

EXHIBIT 2

To: Hou, Alicia (Lax)
Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

From: Hou, Alicia (Lax) <alicia.hou@akerman.com>

Sent: Friday, July 31, 2020 4:43 PM

To: Lydia Wright <lwright@burnscharest.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>

Cc: Novoa - External <Novoa-External@burnscharest.com>; Scheffey, Adrienne (Assoc-Den)

<adrienne.scheffey@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>

Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Hi Lydia,

As discussed on our call, a number of these issues you wish to raise before Judge Kewalramani can simply be resolved by us providing dates and other points of clarification. We do not think that the parties are at an impasse and the issues are not ripe for Judge Kewalramani's review. In fact, certain of the issues, including your issue with our disclosures were not raised at all in either your July 23rd letter or July 27 e-mail.

We will provide you the dates and information you wanted by next Tuesday close of business. To the extent you feel issues are still unresolved by then, we can e-mail Judge Kewalramani then.

Thank you,

Alicia Hou

Special Counsel

Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071

D: 213 533 5907 | T: 213 688 9500 | F: 213 627 6342

alicia.hou@akerman.com

From: Lydia Wright <lwright@burnscharest.com>

Sent: Friday, July 31, 2020 1:44 PM

To: Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>

Cc: Hou, Alicia (Lax) <alicia.hou@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>

Subject: Re: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Alicia and Jonathan,

Thanks for speaking with us today, and for agreeing to Plaintiffs' search terms (with the exception of "covid" and "coronavirus") as memorialized in Ted's June 26 letter. Please provide a date certain when GEO will conduct those searches and make the corresponding document productions, so we can inform Magistrate Kewalramani of the same.

Please provide your one-sentence position statement with respect to each issue below. **We will send this email to Magistrate Kewalramani at 5pm PST today.**

Finally, I'm attaching an email from last November just to close the loop on the initial disclosure issue, since you're both new to the file.

Dear Judge Kewalramani:

Under Section 3 of Your Honor's procedures, and after conferring with GEO's counsel (copied here), the parties write to request a telephonic conference to address the following discovery disputes:

1. **Production of spreadsheets containing Voluntary Work Program data.** GEO is in possession of at least two excel spreadsheets which document Voluntary Work Program participation at the Adelanto Facility. GEO has not produced those spreadsheets. Plaintiffs' position is that the spreadsheets are responsive to several Requests for Production which have already been subject to motions to compel before this Court, including RFP No. 10, and that GEO's failure to produce them amounts to spoliation of evidence. GEO's position is [REDACTED].
2. **Production of emails dated after November 14, 2018.** GEO not produced emails sent or received after November 14, 2018. GEO produced that email to Plaintiffs on July 29, 2019. Plaintiffs' position is that GEO has failed to comply with its ongoing obligation to produce responsive discovery, and that Plaintiffs are unduly prejudiced as a result. GEO's position is [REDACTED].
3. **GEO's initial disclosures.** GEO's Rule 26 Initial Disclosures identify the following general categories of individuals who may have discoverable information: "Other representatives of GEO;" "Representatives of DHS/ICE;" and "Representatives of the City of Adelanto." GEO has not identified those individuals by name. Plaintiffs' position is that GEO is required to disclose "the name and, if known, the address and telephone number of each individual likely to have discoverable information," FRCP 26(a)(1)(A)(i), and that GEO's failure to do so is unduly prejudicial to Plaintiffs. GEO's position is [REDACTED].
4. **GEO 30(b)(6).** GEO designated two witnesses pursuant to Rule 30(b)(6) to testify regarding Topics 3, 16k, and 22 of Plaintiffs' Rule 30(b)(6) deposition notice. GEO did not adequately prepare the witnesses on those topics and agreed to produce a different designee for those topics during the continuation of the 30(b)(6) deposition, which will take place on August 11 and August 13, 2020. GEO has not identified the designee for those topics. Plaintiffs seek an order compelling GEO to identify the designee for each topic by August 7. GEO's position is [REDACTED].

The Parties respectfully request that a pre-motion telephonic conference take place on any of the following dates: (1) Wednesday, August 5 from 11 am PST – 1 pm PST; (2) Thursday, August 6 from 9:30 am PST – 1 pm PST; or (3) Friday, August 7 from 9:30 am PST – 1 pm PST.

Thank you for your consideration.

Lydia A. Wright

Burns Charest LLP

365 Canal Street, Suite 1170

New Orleans, LA 70130

504.799.2845 main

504.881.1765 fax

From: "jonathan.turner@akerman.com" <jonathan.turner@akerman.com>

Date: Wednesday, July 29, 2020 at 5:27 PM

To: Lydia Wright <lwright@burnscharest.com>

Cc: Alicia Hou <alicia.hou@akerman.com>, Adrienne Scheffey <Adrienne.scheffey@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>, Novoa - External <Novoa-External@burnscharest.com>

Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Great, thank you. I will circulate dial in instructions this afternoon.

- Jonathan

Jonathan M. Turner

Associate

Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071

D: 213 533 5915 | F: 213 627 6342

jonathan.turner@akerman.com

From: Lydia Wright <lwright@burnscharest.com>

Sent: Wednesday, July 29, 2020 2:25 PM

To: Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>

Cc: Hou, Alicia (Lax) <alicia.hou@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptnr-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>

Subject: Re: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Jonathan,

1pm CST on Friday is fine.

Thanks,

Lydia

Lydia A. Wright

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Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Hi Lydia,

Would 1 p.m. (CST) on Friday work? And yes, lets also plan to discuss the issues raised in your email to Alicia as well.

Thanks,
Jonathan

Jonathan M. Turner

Associate
Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071
D: 213 533 5915 | F: 213 627 6342
jonathan.turner@akerman.com

From: Lydia Wright <lwright@burnscharest.com>
Sent: Tuesday, July 28, 2020 1:24 PM
To: Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>
Cc: Hou, Alicia (Lax) <alicia.hou@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptnr-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>
Subject: Re: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Jonathan,

Thanks for your email. How about noon CST on Friday?

We are also waiting for GEO's response to the issues raised in my email to Alicia yesterday. Namely, (1) whether GEO intends to call Mr. Hillers at trial, (2) the name of the individual who has taken over Mr. Hiller's duties, and (3) the 30(b)(6) designees for topics 3, 16k, and 22. Considering the difficulty we've had scheduling conferences in a timely manner, let's plan to discuss those issues on Friday's call as well.

Any input from GEO on any of these issues in advance of the conference would be welcome.

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: "jonathan.turner@akerman.com" <jonathan.turner@akerman.com>

Date: Tuesday, July 28, 2020 at 2:46 PM

To: Lydia Wright <lwright@burnscharest.com>

Cc: Alicia Hou <alicia.hou@akerman.com>, Adrienne Scheffey <Adrienne.scheffey@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>, Novoa - External <Novoa-External@burnscharest.com>

Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Hi Lydia,

Apologies for my delayed response – would you be available to discuss the issues raised in your letter this Friday, July 31? If so, let me know what time and I can arrange to circulate dial in instructions.

Sincerely,
Jonathan Turner

Jonathan M. Turner

Associate

Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071

D: 213 533 5915 | F: 213 627 6342

jonathan.turner@akerman.com

From: Lydia Wright <lwright@burnscharest.com>

Sent: Monday, July 27, 2020 8:46 AM

To: Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>

Cc: Hou, Alicia (Lax) <alicia.hou@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptnr-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>

Subject: Re: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Jonathan,

Thanks for your email. To be clear, the search term issue is already properly before the Magistrate. GEO has ignored Plaintiffs' repeated attempts to confer on that issue, as directed by the Court. Let's get the conference regarding the other issues on the calendar as soon as possible. How is tomorrow, Tuesday, July 28 at noon CST?

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: "jonathan.turner@akerman.com" <jonathan.turner@akerman.com>
Date: Friday, July 24, 2020 at 6:01 PM
To: Lydia Wright <lwright@burnscharest.com>
Cc: Alicia Hou <alicia.hou@akerman.com>, Adrienne Scheffey <Adrienne.scheffey@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>
Subject: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Lydia,

This email is in response to your request for confirmation of counsel's availability for a telephonic conference on Monday July 27, 2020 to discuss the discovery issues raised in your letter dated July 23, 2020 (attached).

Under Local Rule 37-1, the parties are afforded 10 days to meet and confer after receipt of a Rule 37-1 conferral letter. As you know, this conferral must be completed prior to the filing of any discovery motion under F.Rs.Civ.P. 26-37. To that end, we will review our calendars and schedule a time within the next 10 days to discuss the disputed matters consistent with the local rules.

Also, please note I've joined the Akerman team working on this matter. Please add my e-mail to your distribution list.

Sincerely,
Jonathan Turner

Jonathan M. Turner

Associate
Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071
D: 213 533 5915 | F: 213 627 6342
jonathan.turner@akerman.com

Profile



CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this

communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

To: Hou, Alicia (Lax)
Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

From: Hou, Alicia (Lax) <alicia.hou@akerman.com>
Sent: Friday, July 31, 2020 5:52 PM
To: Lydia Wright <lwright@burnscharest.com>
Cc: Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>
Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Lydia,

We reiterate that we believe this email to the judge is premature under both Rule 37.1 and Judge Kewalramani's practice standards as we do not believe you have made a good faith effort to "eliminate as many issues as possible" or to only raise issues with the Court where the parties are at an impasse. This is particularly true where many of the issues below were not raised in your prior letters, but instead for the first time on today's call. We are working to resolve these issues, but as we stated on the call, it may not be resolved until Monday when our client and colleagues are back in the office.

That said, GEO's response to each bullet point is below.

Dear Judge Kewalramani:

Under Section 3 of Your Honor's procedures, and after conferring with GEO's counsel (copied here), the parties write to request a telephonic conference to address the following discovery disputes:

1. **Production of spreadsheets containing Voluntary Work Program data.** GEO is in possession of at least two excel spreadsheets which document Voluntary Work Program participation at the Adelanto Facility. GEO has not produced those spreadsheets. Plaintiffs' position is that the spreadsheets are responsive to several Requests for Production which have already been subject to motions to compel before this Court, including RFP No. 10, and that GEO's failure to produce them amounts to spoliation of evidence.

GEO's position is that this issue is not ripe for review as the parties have not reached an impasse, but rather a misunderstanding. GEO has agreed to provide certain spreadsheets that Ms. McCormick testified she began creating in late May 2020. The second spreadsheet that Plaintiffs seek is a document that has been discussed at length in this case. It is a reference spreadsheet that is continually written over each day and does not have historical data. To the extent Plaintiffs are seeking the spreadsheet, as it exists on a particular day, GEO will provide it but cannot provide documentation beyond that.

2. **Production of emails dated after November 14, 2018.** GEO not produced emails sent or received after November 14, 2018. GEO produced that email to Plaintiffs on July 29, 2019. Plaintiffs' position is that GEO has failed to comply with its ongoing obligation to produce responsive discovery, and that Plaintiffs are unduly prejudiced as a result.

GEO's position is that this issue is not ripe for review by the Court. The parties have recently finalized search terms and to the extent those involve searches of email inboxes, GEO will provide documents that were created on or

after November 14, 2018, to the extent they are responsive and are retrieved based upon the parties agreed-upon search terms. GEO is unaware of what other emails Plaintiffs seek and in response to what discovery request. GEO cannot meaningfully confer without knowing what requests Plaintiffs are referencing.

3. **GEO's initial disclosures.** GEO's Rule 26 Initial Disclosures identify the following general categories of individuals who may have discoverable information: "Other representatives of GEO;" "Representatives of DHS/ICE;" and "Representatives of the City of Adelanto." GEO has not identified those individuals by name. Plaintiffs' position is that GEO is required to disclose "the name and, if known, the address and telephone number of each individual likely to have discoverable information," FRCP 26(a)(1)(A)(i), and that GEO's failure to do so is unduly prejudicial to Plaintiffs.

Plaintiffs raised this issue on a call today, Friday July 31, 2020. GEO will discuss this issue with its client and update its disclosures by Friday, August 7, 2020.

4. **GEO 30(b)(6).** GEO designated two witnesses pursuant to Rule 30(b)(6) to testify regarding Topics 3, 16k, and 22 of Plaintiffs' Rule 30(b)(6) deposition notice. GEO did not adequately prepare the witnesses on those topics and agreed to produce a different designee for those topics during the continuation of the 30(b)(6) deposition, which will take place on August 11 and August 13, 2020. GEO has not identified the designee for those topics. Plaintiffs seek an order compelling GEO to identify the designee for each topic by August 7.

GEO has not scheduled a deposition time and date for topics 3, 16k, and 22 at this time as the parties have been conferring regarding the scope of those topics over the past two weeks. Now that the parties agree upon the scope, which was confirmed earlier this week, GEO will identify a designee and his or her availability by Friday, August 7, 2020.

The Parties respectfully request that a pre-motion telephonic conference take place on any of the following dates: (1) Wednesday, August 5 from 11 am PST – 1 pm PST; (2) Thursday, August 6 from 9:30 am PST – 1 pm PST; or (3) Friday, August 7 from 9:30 am PST – 1 pm PST.

Thank you for your consideration.

Alicia Hou

Special Counsel
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D: 213 533 5907 | T: 213 688 9500 | F: 213 627 6342
alicia.hou@akerman.com

From: Lydia Wright <lwright@burnscharest.com>
Sent: Friday, July 31, 2020 5:10 PM
To: Hou, Alicia (Lax) <alicia.hou@akerman.com>
Cc: Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptnr-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>
Subject: Re: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Alicia,

Thanks for your message. We disagree with your characterization of the issues and will move forward today with our request for a pre-motion hearing with Magistrate Kewalramani. Would you like us to include the text of your email, below, as GEO's position on the issues? Please let me know within the next hour. If we do not hear from GEO in the next hour, we will note as much in our message to the Court.

Thanks,
Lydia Wright

Sent from my iPhone

On Jul 31, 2020, at 6:42 PM, "alicia.hou@akerman.com" <alicia.hou@akerman.com> wrote:

Hi Lydia,

As discussed on our call, a number of these issues you wish to raise before Judge Kewalramani can simply be resolved by us providing dates and other points of clarification. We do not think that the parties are at an impasse and the issues are not ripe for Judge Kewalramani's review. In fact, certain of the issues, including your issue with our disclosures were not raised at all in either your July 23rd letter or July 27 e-mail.

We will provide you the dates and information you wanted by next Tuesday close of business. To the extent you feel issues are still unresolved by then, we can e-mail Judge Kewalramani then.

Thank you,

Alicia Hou

Special Counsel
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Alicia and Jonathan,

Thanks for speaking with us today, and for agreeing to Plaintiffs' search terms (with the exception of "covid" and "coronavirus") as memorialized in Ted's June 26 letter. Please provide a date certain when GEO will conduct those searches and make the corresponding document productions, so we can inform Magistrate Kewalramani of the same.

Please provide your one-sentence position statement with respect to each issue below. **We will send this email to Magistrate Kewalramani at 5pm PST today.**

Finally, I'm attaching an email from last November just to close the loop on the initial disclosure issue, since you're both new to the file.

Dear Judge Kewalramani:

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The Parties respectfully request that a pre-motion telephonic conference take place on any of the following dates: (1) Wednesday, August 5 from 11 am PST – 1 pm PST; (2) Thursday, August 6 from 9:30 am PST – 1 pm PST; or (3) Friday, August 7 from 9:30 am PST – 1 pm PST.

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Jonathan M. Turner

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Jonathan,

1pm CST on Friday is fine.

Thanks,
Lydia

Lydia A. Wright
Burns Charest LLP
365 Canal Street, Suite 1170
New Orleans, LA 70130
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Hi Lydia,

Would 1 p.m. (CST) on Friday work? And yes, lets also plan to discuss the issues raised in your email to Alicia as well.

Thanks,
Jonathan

Jonathan M. Turner

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Thanks for your email. How about noon CST on Friday?

We are also waiting for GEO's response to the issues raised in my email to Alicia yesterday. Namely, (1) whether GEO intends to call Mr. Hillers at trial, (2) the name of the individual who has taken over Mr. Hiller's duties, and (3) the 30(b)(6) designees for topics 3, 16k, and 22. Considering the difficulty we've had scheduling conferences in a timely manner, let's plan to discuss those issues on Friday's call as well.

Any input from GEO on any of these issues in advance of the conference would be welcome.

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: "jonathan.turner@akerman.com" <jonathan.turner@akerman.com>
Date: Tuesday, July 28, 2020 at 2:46 PM
To: Lydia Wright <lwright@burnscharest.com>
Cc: Alicia Hou <alicia.hou@akerman.com>, Adrienne Scheffey <Adrienne.scheffey@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>, Novoa - External <Novoa-External@burnscharest.com>
Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Hi Lydia,

Apologies for my delayed response – would you be available to discuss the issues raised in your letter this Friday, July 31? If so, let me know what time and I can arrange to circulate dial in instructions.

Sincerely,
Jonathan Turner

Jonathan M. Turner

Associate
Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071
D: 213 533 5915 | F: 213 627 6342
jonathan.turner@akerman.com

From: Lydia Wright <lwright@burnscharest.com>
Sent: Monday, July 27, 2020 8:46 AM
To: Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>
Cc: Hou, Alicia (Lax) <alicia.hou@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>
Subject: Re: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Jonathan,

Thanks for your email. To be clear, the search term issue is already properly before the Magistrate. GEO has ignored Plaintiffs' repeated attempts to confer on that issue, as directed by the Court. Let's get the conference regarding the other issues on the calendar as soon as possible. How is tomorrow, Tuesday, July 28 at noon CST?

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: "jonathan.turner@akerman.com" <jonathan.turner@akerman.com>
Date: Friday, July 24, 2020 at 6:01 PM
To: Lydia Wright <lwright@burnscharest.com>
Cc: Alicia Hou <alicia.hou@akerman.com>, Adrienne Scheffey <Adrienne.scheffey@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>
Subject: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Lydia,

This email is in response to your request for confirmation of counsel's availability for a telephonic conference on Monday July 27, 2020 to discuss the discovery issues raised in your letter dated July 23, 2020 (attached).

Under Local Rule 37-1, the parties are afforded 10 days to meet and confer after receipt of a Rule 37-1 conferral letter. As you know, this conferral must be completed prior to the filing of any discovery motion under F.Rs.Civ.P. 26-37. To that end, we will review our calendars and schedule a time within the next 10 days to discuss the disputed matters consistent with the local rules.

Also, please note I've joined the Akerman team working on this matter. Please add my e-mail to your distribution list.

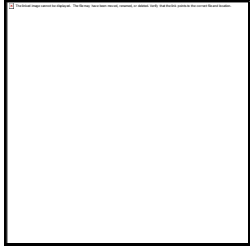
Sincerely,
Jonathan Turner

Jonathan M. Turner

Associate
Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071
D: 213 533 5915 | F: 213 627 6342

jonathan.turner@akerman.com

Profile



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To: Hou, Alicia (Lax)
Subject: RE: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

From: Turner, Jonathan (Assoc-Lax)
Sent: Friday, July 24, 2020 4:01 PM
To: 'lwright@burnscharest.com' <lwright@burnscharest.com>
Cc: Hou, Alicia (Lax) <Alicia.Hou@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptnr-Lax) <david.vanpelt@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>
Subject: Re. Novoa, et al. v The GEO Group, Inc., Case No. 5:17-cv-02514 - Rule 37-1 Correspondence

Lydia,

This email is in response to your request for confirmation of counsel's availability for a telephonic conference on Monday July 27, 2020 to discuss the discovery issues raised in your letter dated July 23, 2020 (attached).

Under Local Rule 37-1, the parties are afforded 10 days to meet and confer after receipt of a Rule 37-1 conferral letter. As you know, this conferral must be completed prior to the filing of any discovery motion under F.Rs.Civ.P. 26-37. To that end, we will review our calendars and schedule a time within the next 10 days to discuss the disputed matters consistent with the local rules.

Also, please note I've joined the Akerman team working on this matter. Please add my e-mail to your distribution list.

Sincerely,
Jonathan Turner

Jonathan M. Turner

Associate
Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071
D: 213 533 5915 | F: 213 627 6342
jonathan.turner@akerman.com



Lydia A. Wright
lwright@burnscharest.com
504.799.2845

July 23, 2020

Via Email Only

Alicia Hou
601 West Fifth Street, Suite 300
Los Angeles, CA 90071
alicia.hou@akerman.com

Re: *Novoa, et al. v The GEO Group, Inc.*, Civil Action No. 5:17-cv-02514 (C.D. Cal.)

Dear Alicia:

I write pursuant to Local Rule 37-1 to discuss and attempt to resolve the discovery disputes discussed below. Please confirm your availability on **Monday, July 27, 2020** for a telephonic conference. If we do not receive a response from you by 5pm CST on Friday, July 24, 2020, we will seek court intervention on the following issues.

Issue 1: GEO's failure to produce relevant documents created, maintained, and/or in the possession of Mary Wise-McCormick.

As you are aware, Plaintiffs deposed Mary Wise-McCormick, a Classification Officer at the Adelanto Facility, on July 22, 2020. Ms. Wise-McCormick testified under oath that she creates, maintains, and/or possesses at least three different excel spreadsheet files in the course of her duties managing the Voluntary Work Program. Specifically, Ms. Wise-McCormick testified that she possesses the following:

- (1) Spreadsheets tracking every detainee who has received a VWP position. Ms. McCormick testified that she uses these spreadsheets to create the Detainee Pay Sheets that she distributes on a daily or weekly basis to detention officers who supervise VWP crews. *See, e.g.*, Exhibit 102 (GEO-Novoa_00010996).
- (2) Spreadsheets tracking all applications, both formal and informal, by detainees for a VWP assignment, including each detainee's position on a waitlist for an assignment.

July 23, 2020
Page 2

- (3) Spreadsheets tracking detainee work schedules. Ms. Wise-McCormick testified that she began creating these spreadsheets in June 2020 at the request of James Janecka and that she emails the spreadsheet to Mr. Janecka's assistant, Ms. Crowder, every Monday. Ms. McCormick also testified that she believes these spreadsheets are entitled "Authorized Detainee Work Schedule" or "Weekly Work Schedule."

At a minimum, these spreadsheets (and any emails, memos, or other communications to which they are attached) are responsive to Plaintiff's Requests for Production 4, 10, 25, and 29. Yet none of these spreadsheets have been produced in this litigation. **Plaintiffs will seek to compel production of the documents described above. Plaintiffs may also seek attorneys' fees, sanctions, and an adverse inference arising out of GEO's ongoing failure to produce relevant discovery.**

Issue 2: GEO's failure to produce relevant emails.

GEO has failed to produce emails or other communications sent or received in 2019 or 2020. The most recent email GEO has produced in response to Plaintiffs' written discovery requests is dated November 14, 2018. *See* GEO-Nova_00019711. GEO produced that document on July 29, 2019. GEO has an ongoing obligation to produce responsive discovery. **Plaintiffs will seek to compel production of all emails and communications sent or received at any time since May 2011. Plaintiffs may also seek attorneys' fees, sanctions, and an adverse inference arising out of GEO's ongoing failure to produce relevant discovery.**

Issue 3: GEO's failure to confer with Plaintiffs regarding search terms.

On June 26, 2020, Plaintiffs' counsel sent GEO a letter attempting to resolve the parties' dispute regarding search terms. GEO never responded to Plaintiffs' letter. Plaintiffs reached out again on July 20, 2020. GEO ignored that email, too.

Accordingly, **Plaintiffs will seek an order compelling GEO to use Plaintiffs' suggested search terms. Plaintiffs may also seek attorneys' fees, sanctions, and an adverse inference arising out of GEO's ongoing failure to produce relevant discovery.**

We hope to resolve as many issues as possible without court intervention. Again, please confirm your availability on **Monday, July 27, 2020** for a conference. If we do not receive a response from GEO by 5pm CST on Friday, July 24, 2020, we will seek court intervention.

Best regards,

BURNS CHAREST LLP

/s/ Lydia Wright
Lydia A. Wright

cc: All counsel of record

To: Hou, Alicia (Lax)
Subject: RE: Novoa v. GEO

From: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>
Sent: Tuesday, August 4, 2020 11:52 AM
To: 'Lydia Wright' <lwright@burnscharest.com>; Hou, Alicia (Lax) <alicia.hou@akerman.com>; Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax) <damien.delaney@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Gallion, Michael (Ptrn-Lax) <michael.gallion@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>
Subject: RE: Novoa v. GEO

Hi Lydia,

As we discussed in February, we produced the entire contract and all addenda. The pages you are looking for (15-60) can be found at GEO-Novoa_00041323 to GEO-Novoa_00041368.

Best,

Adrienne Scheffey

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202
D: 303 640 2512 | T: 303 260 7712
adrienne.scheffey@akerman.com

From: Lydia Wright <lwright@burnscharest.com>
Sent: Tuesday, August 4, 2020 11:44 AM
To: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Hou, Alicia (Lax) <alicia.hou@akerman.com>; Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax) <damien.delaney@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Gallion, Michael (Ptrn-Lax) <michael.gallion@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>
Subject: Novoa v. GEO

Counsel,

On February 13, 2020, GEO produced to Plaintiffs an excerpt of the Adelanto Direct Contract. See GEO-Novoa_00040872-00040885. GEO appears to have produced only pages 1 through 14 of a 60-page document. Please produce the entire Direct Contract, including pages 15-60, no later than Thursday, August 6, 2020. If GEO believes it has already made this production, please provide the Bates range.

As the attached correspondence from Adrienne indicates, the issue of the Direct Contract has already been the subject of a Rule 37-1 conference in this case. Accordingly, the issue is ripe for Court intervention. Of course, we hope to resolve this issue without judicial intervention and would welcome GEO's immediate production of the entire Direct Contract on or before August 6.

Thanks,

Lydia A. Wright

Burns Charest LLP

365 Canal Street, Suite 1170

New Orleans, LA 70130

504.799.2845 main

504.881.1765 fax

To: Hou, Alicia (Lax)
Subject: RE: Novoa v. GEO

From: Hou, Alicia (Lax) <alicia.hou@akerman.com>
Sent: Wednesday, August 12, 2020 2:06 PM
To: Lydia Wright <lwright@burnscharest.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax) <damien.delaney@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Gallion, Michael (Ptrn-Lax) <michael.gallion@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>
Subject: RE: Novoa v. GEO

Hi Lydia,

This is the first time you're raising this issue. You have not allowed us to meaningful confer at all on this issue, in contravention of the local rules and Magistrate Kewalramani's standing order. We are happy to discuss this issue on our conferral call set for Friday.

To the extent you want to proceed, here is our position:

"Counsel for plaintiffs raised the issue for the first time this morning and has refused to invitations to confer on this issue prior to seeking court intervention. GEO's position is that it continues to diligently review a voluminous number of documents and has been making productions as efficiently as possible. Without plaintiffs identifying which of the RFP productions they would like prioritized over others, GEO has been producing documents in batches as they become ready to be produced. GEO has endeavored to prioritize RFP productions prior to depositions. If plaintiffs would like GEO to prioritize the productions in another manner, plaintiffs should so identify."

Alicia Hou

Special Counsel
Akerman LLP | 601 West Fifth Street, Suite 300 | Los Angeles, CA 90071
D: 213 533 5907 | T: 213 688 9500 | F: 213 627 6342
alicia.hou@akerman.com

From: Lydia Wright <lwright@burnscharest.com>
Sent: Wednesday, August 12, 2020 9:27 AM
To: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Hou, Alicia (Lax) <alicia.hou@akerman.com>; Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax) <damien.delaney@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Gallion, Michael (Ptrn-Lax) <michael.gallion@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>
Subject: Novoa v. GEO

Counsel,

On the afternoon of Monday, August 10, GEO produced 25 documents which include some excerpts from some Supplemental Detainee Handbooks, some voluntary work program policies from some facilities, and some housekeeping plans from various facilities.

On October 8, 2019 – ten months ago – Plaintiffs served GEO with requests for production that include the Sanitation Procedures/Housekeeping Plans (HUSPs) at each facility in the Nationwide class at any time between December 19, 2007 and the present (RFP 36) and all Supplemental Detainee Handbooks for those same facilities which were created, issued or drafted at any time between December 19, 2007 and the present (RFP 37).

The parties have previously conferred regarding these discovery requests and agreed to a set of search terms. However, it appears that GEO is selectively withholding detainee handbooks and HUSPs and choosing to produce certain documents on the eve of the 30(b)(6) depositions. This appears to be a pattern. For instance, GEO produced Plaintiffs' individual detention records the day before their depositions, and GEO produced limited corporate financial records the day before the 30(b)(6) deposition on that topic.

At 4:30 pm CST today, Plaintiffs will inform Magistrate Kewalramani of this issue and seek court intervention, including sanctions and fees. **If GEO would like to provide its one-sentence statement of the dispute, please do so by 4pm CST.** If GEO does not provide its statement before that time, Plaintiffs will so indicate in their message to the Court.

Thanks,

Lydia A. Wright
Burns Charest LLP
365 Canal Street, Suite 1170
New Orleans, LA 70130
504.799.2845 main
504.881.1765 fax

To: Hou, Alicia (Lax)
Subject: RE: Novoa v. GEO

From: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>
Sent: Sunday, August 16, 2020 4:47 PM
To: 'Lydia Wright' <lwright@burnscharest.com>; Hou, Alicia (Lax) <alicia.hou@akerman.com>
Cc: Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax) <damien.delaney@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Gallion, Michael (Ptrn-Lax) <michael.gallion@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>
Subject: RE: Novoa v. GEO

Lydia,

We will turn to this at some point before September 7th, for now, we are prioritizing the deadlines we discussed on Friday.

Best,

Adrienne Scheffey

Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202
D: 303 640 2512 | T: 303 260 7712
adrienne.scheffey@akerman.com

From: Lydia Wright <lwright@burnscharest.com>
Sent: Sunday, August 16, 2020 4:42 PM
To: Hou, Alicia (Lax) <alicia.hou@akerman.com>
Cc: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Barnacle, Colin (Ptrn-Den) <colin.barnacle@akerman.com>; DeLaney, Damien (Ptrn-Lax) <damien.delaney@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Gallion, Michael (Ptrn-Lax) <michael.gallion@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>
Subject: Re: Novoa v. GEO

Alicia,

What date will GEO provide the policy? As a reminder, Ms. Martin testified that she has the policy in her office. Please provide a date certain within the next week for the production of this document. Again, if we don't hear from you we will proceed with court intervention.

Thanks,
Lydia

Sent from my iPhone

On Aug 16, 2020, at 2:48 PM, "alicia.hou@akerman.com" <alicia.hou@akerman.com> wrote:

Lydia, we will produce this - would you like us to prioritize this policy over all other items discussed on Friday? I also believe Magistrate Kewalramani reminded plaintiffs to abide by the conferral process outlined in the local rules prior to scheduling any conference before him.

Alicia Hou

Special Counsel

Akerman LLP | [601 West Fifth Street, Suite 300 | Los Angeles, CA 90071](#)

D: [213 533 5907](#) | T: [213 688 9500](#) | F: [213 627 6342](#)

alicia.hou@akerman.com

On Aug 16, 2020, at 12:23 PM, Lydia Wright <lwright@burnscharest.com> wrote:

David,

I'm writing, again, to request that GEO produces to Plaintiffs the policy described below. If GEO does not intend to do so, please provide us with your one-sentence statement of the dispute and three timeframes for a conference with Magistrate Kewalramani for next week. Of course, if GEO believes it has already produced the policy, please provide the Bates range. If we don't hear from you by Monday, August 16 at close of business, we'll move forward with scheduling the discovery conference.

Thanks,

Lydia A. Wright

Burns Charest LLP

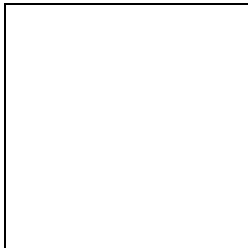
365 Canal Street, Suite 1170

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504.799.2845 main

504.881.1765 fax

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From: Lydia Wright <lwright@burnscharest.com>
Date: Tuesday, August 11, 2020 at 3:20 PM
To: Adrienne Scheffey <Adrienne.scheffey@akerman.com>, Alicia Hou <alicia.hou@akerman.com>, Colin Barnacle <colin.barnacle@akerman.com>, Damien Delaney <Damien.delaney@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, Jonathan Turner <jonathan.turner@akerman.com>, Michael Gallion <michael.gallion@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>
Subject: Novoa v. GEO

David,

As we discussed on the record during today's deposition, Amber Martin testified that GEO updated its disciplinary policy in July 2019 to provide that disciplinary segregation is not a sanction for the prohibited act of "refusing to clean assigned living area." Ms. Martin testified that she currently has access to the policy.

Please provide the policy to Plaintiffs. If GEO does not intend to produce the document, please let us know so we can raise the issue with Magistrate Kewalramani. If GEO believes it has already made this production, please provide the Bates range.

Thanks,

Lydia A. Wright
Burns Charest LLP
365 Canal Street, Suite 1170
New Orleans, LA 70130
504.799.2845 main
504.881.1765 fax