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15 THE GEO GROUP, INC.

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

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

22 Plaintiff,

23 vs.

24 THE GEO GROUP, INC.,

25 Defendant.

26 THE GEO GROUP, INC.,

27 Counter-Claimant,

28 vs.

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

33 Counter-Defendant.

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

Assigned to Hon. Jesus G. Bernal

DECLARATION OF ALICIA Y. HOU IN SUPPORT OF DEFENDANT THE GEO GROUP, INC.'S EX PARTE APPLICATION TO EXTEND EXPERT REBUTTAL DEADLINE, DISCOVERY CUTOFF, DEADLINE TO FILE SUMMARY JUDGMENT MOTIONS, AND NON-DISCOVERY MOTION CUTOFF

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

1 **DECLARATION OF ALICIA Y. HOU**

2 I, ALICIA Y. HOU, declare as follows:

3 1. I am over 18 years of age and have personal knowledge of the facts and
4 circumstances set forth in this declaration, and if called upon to do so, I could and
5 would competently testify thereto.

6 2. I am an attorney licensed to practice law in the State of California. I am
7 an attorney with the law firm Akerman, LLP, attorneys of record for Defendant The
8 GEO Group, Inc. (GEO) in this action.

9 3. This declaration is made in support of GEO's Ex Parte Application to
10 Extend Expert Rebuttal Deadline, Discovery Cutoff, Deadline to File Summary
11 Judgment Motions, and Non-Discovery Motion Cutoff.

12 **Document Production**

13 4. There are tens of thousands of documents that need to be reviewed and if
14 responsive, produced in response to the numerous discovery requests Plaintiffs have
15 propounded. Specifically, Plaintiffs' discovery search terms have fielded over 32,000
16 potentially responsive documents.

17 **Written Discovery**

18 5. On July 15, 2020 Plaintiff Campos served thirteen interrogatories and
19 *fifty four* requests for admission.

20 6. On August 3, 2020, Plaintiff Mancina served four interrogatories and
21 thirteen requests for admissions. The deadline to respond to these requests is
22 September 2, 2020.

23 7. Also on August 3 and 4, 2020, Plaintiffs collectively served their third
24 and fourth sets of requests for production of documents (totaling twelve additional
25 requests for production of documents). Request No. 39 seeks all documents produced
26 by GEO in *two other pending class* actions, including *Menocal v. The GEO Group*,
27 which GEO has been litigating for six years and in which discovery closed on August
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1 14, 2020. The deadline to respond to these requests is September 2 and 3, 2020.
2 Attached hereto and incorporated herein as **Composite Exhibit 1** is a true and correct
3 copy of Plaintiffs' Third and Fourth Sets of Requests for Production of Documents.

4 8. Many of Plaintiffs' requests in the third and fourth sets of requests for
5 production seek documents that are maintained at twelve of GEO's facilities which
6 will require GEO's counsel to coordinate with each facility to obtain the records,
7 which efforts are exacerbated given the COVID-19 pandemic.

8 9. Plaintiffs still need to respond to GEO's Request for Production of
9 Documents, with responses due on August 31, 2020.

10 **Expert Discovery**

11 10. Plaintiffs disclosed three separate experts on August 17, 2020. GEO
12 disclosed on expert on August 17, 2020. At a minimum, there are four expert
13 depositions outstanding.

14 **Depositions**

15 11. Without accounting for expert depositions, there are also 6 other
16 depositions outstanding. The parties have scheduled a continued 30(b)(6) deposition
17 for September 3, 2020. Plaintiffs have noticed two additional depositions of fact
18 witnesses and two third parties. One of these depositions was noticed the day of this
19 filing, August 21, 2020, without any conferral as to GEO or the witness's availability.

20 12. On August 7, 2020, Plaintiffs served amended initial disclosures listing
21 additional witnesses GEO may seek to depose.

22 **Discovery Motions and Hearings**

23 13. Additionally, currently, Magistrate Kewalramani has ordered the parties
24 to be in "substantial compliance" with their discovery obligations by September 7,
25 2020 – a week before the discovery cutoff.¹

26
27
28 ¹ It is GEO's understanding that GEO's "substantial compliance" obligations deal solely with the First and Second Sets of Production.

1 14. Between July 23, 2020 and August 20, 2020, Plaintiffs have presented no
2 less than 19 discrete discovery issues—many of which were revivals of resolved
3 disputes—to GEO’s counsel demanding immediate attention otherwise they would
4 bring the issue before Magistrate Judge Kewalramani. Attached hereto and
5 incorporated herein as **Composite Exhibit 2** are true and correct copies of select e-
6 mails between Plaintiffs' counsel and GEO's counsel in support of same.

7 15. Additional discovery conference or conferral results in continual changes
8 to the scope of GEO’s production obligations.

9 16. The Parties did not reach final resolution of key discovery disputes until
10 earlier this month. Attached hereto and incorporated herein as **Exhibit 3** is a true and
11 correct copy of my August 6, 2020 e-mail to Plaintiffs' counsel confirming resolution
12 of when production could begin on key RFPs.

13 17. On Tuesday, August 18, 2020, Plaintiffs' counsel wrote to Magistrate
14 Judge Kewlaramani that they are concerned that given the short timeline, they are
15 going to be unable to review all documents produced after the September 7, 2020
16 substantial compliance deadline with sufficient time to identify deficiencies therein,
17 initial conferrals required under the local rules, and comply with the current deadline
18 for discovery deadlines. Attached hereto and incorporated herein as **Exhibit 4** is a
19 true and correct copy of Plaintiffs' counsel's August 18 e-mail to Magistrate
20 Kewalramani.

21 18. On August 20, 2020, Plaintiffs appeared before Magistrate Kewalramani
22 to resolve a discovery dispute concerning the third party deposition of the individual
23 Jessie Flores during which Plaintiffs raised for the first time new allegations and legal
24 claims.

25 **B. Plaintiffs’ Refusal to Agree to a Reasonable Extension**

26 19. On or about July 27, 2020 and July 31, 2020 during the conferral calls on
27 Plaintiffs’ Motion to Approve Class Notice Plan, GEO’s counsel raised the issue of
28

1 Plaintiffs’ late filing and proposed the parties stipulate to a trial continuance.
2 Plaintiffs’ counsel Mallory Biblo advised they were not interested in continuing any
3 dates.

4 20. On August 14, 2020, during a discovery hearing before Magistrate
5 Kewalramani, Plaintiffs again expressed firmly they were not interested in a
6 continuance of any dates.

7 21. On August 21, 2020, when conferring with counsel about continuing the
8 dates that are subject of this application so as to obviate the need for this ex parte
9 application, Plaintiffs’ counsel again refused to an extension of dates. Attached hereto
10 and incorporated herein as **Exhibit 5** is a true and correct copy of the August 21 e-
11 mail I received from Plaintiffs' counsel.

12 I declare under the penalty of perjury under the laws of the United States of
13 America and the State of California that the foregoing is true and correct.

14 Executed on August 21, 2020 at Los Angeles, California.

15
16 /s/ Alicia Y. Hou
17 Alicia Y. Hou

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