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22 THE GEO GROUP, INC.

23 **UNITED STATES DISTRICT COURT**

24 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

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

Plaintiff,

vs.

THE GEO GROUP, INC.,

Defendant.

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

The Honorable Jesus G. Bernal

**DEFENDANT GEO GROUP,
INC.'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
EXPEDITED DISCOVERY**

Hearing Date: May 4, 2020
Hearing Time: 9:00 am

TAC Filed: September 16, 2019
SAC Filed: December 24, 2018
FAC Filed: July 6, 2018
Comp. Filed: December 19, 2017
Trial Date: February 2, 2021

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1 **I. INTRODUCTION**

2 Defendant GEO Group, Inc. ("GEO") hereby submits the following Opposition
3 to Plaintiffs' Motion for Expedited Discovery. The Motion is improper on se several
4 grounds and should be denied.

5 GEO's Opposition seeks to prevent a clear abuse of the discovery process. First,
6 Plaintiffs did not properly submit this matter to the magistrate judge assigned to
7 adjudicate discovery matters in this case, as required by the Standing Order applicable
8 to this case. Second, even if Plaintiffs *had* put the matter properly before the magistrate
9 judge, Plaintiffs failed to meet and confer GEO's counsel before filing its unilaterally-
10 noticed Motion, as required by local rules.

11 For these reasons, Plaintiff's Motion for Expedited Discovery should be denied.
12 To the extent that the Court is inclined to consider the Motion, GEO requests the ability
13 to object to the substance of the requests, which have not been served on GEO.

14
15 **II. LEGAL ARGUMENT**

16 **A. PLAINTIFFS FILED THE PRESENT MOTION WITHOUT**
17 **MEETING AND CONFERRING WITH DEFENSE COUNSEL IN**
18 **VIOLATION OF THE LOCAL RULES**

19 Local Rule 37-1 provides: "Before filing any motion relating to discovery under
20 F.Rs.Civ.P. 26-37, counsel for the parties must confer in a good-faith effort to
21 eliminate the necessity for hearing the motion or to eliminate as many of the disputes
22 as possible. It is the responsibility of counsel for the moving party to arrange for this
23 conference." Local Rule 37-2.4 goes on to state: *The Court will not consider any*
24 *discovery motion in the absence of a joint stipulation or a declaration from counsel...*
25 (emphasis added.)

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27 ///

1 The Court's mandate here is clear. Plaintiffs' counsel do not, and cannot, assert
 2 that they met and conferred regarding the discovery that they are seeking to have the
 3 Court order. Although the Motion refers to a "conference of counsel . . . which took
 4 place on April 6, 2020," nowhere does the Motion specify that this conference
 5 addressed discovery, much less the discovery that is the subject of this Motion. In fact,
 6 the conference was devoted to discussion among counsel for the Parties regarding
 7 Plaintiffs' Temporary Restraining Order, not the discovery requests that Plaintiffs have
 8 submitted to the Court.

9 Indeed, counsel for GEO was neither served with the discovery requests at
 10 issue, nor provided with a copy of them, prior to the filing of the Motion. This fact
 11 alone requires that the Motion be dismissed, as it was filed in direct contradiction to
 12 the Local Rules.

13 **1. The Deposition Was Unilaterally Noticed without Reasonable Notice.**

14 Further, Plaintiffs improperly and unilaterally noticed a Rule 30(b)(6)
 15 deposition covering twelve (12) topics on merely four days' notice (the deposition
 16 designated April 10, 2020 as the deposition date), without regard to GEO's (or its
 17 counsel's) availability, or the amount of time that GEO would need to prepare the
 18 designated witness and review and prepare for the noticed topics. See Civility and
 19 Professionalism Guidelines adopted by the United States District Court for the Central
 20 District of California ("We will consult other counsel regarding scheduling matters in
 21 a good faith effort to avoid scheduling conflicts."). Assuming that Plaintiffs' counsel
 22 genuinely seek to have the deposition proceed on the noticed date, Plaintiffs can
 23 hardly maintain that the notice provided for the deposition was "reasonable." Fed. R.
 24 Civ. Proc. 30(b)(1).

25 As a result, Plaintiffs' Expedited Discovery Motion should be denied in its
 26 entirety for its violation of Local Rules 37-1 and 37-2.4 and the general spirit of
 27 civility and professionalism of this Court.

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B. PLAINTIFFS' MOTION WAS IMPROPERLY SUBMITTED TO THIS COURT

Plaintiffs' Motion fails for an additional reason as well. Even if Plaintiffs' had met and conferred as required, and even if they had provided reasonable notice of the discovery, the Motion violated the established procedure for discovery disputes in this Court.

Pursuant to the Honorable Judge Jesus G. Bernal's Standing Order, all discovery matters must be brought before the Magistrate Judge, the Honorable Shashi Kewalramani, rather than this Court. Plaintiffs are well aware of the Court's procedure for handling discovery disputes, as counsel for the Parties have availed themselves of the Magistrate's services repeatedly in this case. Plaintiffs have expressly contravened this order and instead brought its discovery motion before the Court.

III. CONCLUSION

GEO respectfully requests that the Court deny Plaintiffs' Motion for Expedited Discovery in its entirety, and instead order the Parties to meet and confer and for Plaintiffs to properly submit this issue before the Magistrate Judge.

Dated: April 10, 2020

AKERMAN LLP

By: /s/ Michael L. Gallion
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THE GEO GROUP, INC.