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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

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

v.

THE GEO GROUP, INC.,
Defendant.

Civil Action No. 5:17-cv-02514-JGB-SHKx

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

1 The Court has reviewed Plaintiffs’ Motion for Temporary Restraining Order and
2 Memorandum of Points and Authorities in Support Thereof, all supporting exhibits and
3 declarations and any response filed by Defendants. Based on that review, the Court finds
4 that immediate injunctive relief in the form of a temporary restraining order should be
5 issued. In particular, the Court finds as follows:

6 1. COVID-19 is a disease that has reached pandemic status. It spreads easily
7 from person to person. The Court adopts and incorporates its discussion of the threat
8 posed by COVID-19 as set forth in *Hernandez v. Wolf*, No. 5:20-cv-00617-TJH (KS)
9 (C.D. Cal. Apr. 1, 2020). Based on the facts in that record (of which the Court takes
10 judicial notice) and the facts set forth in the record here by Plaintiffs’ the Court finds
11 that Plaintiffs are likely to succeed on the merits of their claim that Plaintiffs face
12 imminent and irreparable harm from participating in the Housing Unit Sanitation Policy
13 (“HUSP”) program without sufficient protective safeguards and equipment in light of
14 the exceptional risks posed by COVID-19.

15 2. Plaintiffs are likely to suffer irreparable harm in the absence of the issuance
16 of a temporary restraining order. Plaintiffs are Class Members¹ who provide janitorial
17 and other work services at Defendant’s detention facilities. By participating in the
18 HUSPs, Class Members risk illness and death since they perform those services without
19 personal protective equipment or sufficient disinfectant and sanitary supplies. Being
20
21

22 ¹ Class Members include any person who is (a) civilly detained at any GEO immigration detention
23 center in the United States and (b) subject to a GEO Housing Unit Sanitation Policy (HUSP) at any
24 point during their detention excluding (1) individuals detained in GEO’s family residential detention
25 facility in Karnes City, Texas; (2) individuals detained in the Alexandria Staging Facility in Alexandria,
26 Louisiana; (3) any individual detained in the custody of the U.S. Marshall or any other law
enforcement agency at a GEO facility where the company also detains civil immigration detainees
pursuant to contracts with ICE; and (4) civilly detained immigrants detainees held at the Aurora ICE
Processing Center in Aurora, Colorado at any time before October 22, 2014. Dkt. No. 229 at 2.

1 required to clean those facilities, in particular the common areas where detainees gather
2 and interact, nearly guarantees exposure to COVID-19.

3 And the potential threat of contracting COVID-19 constitutes irreparable harm.
4 Class Members include older adults and people with underlying medical conditions that
5 increase their likelihood of severe illness or death if they contract COVID-19. Those
6 patients in high-risk categories who do not die from COVID-19 should expect a
7 prolonged recovery, including the need for extensive rehabilitation. For these reasons,
8 public health experts have concluded that people with these characteristics in
9 institutional settings such as immigration detention centers are at grave risk of severe
10 illness and death.

11 The risk of irreparable harm likewise exists for those Class Members who do not
12 possess underlying conditions which make them especially vulnerable to COVID-19.
13 According to the U.S. Centers for Disease Control and Prevention, COVID-19 creates
14 serious illness in 16% of all cases, and 38% of those hospitalized for COVID-19 have
15 been people between 20–54 years old.

16 3. The balance of equities also favors injunctive relief. Class Members face
17 the risk of serious illness or death from COVID-19. By contrast, if GEO must find other
18 workers, or provide additional supplies and PPE to the Class Members who participate
19 in the HUSP, it will suffer only a monetary impact in terms of higher costs. A balancing
20 of the health and welfare, including potential death, of Class Members against increased
21 expenditures for GEO results in a finding that supports injunctive relief.

22 4. Finally, injunctive relief is in the public interest. Protecting public health
23 and safety is clearly in the public interest. Movants seek injunctive relief to prevent the
24 spread of a pandemic. The relief requested will benefit everyone who lives or works in
25 GEO's facilities. This factor supports injunctive relief.

1 Therefore, the Court finds that Plaintiff's Motion for Temporary Restraining
2 Order should be, and hereby is GRANTED. The Court hereby ORDERS THAT:

3
4 _____ Defendant GEO shall immediately halt the use of any in the provision of
5 work or services under the HUSP.

6 or

7 _____ Defendant GEO shall equip those Class Members who provide HUSP
8 services with protective clothing and antiseptic supplies in accordance with
9 the Centers for Disease Control and Prevention, *Interim Guidance on*
10 *Management of Coronavirus Disease 2019 (COVID-19) in Correctional and*
11 *Detention Facilities*, and conduct weekly testing of all Class Members who
12 participate in the HUSP to detect and protect against the threat of death
13 or serious illness from COCIV-19.

14
15 The Court finds that this order should issue without the need for Plaintiffs to post
16 any security or bond. The Court also finds issuance of this order on an *ex parte* basis is
17 justified based on the representation by Plaintiffs that they informed counsel for
18 Defendants of the substance of their Application for a temporary restraining order
19 requiring COVID-19 prevention measures for Cationwide HUSP class by email on
20 March 18, 2020 and by phone on April 6, 2020 but counsel for defendants could not
21 state whether they oppose the filing of the Application.

22
23 Issued at ____ am/pm, this ____ day of April, 2020.

24
25 _____
26 UNITED STATES DISTRICT JUDGE

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behalf of all others similarly situated,
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v.

THE GEO GROUP, INC.,
Defendant.

Civil Action No. 5:17-cv-02514-JGB-SHKx

**[PROPOSED] ORDER TO SHOW
CAUSE**

1 Upon review of Plaintiffs’ Motion for Temporary Restraining Order and
2 Memorandum of Points and Authorities in Support Thereof, all supporting exhibits and
3 declarations and any response filed by Defendants the Court HEREBY ORDERS:

4 1. Defendant is ordered to show cause before this Court why a preliminary
5 injunction should not issue requiring:

6 a. The immediate halt of the use of Class Members¹ in the provision of work
7 or services under the HUSP, or

8 b. Defendant to equip those Class Members who provide HUSP services with
9 protective clothing and antiseptic supplies, and to conduct weekly testing
10 of all such Class Members to detect and protect against the threat of death
11 or serious illness from Coronavirus Disease 2019 (“COVID-19”).

12 2. The hearing on the order to show cause will be held on _____ at
13 _____.

14
15 DATED: _____

16
17 _____
18 UNITED STATES DISTRICT JUDGE
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22 _____
23 ¹ Class Members include any person who is (a) civilly detained at any GEO immigration detention
24 center in the United States and (b) subject to a GEO Housing Unit Sanitation Policy (HUSP) at any
25 point during their detention excluding (1) individuals detained in GEO’s family residential detention
26 facility in Karnes City, Texas; (2) individuals detained in the Alexandria Staging Facility in Alexandria,
Louisiana; (3) any individual detained in the custody of the U.S. Marshall or any other law
enforcement agency at a GEO facility where the company also detains civil immigration detainees
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