if anybody else at GEO has followed up on this May 30th letter?

A. I do not.

While Mr. Venturella did not know if there was a follow-up to Exhibit 15, the attached document beginning with bates number ICE-FOIA2018_0004006, which was produced in this litigation, contains the answer to Plaintiffs' question. Therefore, Plaintiffs already have the response to their outstanding question and it would be improper to seek the same redundant information from Mr. Zoley. Beyond this document, the few references in Mr. Venturella's deposition to Mr. Zoley are related to his attendance at meetings Mr. Venturella also attended. None of those meetings were described as "related to ICE's oversight" of the Adelanto Facility, or any facility for that matter, or to the claims in this matter. Moreover, as Mr. Venturella was present for those meetings, he was able to testify about them based upon his personal experience. Thus, Plaintiffs had the opportunity to obtain the information they required through Mr. Venturella's deposition. Further, from our review, neither Mr. Janecka nor Mr. Ragsdale mentioned Mr. Zoley at all in their depositions.

As you know, Mr. Zoley cannot be deposed without first establishing that he has unique firsthand knowledge and also that there is no less intrusive discovery method. Other than the first paragraph in your email below – which we address above – you cite mere generalities, certainly a far cry from the *Apex* doctrine's requirements. As you know, the *Apex* doctrine requires more because "[v]irtually every court that has addressed deposition notices directed at an official at the highest level or 'apex' of corporate management has observed that such discovery creates a tremendous potential for abuse or harassment." *City of Sterling Heights Gen. Employees' Ret. Sys. v. Prudential Fin., Inc.*, No. 212CV5275MCALDWDNJ, 2015 WL 9434782, at *2 (E.D. Cal. Dec. 24, 2015). Insofar as you claim Mr. Zoley has information about this litigation because of his conversations with counsel, or others in his company, "after-the-fact, derivative knowledge is neither unique nor derived from any firsthand, contemporaneous event." *Sale v. Merrill Lynch*, No. CV171904SJOMRWX, 2017 WL 10562586, at *1 (C.D. Cal. Nov. 29, 2017). The cursory references to Mr. Zoley in Mr. Venturella's deposition are insufficient to establish that Mr. Zoley's deposition should go forward, particularly where the information sought has already been produced or is available through less intrusive discovery methods. And, as noted above, you fail to provide any other specific information regarding Mr. Zoley that would even allow us to begin to meaningfully analyze your request under the *Apex* doctrine.

If you are able, please provide any additional information you'd like GEO to consider with regard to this notice. Otherwise, we will be forced to begin the process for obtaining a protective order from the Court.

Thanks.

Colin

Colin Barnacle

Partner

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202

D: 303 640 2534

colin.barnacle@akerman.com

From: Lydia Wright <lwright@burnscharest.com>

Sent: Thursday, November 7, 2019 11:11 AM

To: Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax)

<damien.delaney@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>

Cc: Novoa - External <Novoa-External@burnscharest.com>

Subject: Re: Novoa v. GEO - deposition notice

Counsel,

Please see the attached Notice of Deposition of George Zoley.

Mr. Zoley's deposition is proper based on his extensive, personal involvement in issues relating to this lawsuit and the contract for the Adelanto Facility. During their depositions this summer, GEO's executives introduced evidence of Mr. Zoley's direct involvement in GEO's efforts to defend against this litigation and to get ICE to do the same. Specifically, Plaintiffs would refer GEO to Exhibit 15 to the Venturella Deposition, as well as the testimony of Mr. Venturella regarding a meeting between Mr. Zoley and ICE in Washington, D.C. in February 2018.

Mr. Zoley's personal involvement in issues related to this litigation also include personal correspondence between Mr. Zoley and ICE officials regarding this lawsuit, personal discussions between Mr. Zoley and both ICE and City of Adelanto officials regarding the Adelanto contract, and Mr. Zoley's personal knowledge of discussions related to ICE's oversight of the Adelanto Facility which bear directly on the claims and defenses at issue in this case. Plaintiffs seek to depose Mr. Zoley on these and related topics about which he has unique, first-hand personal knowledge. His deposition and testimony are proper under the Federal and Central District of California rules and under the Apex doctrine.

Thanks,

Lydia A. Wright

Burns Charest LLP

365 Canal Street, Suite 1170

New Orleans, LA 70130

504.799.2845 main

504.881.1765 fax

From: "colin.barnacle@akerman.com" <colin.barnacle@akerman.com>
Date: Tuesday, October 29, 2019 at 2:23 PM
To: Lydia Wright <lwright@burnscharest.com>, "damien.delaney@akerman.com" <damien.delaney@akerman.com>, "adrienne.scheffey@akerman.com" <adrienne.scheffey@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>
Subject: RE: Novoa v. GEO - deposition notice

Lydia –

GEO objects to any notice and taking of George Zoley's deposition under the *Apex* doctrine. You've provided zero information regarding the nature and purpose of his deposition. At a minimum, we need to know what topics of information you think Mr. Zoley has any unique personal knowledge of and the less intrusive methods you've exhausted for such information.

And while we do not believe you will be able to make a proper showing to take Mr. Zoley's deposition at any time, just so you know, he is not available at all in December and if his deposition is ever ordered by the court, it would need to take place in Boca Raton, Florida.

I look forward to any additional information you can provide so we can make an attempt to reasonably consider your request.

Thanks.

Colin

Colin Barnacle

Partner

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202

D: 303 640 2534

colin.barnacle@akerman.com

Error! Filename not specified.

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From: Lydia Wright <lwright@burnscharest.com>
Sent: Monday, October 28, 2019 2:10 PM
To: Calhoun, Ashley (Assoc-Den) <ashley.calhoun@akerman.com>; Eby, Christopher (Assoc-Den) <christopher.eby@akerman.com>; Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax) <damien.delaney@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>
Subject: Novoa v. GEO - deposition notice

Counsel,

Plaintiffs intend to notice the deposition of George Zoley for December 6, 16, or 17 in Boca Raton, Florida.

Please advise by 5pm CST tomorrow (October 29) if you have a preference for the location or specific date of Mr. Zoley's deposition within the timeframe above. Otherwise, we'll select the date and location when we notice the deposition.

Thanks,

Lydia A. Wright

Burns Charest LLP

365 Canal Street, Suite 1170

New Orleans, LA 70130

504.799.2845 main

504.881.1765 fax

EXHIBIT B

May 30, 2018

Peter Edge
Acting Deputy Director
Immigration and Customs Enforcement
Office of the Director
500 12th Street, SW
Washington, DC 20536

JUN 0 1 2018

GEO
The GEO Group, Inc.
Corporate Headquarters
One Park Place, Suite 700
621 Northwest 53rd Street
Boca Raton, Florida 33487

TEL: 561 999 7304
FAX: 561 999 7738
www.geogroup.com
gzoley@geogroup.com

Dear Deputy Director Edge:

- On February 14, 2018, GEO submitted a Request for Equitable Adjustment in the amount of (b)(4) related to out-of-scope costs in defending ICE Policy providing (b)(4) per day payment to detainee workers. The ICE Policy is alleged to be in violation of state minimum wage laws in class action lawsuits filed by the Plaintiffs: State of Washington; former Aurora, Colorado detainees; former Tacoma, Washington detainees; and former Adelanto, California detainees.
- On April 18, 2018, GEO sent ICE updated individual Requests for Equitable Adjustments for Aurora, Colorado; Adelanto, California; and Tacoma, Washington ICE Facilities totaling (b)(4)
- As of May 24, 2018, the legal total expenses have increased to (b)(6)
- We are deeply alarmed at the rapidly increasing costs in defending these lawsuits without reimbursement from ICE, or assistance in their defense by the Department of Justice (DOJ).
- Continued defense of these lawsuits is likely to cost \$15-20 million with an expense of tens of millions in the event of a final negative ruling by the courts.
- We have conducted an estimation of the costs necessary to achieve compliance with the Plaintiffs.

(b)(4)

- We urgently implore DOJ to take over the defense of these lawsuits and reimburse GEO for its costs.

(b)(6) (b)(7)(C)

Chairman and CEO

DV
#15

ICE-FOIA2018_0001357

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 EASTERN DIVISION

4 CIVIL ACTION NO. 5:17-cv-02514-JGB

5 RAUL NOVOA and JAIME CAMPOS FUENTES,
6 individually and on behalf of all
7 others similarly situated,

8 Plaintiffs,

9 vs.

10 THE GEO GROUP, INC.,

11 Defendant,

12 _____/

13 VIDEOTAPED DEPOSITION OF DAVID J. VENTURELLA

14 VOLUME I, PAGES 1-146

15 THURSDAY, JUNE 13th, 2019
16 515 EAST LAS OLAS BOULEVARD, SUITE 1200
17 FORT LAUDERDALE, FLORIDA
18 9:03 a.m. - 5:40 p.m.

19
20
21
22 STENOGRAPHICALLY REPORTED BY:
23 VALERIE LEHTO, REGISTERED PROFESSIONAL REPORTER
24 NOTARY PUBLIC, STATE OF FLORIDA
25 ESQUIRE DEPOSITION SERVICES
FORT LAUDERDALE OFFICE

1 APPEARANCES :

2 APPEARING ON BEHALF OF THE PLAINTIFFS:

3 BURNS, CHAREST, LLP.
4 BY: DANIEL H. CHAREST, ESQUIRE.
5 BY: LYDIA A. WRIGHT, ESQUIRE.
6 365 CANAL STREET, SUITE 1170
7 NEW ORLEANS, LOUISIANA 70130
8 (504) 799-2845
9 dcharest@burnscharest.com
10 lwright@burnscharest.com

11 LAW OFFICE OF R. ANDREW FREE.
12 BY: R. ANDREW FREE, ESQUIRE.
13 BY: HENRIETTE VINET-MARTIN, ESQUIRE.
14 2004 8th AVENUE SOUTH
15 NASHVILLE, TENNESSEE 37204
16 (844) 321-3221
17 andrew@immigrantvivilrights.com

18 APPEARING ON BEHALF OF THE DEFENDANT:

19 HOLLAND & KNIGHT.
20 BY: J. MATTHEW DONOHUE, ESQUIRE.
21 BY: SHANNON L. ARMSTRONG, ESQUIRE.
22 111 SOUTHWEST FIFTH AVENUE
23 2300 U.S. BANCORP TOWER
24 PORTLAND, OREGON 97204
25 (503) 517-2913
shannon.armstrong@hkllaw.com
matt.donohue@hkllaw.com

26 ALSO PRESENT: FRANCES E. SIMKINS
27 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
28 DON SAVOY/VIDEOGRAPHER

1 When is the most recent time you visited
2 Adelanto?

3 A. I think in February of this year.

4 Q. What brought you there?

5 A. We had a series of visits scheduled throughout
6 the State of California and so we had just stopped by,
7 visited, said - said hello to our folks and just toured
8 around that facility as well as the Desert View
9 facility.

10 Q. Who's we?

11 A. Myself, George Zoley, Kyle Schiller who is an
12 employee of the Operations Division, I think John
13 Christakis who's our Chief Medical Officer, our Regional
14 Vice-President. There may have been a few other people
15 that attended as well.

16 Q. Is the Regional Vice-President James Black?

17 A. No.

18 Q. Who is that?

19 A. That is Paul Laird, L-a-i-r-d.

20 Q. Thanks.

21 Is that a regular occurrence or an annual
22 occurrence where you go and tour these facilities or was
23 there some special reason why you were going there in
24 February of this year?

25 A. As I stated, we had other meetings scheduled

1 throughout the state and so since we were in - in the
2 State of California we decided to make that - that trip
3 out there.

4 Q. How many times had you been there before going
5 in February?

6 A. I would say at least once annually again
7 mostly to - to visit because we've had meetings or
8 conferences out there and so it's always good when
9 you're in the area to stop by, say hello, see how things
10 are going.

11 Q. If I understand the timeline of your
12 employment and the existence of Adelanto correctly, you
13 would not have been at DHS when GEO was operating
14 Adelanto, you would not have visited as a DHS official;
15 is that right?

16 A. Correct. I did not visit --

17 Q. Okay.

18 A. -- that facility.

19 Q. And so every visit that you've taken has been
20 in your employment with GEO?

21 A. To Adelanto?

22 Q. Yes, sir.

23 A. Correct.

24 Q. Okay. Great.

25 How long did you spend there?

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 EASTERN DIVISION

4 CIVIL ACTION NO. 5:17-cv-02514-JGB

5 RAUL NOVOA and JAIME CAMPOS FUENTES,
6 individually and on behalf of all
7 others similarly situated,

8 Plaintiffs,

9 vs.

10 THE GEO GROUP, INC.,

11 Defendant,

12 _____/

13 VIDEOTAPED DEPOSITION OF DAVID J. VENTURELLA

14 VOLUME II, PAGES 147-315

15 THURSDAY, JUNE 13th, 2019
16 515 EAST LAS OLAS BOULEVARD, SUITE 1200
17 FORT LAUDERDALE, FLORIDA
18 9:03 a.m. - 5:40 p.m.

19
20
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24 NOTARY PUBLIC, STATE OF FLORIDA
25 ESQUIRE DEPOSITION SERVICES
FORT LAUDERDALE OFFICE

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2 APPEARING ON BEHALF OF THE PLAINTIFFS:

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5 BY: LYDIA A. WRIGHT, ESQUIRE.
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8 (504) 799-2845
9 dcharest@burnscharest.com
10 lwright@burnscharest.com

11 LAW OFFICE OF R. ANDREW FREE.
12 BY: R. ANDREW FREE, ESQUIRE.
13 BY: HENRIETTE VINET-MARTIN, ESQUIRE.
14 2004 8th AVENUE SOUTH
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16 (844) 321-3221
17 andrew@immigrantvivilrights.com

18 APPEARING ON BEHALF OF THE DEFENDANT:

19 HOLLAND & KNIGHT.
20 BY: J. MATTHEW DONOHUE, ESQUIRE.
21 BY: SHANNON L. ARMSTRONG, ESQUIRE.
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24 PORTLAND, OREGON 97204
25 (503) 517-2913
shannon.armstrong@hkllaw.com
matt.donohue@hkllaw.com

ALSO PRESENT: FRANCES E. SIMKINS
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DON SAVOY/VIDEOGRAPHER

1 Q. Okay, have you had any communications with
2 anyone at ICE regarding the voluntary work program that
3 GEO operates at the Adelanto Detention Center?

4 A. Not for the Adelanto Detention Facility, no.

5 Q. Have you had any communications, lawyers or no
6 from ICE outside the presence of your counsel about the
7 voluntary work program lawsuits at other facilities?

8 A. We've had -- Yes. We've had communications
9 with ICE about the - the other lawsuits.

10 Q. Who's we?

11 A. I'm sorry. That would be myself, John Bulfin,
12 George Zoley, Amber Martin and Louis Carrillo.

13 Q. With whom at ICE did you speak?

14 A. We spoke to Tom Homan, Tom Blank, Mike Davis,
15 Mike Davidson and there was other individuals present,
16 but I don't recall who they were.

17 Q. Was this one meeting or more than one meeting?

18 A. That was one meeting.

19 Q. What is Thomas Homan's position at ICE at the
20 time that you had these conversations?

21 A. He was the Acting Director or Acting
22 Secretary. I'm not sure which was --

23 Q. For Immigration and Customs Enforcement?

24 A. Correct.

25 Q. How about Mr. Blank?

1 A. He was the Chief of Staff.

2 Q. When did that meeting occur?

3 A. Sometime in 2018.

4 Q. Where did it occur?

5 A. At the ICE headquarters.

6 Q. In Washington D.C.?

7 A. I'm sorry. In Washington D.C.

8 Q. What was the purpose of that meeting?

9 A. To discuss our request for an equitable
10 adjustment regarding the legal expenses defending the
11 lawsuits regarding the voluntary work program that -
12 the violation of the trafficking laws.

13 Q. Anything else?

14 A. At that meeting?

15 Q. Yes, sir.

16 A. No. It was the primary focus of the meeting.

17 Q. Were there any secondary focuses?

18 A. Not that I recall.

19 Q. Were there any meetings after that meeting
20 that you had with any official at ICE?

21 A. Regarding this lawsuit?

22 Q. Yes, sir.

23 A. No.

24 Q. Or these - the voluntary work program
25 litigation?

1 THE VIDEOGRAPHER: We are going off the video
2 record 2:24 p.m.

3 (Whereupon, there was a brief recess observed)

4 THE VIDEOGRAPHER: We are back on the video
5 record 2:39 p.m.

6 BY MR. FREE:

7 Q. Mr. Venturella, I'm going to hand you an
8 exhibit that we're marking as Number Fifteen.

9 (Whereupon, Exhibit 15 was marked)

10 BY MR. FREE:

11 Q. Have you seen this document before?

12 A. I have not.

13 Q. It appears to be a letter from Chairman and
14 CEO George Zoley of The GEO Group to Pete Edge, Acting
15 Deputy Director of ICE dated May 30th regarding the
16 equitable adjustment request that you sent on
17 February 14th, 2018. Have I accurately characterized
18 what this letter looks like?

19 A. Yes.

20 Q. This is following up on your 20 - your letter
21 of February 14th, right?

22 A. Yes.

23 Q. Okay, were you involved in the April 18th
24 updated individual requests for equitable adjustments
25 out of Adelanto, Aurora and Tacoma that is reflected in

1 this letter?

2 A. No.

3 Q. Okay, did you know that those updated
4 individual requests for equitable adjustments had been
5 submitted to ICE on behalf of GEO?

6 A. I was not aware of their submittal, but
7 aware - I was aware that they were being prepared.

8 Q. Okay, and how did you know that?

9 A. With counsel.

10 Q. Okay, have you had any communications with
11 anyone at ICE about this letter? I know you haven't
12 seen it before today, but --

13 A. No.

14 Q. Okay.

15 A. Excuse me.

16 Q. That's all right.

17 And do you know if anybody else at GEO has
18 followed up on this May 30th letter?

19 A. I do not.

20 Q. I'm going to show you Sixteen, Exhibit Sixteen
21 now.

22 (Whereupon, Exhibit 16 was marked)

23 BY MR. FREE:

24 Q. This appears to be a letter dated June 21st,
25 2018 from U.S. Immigration and Customs Enforcement to

EXHIBIT D

From: (b)(6);(b)(7)(C)
Sent: 23 Jul 2018 22:29:25 +0000
To: (b)(6);(b)(7)(C)
Cc:
Subject: VWP - for your situational awareness
Attachments: HSCEDM-11-D-00003_Aurora_Response to REA.PDF, HSCEDM-15-D-00015_NWDC_Response to REA.PDF, EROIGSA-11-0003_Adelanto_Response to REA.PDF, Signed Response to GEO from Peter Edge v2 (003) R1.pdf

(b)(6);(b)(7)(C)

For your situational awareness, attached are the final REA response letters that were sent to GEO and the final signed letter from Pete Edge which was also sent out. You can just keep these for your records. (Can't recall if I had shared these before).

Best,

(b)(6);(b)(7)(C)

Associate Legal Advisor
Commercial and Administrative Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Tel: (202) 732- (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

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Office of Acquisition Management
U.S. Department of Homeland Security
801 I Street NW 9th Floor
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

June 21, 2018

The GEO Group, Inc.

(b)(6);(b)(7)(C) Executive VP, Contract Admin

One Park Place, Suite 700

621 Northwest 53rd Street

Boca Raton, Florida 33487

Subject: Denial of Request for Equitable Adjustment for Contract No. HSCEDM-11-D-00003 Aurora Contract Detention Facility, CO dated April 18, 2018

Dear (b)(6);(b)(7)(C)

(b)(5)

(b)(5)

Based on the above, GEO's REA is denied in its entirety. As a threshold matter, GEO has failed to show its entitlement to such a modification under the contract terms or applicable laws and regulations. Additionally, GEO has failed to address the reasonableness or provide adequate supporting data for the quantum sought. While the government denies this REA in its entirety, please note that disputes under this contract are governed by the FAR 52.233-1 - Disputes and the Contract Disputes Act (41 U.S.C. §§ 7101-7109).

If you have any questions regarding this matter, please contact me at (202) 732-(b)(6);(b)(7)(C) by email at (b)(6);(b)(7)(C)

Very Respectfully,

(b)(6);(b)(7)(C)

Contracting Officer

Office of Acquisition Management

U.S. Department of Homeland Security
24000 Avila Road, Suite 3104
Laguna Niguel, CA 92677



U.S. Immigration
and Customs
Enforcement

June 21, 2018

The GEO Group, Inc.

(b)(6);(b)(7)(C) Executive VP, Contract Admin
One Park Place, Suite 700
621 Northwest 53rd Street
Boca Raton, Florida 33487

Subject: Denial of Request for Equitable Adjustment for Contract no. HSCEDM-15-D-00015, Northwest Detention Center dated April 18, 2018

Dear Ms. (b)(6);(b)(7)(C)

(b)(5)

(b)(5)



Based on the above, GEO's REA is denied in its entirety. As a threshold matter, GEO has failed to show its entitlement to such a modification under the contract terms or applicable laws and regulations. Additionally, GEO has failed to address the reasonableness or provide adequate supporting data for the quantum sought. While the government denies this REA in its entirety, please note that disputes under this contract are governed by FAR 52.233-1 - Disputes and the Contract Disputes Act (41 U.S.C. §§ 7101-7109).

If you have any questions regarding this matter, please contact me at (949) 425-(b)(6); or by email at (b)(6);(b)(7)(C)

Thank you,

Very Respectfully,

(b)(6);(b)(7)(C)

Contracting Officer

Office of Acquisition Management

U.S. Department of Homeland Security
24000 Avila Road, Suite 3104
Laguna Niguel, CA 92677



U.S. Immigration
and Customs
Enforcement

June 21, 2018

The GEO Group, Inc.

(b)(6);(b)(7)(C) Executive VP, Contract Admin

One Park Place, Suite 700
621 Northwest 53rd Street
Boca Raton, Florida 33487

(b)(6);(b)(7)(C)

Acting City Manager
City for Adelanto
10400 Rancho Road
Adelanto, CA 92301

Subject: Denial of Request for Equitable Adjustment for IGSA No. EROIGSA-11-0003 Adelanto Detention Facility, CA dated April 18, 2018

Dear Ms. (b)(6);(b)(7)(C) and Ms. (b)(6);(b)(7)(C)

(b)(5)

(b)(5)



Based on the above, GEO's REA is denied in its entirety. As a threshold matter, GEO has failed to show its entitlement to such a modification under the IGSA terms or applicable laws and regulations. Additionally, GEO has failed to address the reasonableness or provide adequate supporting data for the quantum sought. While the government denies this REA in its entirety, please note that disputes under this IGSA are governed by the Disputes Clause at Article X.C. and the Contract Disputes Act (41 U.S.C. §§ 7101-7109).

If you have any questions regarding this matter, please contact me at (949) 425-(b)(6) or by email at (b)(6);(b)(7)(C)

Thank you,

Very Respectfully,

(b)(6);(b)(7)(C)

Contracting Officer

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

July 9, 2018

The GEO Group, Inc.
(b)(6);(b)(7)(C) Chairman and CEO
One Park Place, Suite 700
621 Northwest 53rd Street
Boca Raton, Florida 33487

Subject: Response to May 30, 2018 letter from The GEO Group

Dear Mr. (b)(6);(b)(7)(C)

I am in receipt of your letter dated May 30, 2018, regarding requests for equitable adjustment. The GEO Group (GEO) submitted to Immigration and Customs Enforcement (ICE) on February 14, 2018. Your May 30 letter also includes statements regarding legal expenses and potential expenses GEO has or may incur defending itself in litigation, along with potential costs to detention contracts GEO has with ICE. Your letter also "implores" the Department of Justice to defend GEO in its current voluntary work program litigation and reimburse GEO for litigation expenses incurred.

On June 21, 2018, the respective ICE contracting officers responded and denied all three of GEO's requests for equitable adjustment. As a courtesy, I have attached copies of ICE's responses to GEO. Regarding your statement about the Department of Justice, it is my understanding that ICE has provided GEO with the appropriate Department of Justice points of contact and you are free to reach out to them and discuss your concerns.

Thank you for keeping ICE apprised of the ongoing litigation and the additional information you provided in your May 30 letter.

As always, we appreciate your continued partnership as an ICE contractor.

Sincerely,

A handwritten signature in blue ink that reads "Peter T. Edge".

Peter T. Edge
Executive Associate Director, HSI and
Senior Official Performing the Duties of
the Acting Deputy Director

EXHIBIT E

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16 Attorneys for Defendant
17 THE GEO GROUP, INC.

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

20 RAUL NOVOA, JAIME CAMPOS
21 FUENTES, ABDIAZIZ KARIM, and
22 RAMON MANCIA, individually and on
23 behalf of all others similarly situated,

24 Plaintiffs,

25 vs.

26 THE GEO GROUP, INC.,

27 Defendant.

28 THE GEO GROUP, INC.,

Counter-Claimant,

vs.

RAUL NOVOA, JAIME CAMPOS
FUENTES, ABDIAZIZ KARIM, and
RAMON MANCIA, individually and on
behalf of all others similarly situated,

Counter-Defendant.

Case No. 5:17-cv-02514-JGB-SHK

Assigned to Hon. Jesus G. Bernal and
the Honorable Shashi H. Kewalramani

DISCOVERY MATTER

**DEFENDANT THE GEO GROUP,
INC.'S NOTICE OF MOTION
AND MOTION FOR
PROTECTIVE ORDER**

TAC Filed: September 16, 2019
SAC Filed: December 24, 2018
FAC Filed: July 6, 2018
Complaint Filed: December 19, 2017
Trial Date: June 23, 2020

DECLARATION OF GEORGE C. ZOLEY

I, George C. Zoley, hereby declare:

1. I am the Founder, Chairman of the Board, and Chief Executive Officer of The GEO Group, Inc. ("GEO"). I have personal knowledge of the matters set forth herein.

2. As Chairman and CEO of GEO, I manage GEO's overall corporate operations and play a central role in corporate-level decisions. Because of the high-level nature of my responsibilities, I play no role in the day-to-day operations of GEO's detention facilities.

3. In particular, I play no role in the day-to-day operations of the Adelanto ICE Processing Center (the "Adelanto Facility") at issue in this litigation. I play no role in the day-to-day operations of the Adelanto Facility's housekeeping and sanitation policies or of the Adelanto Facility's Voluntary Work Program. These day-to-day responsibilities are instead carried out by lower-level GEO officers and employees.

4. Because I play no role in the day-to-day operations of the Adelanto Facility, any information that I possess about that facility (including the oversight of that facility by U.S. Immigration and Customs Enforcement ("ICE")) is provided to me by subordinate GEO officers or employees, usually by senior- or executive-level vice-presidents. I have no personal knowledge of the day-to-day operations of the Adelanto Facility, except for the occasional visits I have made to the site. During those visits, I have always been accompanied by other GEO officers or employees who would share any first-hand knowledge that I acquired during those visits.

5. In May 2011, ICE entered into an intergovernmental service agreement ("IGSA") with the City of Adelanto to house detainees, and the City contracted with GEO that same month to carry out the IGSA.

6. The City of Adelanto notified ICE and GEO on March 27, 2019, that it would be terminating its contract with ICE effective June 2019. ICE then entered into

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1 a contract directly with GEO on June 25, 2019, to continue operating the Adelanto
2 Facility.

3 7. To the best of my recollection, I met on one occasion with officials from
4 the City of Adelanto to discuss the potential termination of the IGSA for the Adelanto
5 Facility. On that occasion, at least one other GEO employee or officer was present for
6 the meeting and could testify to what was said during that meeting. Other than that one
7 meeting, I am aware of no other communications between me and officials from the
8 City of Adelanto related to the termination of the IGSA.

9 8. In light of the significant cost to GEO associated with defending against
10 this lawsuit and others like it across the country challenging the operation of the
11 Voluntary Work Program, I recall meeting once with officials from ICE to request an
12 equitable adjustment to our contracts relating to the detention facilities at issue in these
13 lawsuits, during which other GEO officers or employees were present who could testify
14 to what was said. To the best of my recollection, I have never had any communications
15 with ICE relating to this litigation in which another GEO officer or employee was not
16 present (in the case of any meeting) or directly involved (in the case of any written
17 communication).

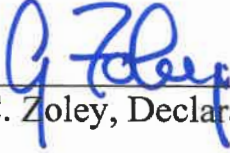
18 9. In sum, I do not possess any unique knowledge about the day-to-day
19 operation of the Adelanto Facility (including its Voluntary Work Program and
20 housekeeping and sanitation policies), GEO's communications with City of Adelanto
21 officials regarding the termination of the Adelanto IGSA, or GEO's communications
22 with ICE regarding this litigation. Any knowledge I have about these topics would
23 likewise be known by lower-level GEO officers or employees who participated in each
24 of these communications. And, were I to be called to sit for a deposition, it would
25 extremely burdensome given my preexisting obligations and schedule.

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1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct and that I executed this Declaration on the 10th
3 day of December, 2019, in Boca Raton, Florida.

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5 
George C. Zoley, Declarant

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