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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

**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

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1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Defendant The GEO Group, Inc. (“GEO”), by
3 and through the undersigned counsel, hereby respectfully move this Court *ex parte* for
4 an order granting its application to extend the expert rebuttal deadline, discovery
5 cutoff, deadline to file summary judgment motions, and non-discovery motion cutoff.

6 GEO seeks *ex parte* relief due to (1) the timing of Plaintiffs’ filing of their
7 Motion to Approve Class Notice, which proposes a notice completion plan after the
8 deadline to file dispositive motions in this case—running afoul of the one-way
9 intervention rule and prejudicing GEO; (2) Plaintiffs’ recent service of twelve
10 additional requests for production of documents calling for voluminous documents in
11 addition to the myriad of outstanding discovery requests noted above; (3) the
12 unprecedented circumstances caused by COVID-19, including impeding GEO’s
13 efforts to comply with the fast approaching deadlines; and (4) Plaintiffs’
14 unwillingness to agree to a brief short continuance.

15 This Motion will be based upon this Notice, the attached Memorandum of
16 Points and Authorities, Declaration of Alicia Hou, and the pleadings and records on
17 file in the above-entitled action.

18 This application is made following the conference of counsel Pursuant to L.R.
19 7-19.1. It is GEO's understanding Plaintiffs oppose this application.

20 Dated: August 21, 2020

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21
22 By: /s/ David Van Pelt
23 Michael L. Gallion
24 David Van Pelt
25 Colin L. Barnacle
26 Adrienne Scheffey

27 Attorneys for Defendant
28 THE GEO GROUP, INC.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION.

This case involves a nationwide class action involving immigrant detainees, alleging failure to pay wages and violation of human trafficking statutes across multiple jurisdictions. Recent events in the case have made a modest continuance of certain deadlines in the case not only advisable, but imperative.

Following class certification in late 2019, GEO appealed the Court's ruling to the Ninth Circuit. The parties agreed to stay nationwide class discovery for two months from January 8, 2020, in lieu of a stay of the entire action. ECF Nos. 244 and 247. Then, in an event that no one could anticipate, the COVID-19 pandemic impacted not only the practice of law, but everyday life throughout the nation. The effect upon GEO was particularly stark. GEO's operations involve, in significant part, caring for those detained by ICE and other governmental bodies across the country. Thus, by April, GEO was inundated by urgent matters, including the Temporary Restraining Order Application ("TRO") filed in the instant case. ECF 252. At the same time, attorneys and courts were working to quickly adapt to the remote practice of law, including finding alternatives to in-person depositions and hearings.

Following the denial of Plaintiffs' TRO, in late May, Plaintiffs' motion to compel was granted in part, with instructions from the Honorable Magistrate Judge Kewalramani to confer about search terms. The parties diligently did so and reached a final agreement early this month. As part of the parties' agreement, GEO agreed to review a significant number of documents. Since that time, discovery has amplified in this case: Plaintiffs served their First Sets of Interrogatories and Requests for Admissions, including over 50 Requests for Admission; two additional sets of requests for production (totaling twelve new requests); conducted two 30(b)(6) depositions with an additional designee's deposition pending; and have noticed their intent to conduct at least four additional depositions. Additionally, expert discovery remains outstanding. In addition to the newly propounded discovery, GEO is still

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1 reviewing tens of thousands of documents related to Plaintiffs’ prior requests. While
 2 GEO continues to produce these documents on a rolling basis, it must also present a
 3 number of the documents to ICE for review before production. In addition, Plaintiffs
 4 waited until July – more than nine months after class certification -- to seek class
 5 notice, rendering it impossible for GEO to file a motion for summary judgement that
 6 could legally bind the entire class.

7 Despite the above, Plaintiffs refuse to agree to a short continuance of the
 8 discovery deadline and related dates. No reason exists to shortchange due process,
 9 particularly in the midst of an unprecedented pandemic in response to which this
 10 Court has indefinitely postponed jury trials. (See August 6, 2020 General Order 20-09
 11 “no jury trials will be conducted in civil cases” until further notice.) Indeed, because
 12 GEO believes the current trial date can be preserved (contingent upon COVID-19’s
 13 containment), Plaintiffs cannot show any possible prejudice by the relief sought
 14 herein.

15 With the volume of discovery and other deadlines that remain outstanding, the
 16 September 14, 2020 discovery cutoff is no longer tenable. Accordingly, good cause
 17 exists to support the extension of the discovery cutoff deadline and the dispositive
 18 motions deadline. Accordingly, GEO respectfully requests that this Court grant the
 19 modest extensions requested herein:

Event	Current Date	Proposed Date
Expert Disclosure (Initial)	Monday, August 17, 2020	No Change
Expert Disclosure (Rebuttal)	Monday, August 31, 2020	Wednesday, September 30, 2020
All Discovery Cutoff (including hearing discovery motions)	Monday, September 14, 2020	Friday, October 30, 2020
Last Date to Conduct Settlement Conference	Monday, October 12, 2020	Friday, November 6, 2020
Last Date to File Summary Judgment Motions	Wednesday October 4, 2020	Friday, November 6, 2020 (or the soonest possible date following the close of the notice period).
Last Date to Hear Non-Discovery Motions	Monday, November 30, 2020	Friday, December 4, 2020
Final Pretrial Conference and Hearings on Motions in	Monday, January 4, 2021 at 11:00 AM	No Change

1	Limine		
2	Trial Date	Tuesday, February 2, 2021 at 9:00 AM	No Change

3
4 **II. RELEVANT PROCEDURAL BACKGROUND.**

5 **A. Events Affecting Discovery Cutoff.**

6 **1. Outstanding Discovery.**

7 As of the date of this filing, this case has significant outstanding discovery
8 remaining, including at least ten depositions, expert discovery, and the review of tens
9 of thousands of documents. The outstanding obligations are explained in more detail
10 as follows:

11 1. Document Production. There are tens of thousands of documents that
12 need to be reviewed and if responsive, produced in response to the numerous
13 discovery requests Plaintiffs propounded. (Declaration of Alicia Hou (**Hou Decl.**) ¶
14 4.) Those requests are discussed in more detail *infra*. On August 3, 2020 and August
15 4, 2020, Plaintiffs served twelve additional requests for production on GEO. (Hou
16 Decl. ¶ 7.) These requests remain outstanding. (Hou Decl. ¶¶ 6, 7.) Additionally,
17 Plaintiffs’ responses to GEO’s requests for production of documents remain
18 outstanding. (Hou Decl. ¶ 9)

19 2. Written Discovery. On the eve of the close of discovery, Plaintiffs have
20 served numerous written discovery requests. On July 15, 2020, Plaintiff Campos
21 served thirteen interrogatories and *fifty-four* requests for admission. Plaintiff Mancina
22 served four interrogatories and thirteen requests for admission on August 3, 2020.
23 (Hou Decl. ¶¶ 5, 6.)

24 3. Expert Discovery. Plaintiffs disclosed three separate experts on August
25 17, 2020, the rebuttal deadline is *nine* days from the date of this filing and it appears
26 GEO will need to subpoena additional documents from Plaintiffs’ experts to ensure it
27 has their full files. After receiving those files, the Parties need to schedule the
28 depositions of these three witnesses, in addition to GEO’s expert. Should either side
add additional witnesses for rebuttal on August 31, 2020, there will be insufficient

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1 time to subpoena their records and also schedule their depositions within the discovery
2 window. At a minimum, four depositions remain outstanding. (Hou Decl. ¶ 10.)

3 4. Depositions. Without accounting for expert depositions, Plaintiffs have
4 noticed six other depositions that must be completed: (1) A continued Rule 30(b)(6)
5 deposition; (2) Two GEO fact witnesses; and (3) Two third party witnesses. One of
6 these depositions was noticed three days ago, on August 18, 2020, without any
7 conferral as to GEO or the witness’s availability. Moreover, on August 7, 2020,
8 Plaintiffs served amended initial disclosures listing *additional witnesses* that GEO
9 may need to depose. GEO also seeks to depose Plaintiff Fernando Munoz-Aguilera
10 who submitted a declaration in support of Plaintiffs’ motion for class certification, but
11 was never made available for a deposition. (Hou Decl. ¶¶ 11, 12.)

12 5. Discovery Motions and Hearings. Additionally, Magistrate Kewalramani
13 has ordered the parties to be in “substantial compliance” with their discovery
14 obligations by September 7, 2020 – a week *before* the discovery cutoff.¹ Whether
15 intentional or not, Plaintiffs’ near daily e-mails threatening to seek Magistrate
16 Kewalramani’s intervention (some prior to conferring in good faith with GEO’s
17 counsel), in addition to the discovery conferences themselves, have taken the majority
18 of GEO’s focus and energy, negatively impacting GEO’s ability to meet its September
19 7 deadline. These additional discovery conferences and conferrals have resulted in
20 significant changes to the scope of GEO’s production obligations. (Hou Decl. ¶ ¶ 13-
21 15.)

22 **2. Document Production and Written Discovery.**

23 On May 22, 2020, Magistrate Judge Kewalramani issued an order granting in
24 part and denying in part Plaintiffs’ Second Motion to Compel. ECF 274. The
25 discovery order required the parties to meet and confer on several of Plaintiffs’
26 requests for production contained within their First and Second Requests for
27

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

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1 Production to GEO. (*Id.*) In a good faith effort from both sides, the parties underwent
2 numerous conferrals and avoided the need for further intervention by Magistrate
3 Judge Kewalaramani. Despite their best efforts, the Parties did not reach final
4 resolution until earlier this month, effectively requiring GEO to both complete the
5 additional discovery obligations that have arisen this month, while also reviewing tens
6 of thousands of potentially responsive documents prior to the September 14 discovery
7 cutoff. (Hou Decl. ¶ 16.)

8 On August 7, Magistrate Kewalramani ordered GEO to provide a date by which
9 it can be in “substantial compliance” as to the first 38 RFPs. ECF 290. GEO proposed
10 September 7 as the date it would endeavor to be in “substantial compliance.” (Hou
11 Decl. ¶ 13.) While GEO intends to comply with this date², Plaintiffs’ own conduct
12 have greatly thwarted, and continue to thwart, GEO’s progress. To be sure, despite
13 these tactics, GEO continues to produce documents related to Plaintiffs’ discovery
14 responses on a rolling basis, following ICE’s review.

15 Moreover, just two weeks ago, on August 3 and 4, Plaintiffs propounded twelve
16 additional RFPs, seeking documents from GEO’s facilities nationwide. (Hou Decl.
17 ¶ 7.) Many of these requests seek documents that are maintained at twelve of GEO’s
18 facilities which will require GEO to coordinate with each facility to obtain the
19 requested records. (Hou Decl. ¶ 8.) The requests are also overbroad on their face and
20 will require significant conferral. Without narrowing, the requests seek hundreds of
21 thousands of pages of documents. For example, request number 39 seeks all
22 documents produced by GEO in *two other pending class* actions, including *Menocal*
23 *v. The GEO Group*, which GEO has been litigating for six years and in which
24 discovery closed on August 14, 2020. (Hou Decl. ¶ 7.) Notably, the time periods and
25 scope for these two class actions were explicitly excluded from the class certification
26 in this action.

28 _____
² GEO has more than tripled the number of attorneys staffed on the document review project.

1 Indeed, Plaintiffs themselves have expressed concern about the discovery
2 deadlines, despite refusing the reasonable request for an extension. Just this week, on
3 Tuesday, August 18, 2020, Plaintiffs’ counsel wrote to Magistrate Judge Kewlaramani
4 that they are concerned that given the short timeline, they are going to be unable to
5 review all documents produced after the September 7, 2020 substantial compliance
6 deadline with sufficient time to identify deficiencies therein, initial conferrals required
7 under the local rules, and comply with the current deadline for discovery deadlines.
8 (Hou Decl. ¶ 17.)

9 Finally, on August 20, 2020, Plaintiffs appeared before Magistrate
10 Kewalramani to resolve a discovery dispute concerning the third party deposition of
11 the individual Jessie Flores during which Plaintiffs raised for the first time new
12 allegations and legal claims which (in Plaintiffs view) would significantly expand the
13 scope of this litigation and GEO’s potential liability, without providing adequate
14 notice to GEO such that it could investigate the claims and raise defenses as
15 necessary. (Hou Decl. ¶ 18.)

16 **3. Expert Rebuttal Deadline.**

17 Under the operative scheduling order, each party to the action was given only
18 fourteen days to complete rebuttal expert designation and produce written statements
19 containing every opinion and its basis that each rebuttal expert intends to provide at
20 trial, which is sixteen days less than the time allotted under Rule 26(a)(2)(D)(ii).

21 **B. Events Affecting the November 30 Motion Cutoff and Summary** 22 **Judgment Deadline.**

23 On November 26, 2019, the Court issued its order certifying the classes. ECF
24 223. Plaintiffs waited *nine* months before filing their Motion to Approve Class Notice
25 Plan on August 4, 2020. ECF 284. Within their Motion, Plaintiffs propose an opt-out
26 deadline of “75 calendar days from campaign launch.” (*Id.* at 10.) The hearing on
27 Plaintiffs’ Motion to Approve Class Notice Plan is not until September 14, 2020,
28 meaning the opt-out deadline could extend well into November 2020.

1 **C. Plaintiffs’ Refusal to Agree to a Reasonable Extension.**

2 On July 27, 2020 during the conferral call on Plaintiffs’ Motion to Approve
3 Class Notice Plan, GEO’s counsel raised the issue of Plaintiffs’ late filing and
4 proposed the parties stipulate to a trial continuance. (Hou Decl. ¶ 19.) Plaintiffs’
5 counsel firmly advised they would not agree to continue any dates. (*Id.*)

6 On August 14, 2020, during a discovery hearing before Magistrate
7 Kewalramani, Plaintiffs again expressed firmly they would not agree to continue any
8 deadlines. (Hou Decl. ¶ 20.)

9 On August 21, 2020, when conferring with counsel about continuing the dates
10 that are subject of this application so as to obviate the need for this *ex parte*
11 application, Plaintiffs’ counsel again reiterated that they will not agree to any
12 continuance of any deadline in this case. (Hou Decl. ¶ 21.)

13 **III. LEGAL STANDARD.**

14 The court is permitted to grant *ex parte* relief upon a showing of “good
15 cause.” *Mission Power Engineering Co. v Continental Cas.*, 883 F. Supp. 488, 492
16 (C.D. Cal. 1995). Further, an *ex parte* application is “justified only when (1) there is a
17 threat of immediate or irreparable injury; (2) there is danger that notice to the other
18 party may result in the destruction of evidence or the party’s flight; or (3) the party
19 seeks a routine procedural order that cannot be obtained through a regularly noticed
20 motion (i.e., to file an overlong brief or shorten the time within which a motion may
21 be brought).” *Horne v. Wells Fargo Bank, N.A.*, 969 F. Supp. 2d 1203, 1205 (C.D.
22 Cal. 2013).

23 Courts utilize a sliding scale to measure the threat of prejudice. “If the
24 threatened prejudice would not be severe, then it must be apparent that the underlying
25 motion has a high likelihood of success on the merits. If drastic harm is threatened,
26 then it is sufficient to show that there are close issues that justify the court’s review
27 before the party suffers the harm.” *Mission Power*, 883 F. Supp. at 492.

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1 Here, good cause exist. Drastic harm will come to GEO if this Court does not
2 grant GEO’s *ex parte* application as the trial and the pre-trial deadlines quickly
3 approach—particularly the discovery cutoff and the dispositive motion cutoff,
4 continuances of which are needed because of the incredibly short window for
5 nationwide discovery on such a large class action—a timetable which was further
6 truncated by the unexpected events related to COVID-19.

7 **IV. LEGAL ARGUMENT.**

8 GEO will suffer irreparable harm if the Court denies this application.

9 **A. Plaintiffs’ Delay in Filing Their Motion to Approve Class Notice**
10 **Necessitates a Continuance of the Dispositive Motion Cutoff under**
11 **the One-Way Intervention Rule.**

12 Because of Plaintiffs’ delay in filing their Motion to Approve Class Notice
13 Plan, GEO would be forced to file a dispositive motion prior to the expiration of
14 Plaintiff’s proposed opt-out period in order to comply with the current deadlines in
15 this case. The earliest date on which the opt-out period could end is October 29,
16 2020—15 days before the summary judgment filing deadline. Practically speaking,
17 this means any judgment GEO could obtain against Plaintiffs would be binding only
18 against the named plaintiffs. This also means prospective class members will be
19 allowed to evaluate the strength of GEO’s key legal positions prior to deciding
20 whether they would like to be included in the class. This would be unduly prejudicial
21 to GEO.

22 “The purpose of Rule 23(c)(2) is to ensure that the plaintiff class receives notice
23 of the action **well before** the merits of the case are adjudicated.” *Schwarzschild v. Tse*,
24 69 F.3d 293, 295 (9th Cir. 1995) (emphasis added); *see also Darrington v. Assessment*
25 *Recovery of Wash., LLC*, No. C13-0286-JCC, 2014 WL 3858363, at *3 (W.D. Wash.
26 Aug. 5, 2014). “[T]he notice requirement for 23(b)(3) class actions is rooted in due
27 process and clearly mandatory under Rule 23(c)(2)(B)”, *Brown v. Colegio de*
28 *Abogados de Puerto Rico*, 613 F.3d 44, 51 (1st Cir. 2010) (citing *Eisen v. Carlisle &*

1 *Jacquelin*, 417 U.S. 156, 176 (1974). “Ultimately, class notice should be completed
2 before dispositive motions are decided.” *McCurley v. Royal Seas Cruises, Inc.*, No.
3 17-CV-00986-BASAGS, 2019 WL 3817970, at *4 (S.D. Cal. Aug. 14, 2019). As the
4 Ninth Circuit has explained, when Rule 23 was drafted:

5 [m]any commentators objected that one-way intervention had the
6 effect of giving collateral estoppel effect to the judgment of
7 liability in a case where the estoppel was not mutual. This was
8 thought to be unfair to the defendant. To meet the point that one-
9 way intervention was unfair to the defendant, the Advisory
10 Committee on the Federal Rules concluded that class members
should be brought in prior to the determination of defendant’s
liability, thus making the estoppel mutual.

11 *Schwarzschild*, 69 F.3d at 295 (quoting *Katz v. Carte Blanche Corp.*, 496 F.2d 747,
12 759 (3d Cir. 1974)); *see also* Advisory Committee Notes to 1966 Amendments to
13 Rule 23 (“Under . . . subdivision (c)(3), one-way intervention is excluded”). “The
14 doctrine is ‘one-way’ because a plaintiff would not be bound by a decision that favors
15 the defendant but could decide to benefit from a decision favoring the class. After
16 amendment, the rule no longer left defendants vulnerable, as at least one court has
17 vividly analogized to ‘being pecked to death by ducks.’” *Villa v. San Francisco Forty-*
18 *Niners, Ltd.*, 104 F. Supp. 3d 1017, 1021 (N.D. Cal. 2015) (citations omitted).
19 Without the one-way intervention doctrine, “one plaintiff could sue and lose; another
20 could sue and lose; and another and another until one finally prevailed; then everyone
21 else would ride on that single success.” *Id.* Accordingly, the rule stands for the
22 proposition that “a decision rendered by the district court before a class has been
23 properly certified and notified is not binding upon anyone but the named plaintiffs.”
24 *Schwarzschild*, 69 F.3d at 297 n.5.

25 However, this rule is not absolute. Where a defendant moves for and obtains
26 summary judgment before the class has been properly notified, the defendant waives
27 the right to have notice sent to the class and the decision binds only the named
28 plaintiffs. *Id.* This is because where a defendant moves before class notice is

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1 complete, the defendant assumes the risk that a judgment will not have the effect of
2 res judicata on the absent class members. *Id.* “And Rule 23(b)(3) class certification
3 cannot bind a class without providing adequate notice as required by the Due Process
4 Clause.” *Faber v. Ciox Health, LLC*, 944 F.3d 593, 603 (6th Cir. 2019). Furthermore,
5 “class certification remains functionally incomplete until class members receive
6 notice.” *Id.* Where a class is certified and summary judgment is later granted, but
7 notice has not been sent out, there is little chance that notice could be effective. *Id.*
8 “Rule 23(C)(2)(B)(iv) requires that the notice inform class members that they “may
9 enter an appearance through an attorney if [they] . . . so desire [] . . . that Rule is
10 largely pointless if a district court grants summary judgment before notifying the
11 class.” *Id.* at 604.

12 Here, notice has not been sent. Therefore, GEO is left with two equally
13 unappealing choices—either brief summary judgment before notice is complete or
14 forego filing summary judgment altogether. This places the parties squarely within the
15 *Faber* circumstances. This delay was avoidable. The Ninth Circuit declined GEO’s
16 request for 26(f) review on January 22, 2020. Yet, Plaintiffs did not file their motion
17 to approve class notice until August 4, 2020, with a hearing set for September 14,
18 2020. ECF 284. The proposed opt-out deadline is not until 75-days following the
19 “campaign launch.” ECF 284 at p. 10. Assuming the Court approves Plaintiffs’
20 Notice Plan, and assuming Plaintiffs launch their Notice Plan on the day of the
21 hearing (which is highly improbable), the earliest possible opt-out deadline would be
22 October 29, 2020. Yet, the deadline for parties to file a motion for summary judgment
23 is fifteen days before that, on October 14. Plaintiffs’ inexplicable delay now poses a
24 serious threat of irreparable injury to GEO.

25 ///

26 ///

27 ///

28 ///

1 **B. Plaintiffs’ Discovery Tactics Require a Continuance of the Discovery**
2 **Cutoff.**

3 The discovery cutoff is currently set for September 14, 2020, with a “substantial
4 compliance” deadline of September 7, 2020. (ECF 247 & Hou Decl. ¶ 13.) Plaintiffs
5 continue to thwart GEO’s ability to comply with these deadlines with numerous
6 demands for conferral and near-weekly threats to seek Court intervention for
7 immaterial or already-resolved issues. Additionally, Plaintiffs have continued to serve
8 additional discovery requests, demand depositions *without any conferral as to*
9 *appropriate dates*, and notice depositions of third parties (again without conferral).
10 (Hou Decl. ¶¶ 5-7, 11.) While seeking conferrals and court intervention on material
11 issues is understandable and in fact required, the conferral record demonstrates
12 Plaintiffs have tried to revive at least five already-resolved issues and there is no
13 indication they will stop. (Hou Decl. ¶ 14.)

14 To the contrary. Between July 23, 2020 and August 20, 2020, Plaintiffs
15 presented no less than **nineteen** discrete discovery issues—many of which were
16 revivals of resolved disputes—to GEO’s counsel demanding immediate attention
17 otherwise they would bring the issue before Magistrate Judge Kewalramani, often by
18 close of business the same day. (Hou Decl. ¶ 14.)

19 Indeed, despite good faith conferrals, a significant number of outstanding
20 conferrals mandated by Magistrate Judge Kewalramani were not finalized until
21 earlier this month. (Hou Decl. ¶ 16.) These conferrals resulted in an agreement that in
22 addition to other outstanding requests, GEO would review thousands of documents
23 before the September 14, 2020 cutoff. Moreover, just two weeks ago, on August 3,
24 2020 and August 4, 2020, Plaintiffs propounded twelve additional RFPs. As described
25 above, request number 39 *alone* seeks all documents produced by GEO in *two other*
26 *pending class* actions, including *Menocal v. The GEO Group*, which GEO has been
27 litigating for six years. (Hou Decl. ¶ 7.)
28

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1 Finally, on August 20, 2020, Plaintiffs appeared before Magistrate
2 Kewalramani to resolve a discovery dispute concerning the deposition of Jessie Flores
3 during which Plaintiffs raised, for the first time, new allegations and legal claims
4 which would further expand the scope of this litigation. (Hou Decl. ¶ 18.)

5 **C. COVID-10 Related Concerns.**

6 In addition to the above, while everyone has been impacted by COVID-19,
7 GEO's has suffered a disproportionate impact due to its unique business. GEO has
8 faced unprecedented litigation nationwide, including at least two TROs in front of this
9 very Court. Additionally, because the safety and security of detainees is paramount,
10 GEO's ICE facilities limited ingress and egress to third parties, as well as
11 implemented new schedules. These limitations have the effect of reducing GEO's
12 ability to respond to certain document requests, as employees are not always instantly
13 available to GEO's counsel. (Hou Decl. ¶ 8.)

14 Further, GEO's corporate campus in Florida is operating on reduced schedules
15 and much of its corporate staff's attention has been devoted to addressing COVID-19
16 related issues across GEO's nationwide facility network. This has impeded GEO's
17 ability to meet its current discovery obligations, particularly in light of the shortened
18 time frames governing this action. Even in normal circumstances, the effort required
19 to complete discovery in a nationwide class action would be extensive and difficult to
20 accomplish in a mere six months. *See* ECF Nos. 244 and 247. During the global
21 COVID-19 pandemic, however, the challenge is extraordinary and *severely* impacted
22 by GEO's closed campus and primary goal of implementing health safety measures
23 across its facilities nationwide.

24 **V. CONCLUSION.**

25 GEO seeks *ex parte* relief for the foregoing reasons, including (1) Plaintiffs'
26 late filing of their Motion to Approve Class Notice which proposes a notice
27 completion plan after the deadline to file dispositive motions in this case—thus
28 running afoul of the one-way intervention rule; (2) Plaintiffs' recent service of twelve

1 additional requests for production of documents calling for voluminous documents in
 2 addition to the myriad of outstanding discovery requests noted above; (3) the
 3 unprecedented circumstances caused by COVID-19 including impeding GEO's efforts
 4 to comply with the fast approaching deadlines; and (4) Plaintiffs' unwillingness to
 5 stipulate to a short continuance.

6 GEO respectfully requests this Court reset the impending deadlines as follows:

7 Event	Current Date	Proposed Date
8 Expert Disclosure (Initial)	Monday, August 17, 2020	No Change
9 Expert Disclosure (Rebuttal)	Monday, August 31, 2020	Wednesday, September 30, 2020
10 All Discovery Cutoff (including hearing discovery motions)	Monday, September 14, 2020	Friday, October 30, 2020
11 Last Date to Conduct Settlement Conference	Monday, October 12, 2020	Friday, November 6, 2020
12 Last Date to File Summary Judgment Motions	Wednesday October 4, 2020	Friday, November 6, 2020 (or the soonest possible date following the close of the notice period).
13 Last Date to Hear Non- Discovery Motions	Monday, November 30, 2020	Friday, December 4, 2020
14 Final Pretrial Conference and Hearings on Motions in Limine	Monday, January 4, 2021 at 11:00 AM	No Change
15 Trial Date	Tuesday, February 2, 2021 at 9:00 AM	No Change

16 GEO respectfully requests the Court grant this *ex parte* application.

17 Dated: August 21, 2020

AKERMAN LLP

18 By: /s/ David Van Pelt
 19 Michael L. Gallion
 20 David Van Pelt
 21 Colin L. Barnacle
 22 Adrienne Scheffey
 23 Attorneys for Defendant
 24 THE GEO GROUP, INC.

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14 Attorneys for Defendant
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
28

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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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EXHIBIT 1

1 Korey A. Nelson (admitted *pro hac vice*)
knelson@burnscharest.com

2 Lydia A. Wright (admitted *pro hac vice*)
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6 ***Class Counsel***

7 (Additional Class Counsel listed on signature page)

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION**

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

15 *Plaintiffs,*

16 v.

17 **THE GEO GROUP, INC.,**

18 *Defendant.*

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

**PLAINTIFFS' THIRD SET OF
REQUESTS FOR PRODUCTION
TO DEFENDANT THE GEO
GROUP, INC.**

19 **TO: Defendant The GEO Group, Inc.**

20 Plaintiffs Raul Novoa, Jaime Campos Fuentes, Abdiaziz Karim, and Ramon Mancía, by and
21 through undersigned counsel, hereby serve the following requests for production under oath pursuant
22 to Federal Rules of Civil Procedure 26 and 34.

23 Please respond within 30 days from the date of this request, and continuing from day to day
24 thereafter, until completed, at **365 Canal Street, Suite 1170, New Orleans, Louisiana 70130**, or at
such time and place as may be agreed upon by all counsel.

25 **INSTRUCTIONS**

1 1. Each discovery request must be answered in full. If this cannot be done after
2 conducting a reasonable investigation, answer to the fullest extent possible, explaining why a complete
3 answer is not possible, stating any knowledge, information, or belief concerning the unanswered
4 portion of the discovery request, what information or documents cannot be provided, why the
5 information or documents are not available, and what efforts were made to obtain the unavailable
6 information or documents.

7 2. Pursuant to Rule 34, all documents and tangible things that are responsive to a request
8 for production must be produced if they are in your possession, custody, or control.

9 a. You are instructed that possession, custody, or control includes constructive
10 possession; therefore, your ability to produce the documents and tangible items
11 requested herein is not affected by you not having actual physical possession of
12 such items.

13 b. As long as you have a right to possess the requested items or a right to compel the
14 production of such items from a third party (including any person, entity, agent,
15 governmental body or agency, or representative), you have possession, custody, or
16 control.

17 c. If any document requested was in your possession or control, but no longer is in
18 your possession or subject to your control, state what disposition was made of it,
19 the reason and date of such disposition.

20 3. With respect to each item or category of items where applicable, you must state
21 objections and assert privileges, if any, as required by the Federal Rules of Civil Procedure and further
22 respond, as appropriate, that:

23 a. production, inspection, or other requested action will be permitted as requested;

24 b. the requested items are being served with your response;

25 c. production, inspection, or other requested action will take place at a specified time
26 and place if you are objecting to the time and place specified herein; or

1 d. no items have been identified, after diligent search, that are responsive to the
2 request.

3 4. To the extent any of the following discovery requests are objectionable in whole or in
4 part, each objection must be stated with particularity, including the reasons for the objection and the
5 categories of information to which the objection applies. As required by the Federal Rules of Civil
6 Procedure, the discovery request must be answered to the extent it is not objectionable.

7 5. If you withhold information for reasons of any privilege, or claims that any answer to
8 any discovery request is subject to a claim of privilege regarding any information, document, or
9 communication sought by any of these discovery requests, identify each such communication,
10 information, or document withheld on grounds of an alleged privilege, and specifically set forth the
11 following: the nature and basis of the privilege claimed; the type of document; the author(s); the
12 addressee(s), including the actual or intended recipients of any copies; the date of the communication,
13 document, or information; the subject matter of the communication, document, or information; if the
14 privilege claimed is the attorney-client privilege, an indication of which author(s) or addressee(s) is/are
15 attorneys; any other information necessary to support the claim of privilege; and the numbered
16 discovery request to which each alleged privileged document is responsive.

17 6. If you find the meaning of any term in these discovery requests unclear, you shall
18 assume a reasonable meaning, state what the assumed meaning is, and respond according to the
19 assumed meaning.

20 7. In interpreting these discovery requests, definitions, and instructions: any masculine,
21 feminine, or neutral term includes all other genders; the singular includes the plural and vice versa; and
22 “or,” “and,” “and/or,” and “including” shall be read to bring within the scope of the discovery request
23 the broadest amount of information.

24 8. Unless otherwise specified in a particular question or request, the relevant time period
25 for all questions and requests is from December 19, 2007, and continuing through to the present. If
26

1 additional responsive documents are created following the service of these requests, they should be
2 treated as responsive and promptly produced in accordance with the Federal Rules.

3 9. To the extent any aspect of your answer or response changes depending on the time
4 considered, please identify the various iterations, when they happened, and the reason(s) for the
5 change(s) over time.

6 10. Pursuant to Federal Rules of Civil Procedure 26(a) and 26(e), you must supplement, by
7 reasonable amendment, any response you give to include documents later drafted, acquired, or
8 discovered by you. You have an ongoing obligation to supplement your responses to these discovery
9 requests.

10 11. Pursuant to FRCP 34(B)(1)(c), please produce all electronically stored information
11 (“ESI”) in its original file format as maintained in your regular course of business and in a format
12 readable by readily available commercial software. In the alternative, ESI may be produced in a format
13 otherwise agreed upon by the parties.

14 12. The request for production of documents includes the file or files in which the
15 documents are contained or compiled. The request further includes all copies of any particular
16 document that varies in any material way from the original, e.g., all documents with written notations,
17 highlighting or marking thereon, or attached thereto, including the color of any such notations,
18 markings or high-lightings. These requests include all document drafts.

19 13. Pursuant to Rule 34, you are instructed to either produce the documents and tangible
20 things as they are kept in the usual course of business or organize and label them in such a manner so
21 that they correspond to each specific request.

22 a. File folders with tabs or labels identifying documents called for should be produced
23 intact with the document or documents.

24 b. Selection and identification of documents from files or other sources should be
25 performed in such a manner as to ensure that the source of each document may be
26 determined.

1 c. Documents attached to each other should not be separated unless sufficient records
2 are kept to permit reconstruction of the groupings.

3 14. If the requested documents are maintained in a file, the file folder is included in the
4 request for production of those documents.

5 15. Unless otherwise indicated, requests for production of documents pertain to the
6 entirety of the relevant period, and Defendant's responses should be updated regularly.

7 **DEFINITIONS**

8 As used in these requests for production, the following terms have the following meanings:

9 1. The term "GEO" is defined as the Defendant The GEO Group, Inc., and affiliated
10 corporate entity or subsidiary (including any taxable REIT subsidiary) through which The GEO Group,
11 Inc. conducts business or receives revenue, as well any officer, agent, employee, executive, or
12 representative of GEO as defined herein.

13 2. The term "ICE" is defined as the United States Immigration and Customs
14 Enforcement.

15 3. The term "Voluntary Work Program" is defined as any program GEO operates
16 involving labor performed by detainees for remuneration of any kind that includes tasks outside those
17 described in Section 5.8.V.C of the 2011 ICE Performance-Based National Detention Standards
18 ("PBNDS") (rev. 2016).

19 4. The term "PBNDS" is defined as any version of the 2011 ICE Performance-Based
20 National Detention Standards.

21 5. The terms "Housing Unit Sanitation Policy" and "Sanitation
22 Procedures/Housekeeping Plan" are defined as any program, policy, plan, or procedure GEO operates
23 involving labor performed by detainees for no remuneration that includes sanitation and cleaning tasks
24 in the detainees' housing units, dormitories, pods, or living areas. *See, e.g.*, GEO-Novoa_00000515
25 ("Sanitation Procedures/Housekeeping Plan").

26 6. The term "operates" means maintains, implements, runs, utilizes or employs.

1 7. The term “Adelanto Facility” is defined as the Adelanto ICE Processing Center, located
2 in Adelanto, California and operated by GEO pursuant to a federal contract with ICE.

3 8. The term “Intergovernmental Services Agreement” (“IGSA”) is defined as the May
4 2011 contract between the City of Adelanto (the “City”) and United States Immigration and Customs
5 Enforcement (“ICE”) for the detention and care of civil immigration detainees awaiting removal
6 proceedings at the Adelanto Detention Center. *See* GOWER-GEO 0000477-0000544.

7 9. The term “Services Contract” refers to the May 2011 contract between the City of
8 Adelanto and GEO, pursuant to which GEO assumed responsibility to maintain and operate the
9 Adelanto Detention Center. *See* GOWER-GEO 0000468-0000476.

10 10. The term “Bridge Contract” refers to the June 2019 contract between GEO and ICE
11 establishing, *inter alia*, detention, transportation and medical services at the Adelanto Detention Facility.
12 *See* GEO-Novoa_00035044-00035249.

13 11. The term “Direct Contract” refers to the October 2019 contract between GEO and
14 ICE establishing, *inter alia*, detention, transportation and medical services at the Adelanto Detention
15 Facility. *See* GEO-Novoa_00040872-00040885.

16 12. The terms “detainee” and “detained immigrant” are defined as any person detained in
17 an immigration detention facility operated by GEO.

18 13. The term “person” is defined as any natural person or business, legal, or governmental
19 entity or association.

20 14. The terms “Plaintiffs,” “Plaintiff,” “Defendant,” and “Defendants,” as well as a party’s
21 full or abbreviated name or pronoun referring to a party, mean the party and, where applicable, his
22 officers, directors, employees, partners, corporate parent, subsidiaries, predecessors, or affiliates. This
23 definition is not intended to impose a discovery obligation on any person who is not a party to the
24 litigation.

25 15. The terms “you” and “your” include the person(s) to whom these requests are
26 addressed, and all of that person’s agents, representatives, and attorneys.

1 16. “Compensation” means all monies and benefits, including: salaries, hourly wages,
2 overtime wages, commissions, raises, and bonuses; or any other benefits given in return for work, tasks
3 and/or duties.

4 17. The term “hours” includes full hours and partial hour(s).

5 18. “Policy” or “Policies” mean each rule, procedure, or directive, formal or informal,
6 written or unwritten, and each common understanding or course of conduct that was recognized as
7 such by Defendant or persons acting or purporting to act on Defendant’s behalf, that has been in effect
8 at any time during the period covered by these demands. These terms include any change of policy.

9 19. “Relevant period” means the period from December 19, 2007 through the present for
10 all requests related to the Work Program and December 19, 2007 through the present for all requests
11 related to the use of solitary confinement, administrative segregation, and/or disciplinary segregation.

12 20. The singular of each word shall be construed to include its plural and vice-versa, and
13 the root word and all derivations (i.e., “ing,” “ed,” etc.) shall be construed to include each other.

14 21. The words “knowledge,” “information,” “possession,” “custody,” and “control” of a
15 person shall be construed to include such person’s agents, representatives, and attorneys.

16 22. The word “including” shall have its ordinary meaning and shall mean “including but
17 not limited to” and shall not indicate limitation to the examples or items mentioned.

18 23. The term “communication” means the transmittal of information by any means (in the
19 form of facts, ideas, inquiries, or otherwise).

20 24. The term “concerning” means relating to, referring to, describing, evidencing or
21 constituting.

22 25. The terms “document” and “documents” are defined to be synonymous in meaning
23 and equal in scope to the usage of the term “documents” in F.R.C.P. 34(a)(1)(A).

24 26. The term “electronically stored information” is defined to be synonymous in meaning
25 and equal in scope to the usage of “electronically stored information” in F.R.C.P. 34(a)(1)(A) and shall
26 be abbreviated from time to time as “ESI”.

1 27. Pursuant to Federal Rule of Civil Procedure 34, electronically stored information
2 (“ESI”) subject to disclosure includes information stored “in any medium.” Such media include, but
3 are not limited to:

- 4 a. Active, online storage locations, such as magnetic disks and hard drives;
- 5 b. Near-line storage locations, such as optical disks;
- 6 c. Offline storage locations and archives, such as removable optical disks and
7 magnetic tape media;
- 8 d. Back-up tapes;
- 9 e. Floppy disks, diskettes, CDs, zip discs, jazz discs, zip drive, flash memory, DVDs,
10 videotapes, audiotapes, Personal Digital Assistant (“PDA”), memory cards; and
- 11 f. Any other medium, including but not limited to third-party Electronic
12 Communications Service and Remote Computing Service providers, such as
13 wireless cell phone companies, online electronic mail providers (e.g., Gmail,
14 Hotmail or Facebook); and any website hosting providers (e.g., Typad).

15 28. With respect to the term “identify:”

- 16 a. When referring to a person, “to identify” means to give, to the extent known, the
17 person’s full name, present or last known address, and when referring to a natural
18 person, additionally, the present or last known place of employment. Once a person
19 has been identified in accordance with this subparagraph, only the name of that
20 person need be listed in response to subsequent discovery requesting the
21 identification of that person;
- 22 b. When referring to communications, “to identify” means to provide, to the extent
23 known, the (i) date or approximate date of the communication; (ii) party or parties
24 to whom the communication was directed; (iii) party or parties who received the
25 communication; (iv) means or format of the communication; and (v) content of the
26 communication; and

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- c. When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
- d. The word “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in F.R.C.P. 34(a). A draft of a non- identical copy is a separate document within the meaning of this term.

1 **PLAINTIFFS' THIRD SET OF REQUESTS FOR PRODUCTION**

2 **REQUEST NO. 39**

3 Please provide any and all documents produced by GEO in *Nwauzor et al. v. The GEO Group,*
4 *Inc.*, Case No. 3:17-cv-05769-RJB, on the United States District Court for the Western District of
5 Washington at Tacoma (consolidated with *State of Washington v. The GEO Group, Inc.*, Case No. 3:17-cv-
6 05806-RJB) and *Menocal, et al. v. The GEO Group, Inc.*, Case No. 1:14-cv-02887-JLK-MEH, In the United
7 States District Court for the District of Colorado.

8 **REQUEST NO. 40**

9 Please provide any and all documents constituting disciplinary referrals for any detainee at any
10 facility in the Nationwide HUSP Class for violations of the following Category III/High Moderate
11 Offense: "306: Refusal to clean assigned living area." *See, e.g.*, GEO-Novoa_00003853.

12 **REQUEST NO. 41**

13 Please provide any and all documents constituting disciplinary referrals for any detainee at any
14 facility in the Nationwide HUSP Class for violations of the following Category II/High Offense: "214:
15 Encouraging others to participate in a work stoppage or to refuse to work." *See, e.g.*, GEO-
16 Novoa_00003853.

17 **REQUEST NO. 42**

18 Please provide any and all ICE National Detention Handbooks which have been provided to
19 detainees at any facility in the Nationwide HUSP Class since May 2011.

20 **REQUEST NO. 43**

21 Please provide any and all provisions of the American Correctional Association standards
22 which You claim are incorporated into the IGSA/SC, Bridge Contract, and Direct Contract at the
23 Adelanto Facility.

24 **REQUEST NO. 44**

25 Please provide any and all documents, memoranda, or other communications constituting an
26 "Officers' Handbook (M-68)" as referenced in the Bridge Contract. *See* GEO-Novoa_00035054.

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REQUEST NO. 45

Please provide any and all documents, memoranda, or other communications constituting a "Contractor's Employee Handbook" as referenced in the Bridge Contract. See GEO-
Novoa_00035056.

Dated: August 3, 2020

/s/ Lydia A. Wright

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CERTIFICATE OF SERVICE

Plaintiffs Raul Novoa, Jaime Campos Fuentes, Abdiaziz Karim, and Ramon Mancía, by and through undersigned counsel, hereby certify that a true and correct copy of the forgoing was served upon the following counsel in this matter, by email, on August 3, 2020.

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Dated: August 3, 2020

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6 ***Class Counsel***

7 (Additional Class Counsel listed on signature page)

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION**

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

15 *Plaintiffs,*

16 v.

17 **THE GEO GROUP, INC.,**

18 *Defendant.*

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

**PLAINTIFFS' FOURTH SET OF
REQUESTS FOR PRODUCTION
TO DEFENDANT THE GEO
GROUP, INC.**

19 **TO: Defendant The GEO Group, Inc.**

20 Plaintiffs Raul Novoa, Jaime Campos Fuentes, Abdiaziz Karim, and Ramon Mancía, by and
21 through undersigned counsel, hereby serve the following requests for production under oath pursuant
22 to Federal Rules of Civil Procedure 26 and 34.

23 Please respond within 30 days from the date of this request, and continuing from day to day
24 thereafter, until completed, at **365 Canal Street, Suite 1170, New Orleans, Louisiana 70130**, or at
25 such time and place as may be agreed upon by all counsel.

INSTRUCTIONS

1
2 1. Each discovery request must be answered in full. If this cannot be done after
3 conducting a reasonable investigation, answer to the fullest extent possible, explaining why a complete
4 answer is not possible, stating any knowledge, information, or belief concerning the unanswered
5 portion of the discovery request, what information or documents cannot be provided, why the
6 information or documents are not available, and what efforts were made to obtain the unavailable
7 information or documents.

8 2. Pursuant to Rule 34, all documents and tangible things that are responsive to a request
9 for production must be produced if they are in your possession, custody, or control.

10 a. You are instructed that possession, custody, or control includes constructive
11 possession; therefore, your ability to produce the documents and tangible items
12 requested herein is not affected by you not having actual physical possession of
13 such items.

14 b. As long as you have a right to possess the requested items or a right to compel the
15 production of such items from a third party (including any person, entity, agent,
16 governmental body or agency, or representative), you have possession, custody, or
17 control.

18 c. If any document requested was in your possession or control, but no longer is in
19 your possession or subject to your control, state what disposition was made of it,
20 the reason and date of such disposition.

21 3. With respect to each item or category of items where applicable, you must state
22 objections and assert privileges, if any, as required by the Federal Rules of Civil Procedure and further
23 respond, as appropriate, that:

24 a. production, inspection, or other requested action will be permitted as requested;

25 b. the requested items are being served with your response;

26

1 c. production, inspection, or other requested action will take place at a specified time
2 and place if you are objecting to the time and place specified herein; or

3 d. no items have been identified, after diligent search, that are responsive to the
4 request.

5 4. To the extent any of the following discovery requests are objectionable in whole or in
6 part, each objection must be stated with particularity, including the reasons for the objection and the
7 categories of information to which the objection applies. As required by the Federal Rules of Civil
8 Procedure, the discovery request must be answered to the extent it is not objectionable.

9 5. If you withhold information for reasons of any privilege, or claims that any answer to
10 any discovery request is subject to a claim of privilege regarding any information, document, or
11 communication sought by any of these discovery requests, identify each such communication,
12 information, or document withheld on grounds of an alleged privilege, and specifically set forth the
13 following: the nature and basis of the privilege claimed; the type of document; the author(s); the
14 addressee(s), including the actual or intended recipients of any copies; the date of the communication,
15 document, or information; the subject matter of the communication, document, or information; if the
16 privilege claimed is the attorney-client privilege, an indication of which author(s) or addressee(s) is/are
17 attorneys; any other information necessary to support the claim of privilege; and the numbered
18 discovery request to which each alleged privileged document is responsive.

19 6. If you find the meaning of any term in these discovery requests unclear, you shall
20 assume a reasonable meaning, state what the assumed meaning is, and respond according to the
21 assumed meaning.

22 7. In interpreting these discovery requests, definitions, and instructions: any masculine,
23 feminine, or neutral term includes all other genders; the singular includes the plural and vice versa; and
24 “or,” “and,” “and/or,” and “including” shall be read to bring within the scope of the discovery request
25 the broadest amount of information.
26

1 8. Unless otherwise specified in a particular question or request, the relevant time period
2 for all questions and requests is from December 19, 2007, and continuing through to the present. If
3 additional responsive documents are created following the service of these requests, they should be
4 treated as responsive and promptly produced in accordance with the Federal Rules.

5 9. To the extent any aspect of your answer or response changes depending on the time
6 considered, please identify the various iterations, when they happened, and the reason(s) for the
7 change(s) over time.

8 10. Pursuant to Federal Rules of Civil Procedure 26(a) and 26(e), you must supplement, by
9 reasonable amendment, any response you give to include documents later drafted, acquired, or
10 discovered by you. You have an ongoing obligation to supplement your responses to these discovery
11 requests.

12 11. Pursuant to FRCP 34(B)(1)(c), please produce all electronically stored information
13 (“ESI”) in its original file format as maintained in your regular course of business and in a format
14 readable by readily available commercial software. In the alternative, ESI may be produced in a format
15 otherwise agreed upon by the parties.

16 12. The request for production of documents includes the file or files in which the
17 documents are contained or compiled. The request further includes all copies of any particular
18 document that varies in any material way from the original, e.g., all documents with written notations,
19 highlighting or marking thereon, or attached thereto, including the color of any such notations,
20 markings or high-lightings. These requests include all document drafts.

21 13. Pursuant to Rule 34, you are instructed to either produce the documents and tangible
22 things as they are kept in the usual course of business or organize and label them in such a manner so
23 that they correspond to each specific request.

24 a. File folders with tabs or labels identifying documents called for should be produced
25 intact with the document or documents.

1 b. Selection and identification of documents from files or other sources should be
2 performed in such a manner as to ensure that the source of each document may be
3 determined.

4 c. Documents attached to each other should not be separated unless sufficient records
5 are kept to permit reconstruction of the groupings.

6 14. If the requested documents are maintained in a file, the file folder is included in the
7 request for production of those documents.

8 15. Unless otherwise indicated, requests for production of documents pertain to the
9 entirety of the relevant period, and Defendant's responses should be updated regularly.

10 **DEFINITIONS**

11 As used in these requests for production, the following terms have the following meanings:

12 1. The term "GEO" is defined as the Defendant The GEO Group, Inc., and affiliated
13 corporate entity or subsidiary (including any taxable REIT subsidiary) through which The GEO Group,
14 Inc. conducts business or receives revenue, as well any officer, agent, employee, executive, or
15 representative of GEO as defined herein.

16 2. The term "ICE" is defined as the United States Immigration and Customs
17 Enforcement.

18 3. The term "Voluntary Work Program" is defined as any program GEO operates
19 involving labor performed by detainees for remuneration of any kind that includes tasks outside those
20 described in Section 5.8.V.C of the 2011 ICE Performance-Based National Detention Standards
21 ("PBNDS") (rev. 2016).

22 4. The term "PBNDS" is defined as any version of the 2011 ICE Performance-Based
23 National Detention Standards.

24 5. The terms "Housing Unit Sanitation Policy" and "Sanitation
25 Procedures/Housekeeping Plan" are defined as any program, policy, plan, or procedure GEO operates
26 involving labor performed by detainees for no remuneration that includes sanitation and cleaning tasks

1 in the detainees' housing units, dormitories, pods, or living areas. *See, e.g.*, GEO-Novoa_00000515
2 ("Sanitation Procedures/Housekeeping Plan").

3 6. The term "operates" means maintains, implements, runs, utilizes or employs.

4 7. The term "Adelanto Facility" is defined as the Adelanto ICE Processing Center, located
5 in Adelanto, California and operated by GEO pursuant to a federal contract with ICE.

6 8. The term "Intergovernmental Services Agreement" ("IGSA") is defined as the May
7 2011 contract between the City of Adelanto (the "City") and United States Immigration and Customs
8 Enforcement ("ICE") for the detention and care of civil immigration detainees awaiting removal
9 proceedings at the Adelanto Detention Center. *See* GOWER-GEO 0000477-0000544.

10 9. The term "Services Contract" refers to the May 2011 contract between the City of
11 Adelanto and GEO, pursuant to which GEO assumed responsibility to maintain and operate the
12 Adelanto Detention Center. *See* GOWER-GEO 0000468-0000476.

13 10. The term "Bridge Contract" refers to the June 2019 contract between GEO and ICE
14 establishing, *inter alia*, detention, transportation and medical services at the Adelanto Detention Facility.
15 *See* GEO-Novoa_00035044-00035249.

16 11. The term "Direct Contract" refers to the October 2019 contract between GEO and
17 ICE establishing, *inter alia*, detention, transportation and medical services at the Adelanto Detention
18 Facility. *See* GEO-Novoa_00040872-00040885; GEO-Novoa_00040886-00042576.

19 12. The terms "detainee" and "detained immigrant" are defined as any person detained in
20 an immigration detention facility operated by GEO.

21 13. The term "person" is defined as any natural person or business, legal, or governmental
22 entity or association.

23 14. The terms "Plaintiffs," "Plaintiff," "Defendant," and "Defendants," as well as a party's
24 full or abbreviated name or pronoun referring to a party, mean the party and, where applicable, his
25 officers, directors, employees, partners, corporate parent, subsidiaries, predecessors, or affiliates. This
26

1 definition is not intended to impose a discovery obligation on any person who is not a party to the
2 litigation.

3 15. The terms “you” and “your” include the person(s) to whom these requests are
4 addressed, and all of that person’s agents, representatives, and attorneys.

5 16. “Compensation” means all monies and benefits, including: salaries, hourly wages,
6 overtime wages, commissions, raises, and bonuses; or any other benefits given in return for work, tasks
7 and/or duties.

8 17. The term “hours” includes full hours and partial hour(s).

9 18. “Policy” or “Policies” mean each rule, procedure, or directive, formal or informal,
10 written or unwritten, and each common understanding or course of conduct that was recognized as
11 such by Defendant or persons acting or purporting to act on Defendant’s behalf, that has been in effect
12 at any time during the period covered by these demands. These terms include any change of policy.

13 19. “Relevant period” means the period from December 19, 2007 through the present for
14 all requests related to the Work Program and December 19, 2007 through the present for all requests
15 related to the use of solitary confinement, administrative segregation, and/or disciplinary segregation.

16 20. The singular of each word shall be construed to include its plural and vice-versa, and
17 the root word and all derivations (i.e., “ing,” “ed,” etc.) shall be construed to include each other.

18 21. The words “knowledge,” “information,” “possession,” “custody,” and “control” of a
19 person shall be construed to include such person’s agents, representatives, and attorneys.

20 22. The word “including” shall have its ordinary meaning and shall mean “including but
21 not limited to” and shall not indicate limitation to the examples or items mentioned.

22 23. The term “communication” means the transmittal of information by any means (in the
23 form of facts, ideas, inquiries, or otherwise).

24 24. The term “concerning” means relating to, referring to, describing, evidencing or
25 constituting.

26

1 25. The terms “document” and “documents” are defined to be synonymous in meaning
2 and equal in scope to the usage of the term “documents” in F.R.C.P. 34(a)(1)(A).

3 26. The term “electronically stored information” is defined to be synonymous in meaning
4 and equal in scope to the usage of “electronically stored information” in F.R.C.P. 34(a)(1)(A) and shall
5 be abbreviated from time to time as “ESI”.

6 27. Pursuant to Federal Rule of Civil Procedure 34, electronically stored information
7 (“ESI”) subject to disclosure includes information stored “in any medium.” Such media include, but
8 are not limited to:

- 9 a. Active, online storage locations, such as magnetic disks and hard drives;
- 10 b. Near-line storage locations, such as optical disks;
- 11 c. Offline storage locations and archives, such as removable optical disks and
12 magnetic tape media;
- 13 d. Back-up tapes;
- 14 e. Floppy disks, diskettes, CDs, zip discs, jazz discs, zip drive, flash memory, DVDs,
15 videotapes, audiotapes, Personal Digital Assistant (“PDA”), memory cards; and
- 16 f. Any other medium, including but not limited to third-party Electronic
17 Communications Service and Remote Computing Service providers, such as
18 wireless cell phone companies, online electronic mail providers (e.g., Gmail,
19 Hotmail or Facebook); and any website hosting providers (e.g., Typad).

20 28. With respect to the term “identify:”

- 21 a. When referring to a person, “to identify” means to give, to the extent known, the
22 person’s full name, present or last known address, and when referring to a natural
23 person, additionally, the present or last known place of employment. Once a person
24 has been identified in accordance with this subparagraph, only the name of that
25 person need be listed in response to subsequent discovery requesting the
26 identification of that person;

- 1 b. When referring to communications, “to identify” means to provide, to the extent
2 known, the (i) date or approximate date of the communication; (ii) party or parties
3 to whom the communication was directed; (iii) party or parties who received the
4 communication; (iv) means or format of the communication; and (v) content of the
5 communication; and
- 6 c. When referring to documents, “to identify” means to give, to the extent known, the
7 (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv)
8 author(s), addressee(s), and recipient(s).
- 9 d. The word “document” is defined to be synonymous in meaning and equal in scope
10 to the usage of this term in F.R.C.P. 34(a). A draft of a non- identical copy is a
11 separate document within the meaning of this term.

12 **PLAINTIFFS’ FOURTH SET OF REQUESTS FOR PRODUCTION**

13 **REQUEST NO. 46**

14 Please produce any and all documents, communications, materials, spreadsheets, or other files
15 that constitute a “Detainee Volunteer Work Screening Form (Request Form)” at the Adelanto Facility,
16 as referenced in the Direct Contract. *See* GEO-Novoa_00041327.

17 **REQUEST NO. 47**

18 Please produce any and all documents, communications, materials, spreadsheets, or other files
19 that constitute a “Detainee Volunteer Work Program Training Form” at the Adelanto Facility, as
20 referenced in the Direct Contract. *See* GEO-Novoa_00041328.

21 **REQUEST NO. 48**

22 Please produce any and all documents, communications, materials, spreadsheets, or other files
23 that constitute a “Detainee Volunteer Food Service Worker Contingency Plan” at the Adelanto Facility,
24 as referenced in the Direct Contract. *See* GEO-Novoa_00041329.
25
26

REQUEST NO. 49

Please produce any and all documents, communications, materials, spreadsheets, or other files that constitute an “Authorized Detainee Worker List Weekly Schedule” at the Adelanto Facility, as referenced in the Direct Contract. *See* GEO-Novoa_00041330.

REQUEST NO. 50

Please produce any and all documents, communications, materials, spreadsheets, or other files that constitute a “Detainee Volunteer Food Service Work Detail Pay List” at the Adelanto Facility, as referenced in the Direct Contract. *See* GEO-Novoa_00041330.

Dated: August 4, 2020

/s/ Lydia A. Wright

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CERTIFICATE OF SERVICE

Plaintiffs Raul Novoa, Jaime Campos Fuentes, Abdiaziz Karim, and Ramon Mancia, by and through undersigned counsel, hereby certify that a true and correct copy of the forgoing was served upon the following counsel in this matter, by email, on August 4, 2020.

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Dated: August 4, 2020

/s/ Lydia Wright

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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

Burns Charest LLP
365 Canal Street, Suite 1170
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From: "jonathan.turner@akerman.com" <jonathan.turner@akerman.com>
Date: Wednesday, July 29, 2020 at 4:03 PM
To: Lydia Wright <lwright@burnscharest.com>
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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

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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.

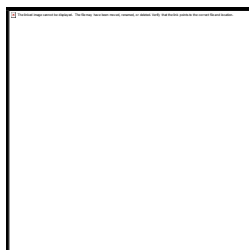
Also, please note I've joined the Akerman team working on this matter. Please add my e-mail to your distribution list.

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
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 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
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].
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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

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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

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

- Jonathan

Jonathan M. Turner

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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

Jonathan,

1pm CST on Friday is fine.

Thanks,
Lydia

Lydia A. Wright
Burns Charest LLP
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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

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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

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,

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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,

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
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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,

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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.

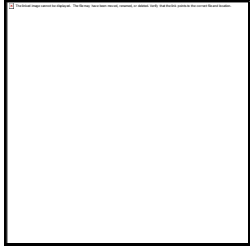
Sincerely,
Jonathan Turner

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: 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

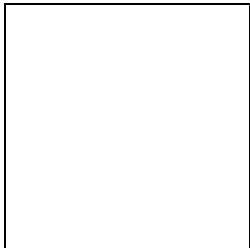
365 Canal Street, Suite 1170

New Orleans, LA 70130

504.799.2845 main

504.881.1765 fax

[vCard | Profile](#)



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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

EXHIBIT 3

From: Hou, Alicia (Lax)
Sent: Thursday, August 6, 2020 4:02 PM
To: Lydia Wright
Cc: Novoa - External; Turner, Jonathan (Assoc-Lax); Scheffey, Adrienne (Assoc-Den); Cizmorris, Melissa (Assoc-Den); Van Pelt, David (Ptrn-Lax)
Subject: RE: Novoa - Correspondence Re. Discovery Dispute & Meet and Confer

Hi Lydia,

We should be able to begin production of anything that does not need ICE review on a rolling basis by August 24.

Thanks,

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: Thursday, August 6, 2020 7:57 AM
To: Hatch, Lorna (LAA-Lax) <lorna.hatch@akerman.com>
Cc: Novoa - External <Novoa-External@burnscharest.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Hou, Alicia (Lax) <alicia.hou@akerman.com>; Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>
Subject: Re: Novoa - Correspondence Re. Discovery Dispute & Meet and Confer

Counsel,

With respect to Issue 3 in Jonathan's letter, and as stated in my email of July 31, 2020, the parties have already agreed to exclude the terms "covid" and "coronavirus" from the search terms. In that same email, I asked GEO to provide a date certain when GEO will conduct the searches and make the corresponding document productions, so we can inform Magistrate Kewalramani of the same. GEO has not responded to that request. So, again, when will GEO begin producing responsive documents?

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: "lorna.hatch@akerman.com" <lorna.hatch@akerman.com>
Date: Tuesday, August 4, 2020 at 3:12 PM

To: Lydia Wright <lwright@burnscharest.com>

Cc: Novoa - External <Novoa-External@burnscharest.com>, Jonathan Turner

<jonathan.turner@akerman.com>, Alicia Hou <alicia.hou@akerman.com>, Adrienne Scheffey

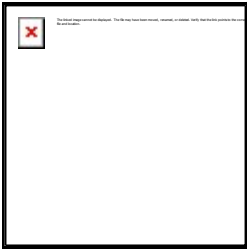
<Adrienne.scheffey@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>,

David Van Pelt <david.vanpelt@akerman.com>

Subject: Novoa - Correspondence Re. Discovery Dispute & Meet and Confer

Good afternoon Counsel,

Per Mr. Turner's request, please see the attached correspondence.



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EXHIBIT 4

From: Lydia Wright <lwright@burnscharest.com>
Sent: Tuesday, August 18, 2020 10:34 AM
To: Hou, Alicia (Lax); SHK_Chambers@cacd.uscourts.gov
Cc: Scheffey, Adrienne (Assoc-Den); Barnacle, Colin (Ptrn-Den); DeLaney, Damien (Ptrn-Lax); Van Pelt, David (Ptrn-Lax); Turner, Jonathan (Assoc-Lax); Gallion, Michael (Ptrn-Lax); Novoa - External
Subject: Re: 5:17-cv-02514, Novoa, et al. v The GEO Group

Magistrate Kewalramani,

Per the Court's August 7 Order (Dkt. 290), GEO has represented that it will be substantially compliant with its document productions by September 7—only one week before the discovery cutoff in this case. Now, GEO represents that it cannot even *estimate* the number of pages “and other materials” that remain to be produced. By GEO's own count, there are approximately 32,000 responsive documents (of an unknown number of pages) which it has not produced, and less than 5,000 documents are awaiting ICE review. GEO admits that it sent those documents to ICE less than two weeks ago, on August 6, 2020. As a result, there are at least 27,000 documents which GEO has not even submitted for ICE review yet.

Plaintiffs understand that the reason GEO cannot estimate the number of pages to be produced is the result of intentional cost-savings that GEO has sought in responding to Plaintiffs' requests. Specifically, GEO's counsel represented to Plaintiffs that to save money on data storage, the company has adopted an e-discovery and document review protocol that only images the pages in a document—and thus, tells how many pages it contains—when that document is actually reviewed. But that savings comes with a cost: GEO now informs Plaintiffs and this Court that it intends to process 5 times the total volume of documents it has produced since November 2018 (*i.e.*, 32,000 vs. 6600) over the course of the next three weeks.

If past is prologue, and GEO's production of 6600 documents yielding 77,000 pages to date offers any guidance, Plaintiffs are expected to review over 350,000 pages of new documents on the eve of the discovery deadline. Plaintiffs will be expected identify deficiencies, raise objections to redactions and privilege claims, and determine whether any additional testimony is necessary. And they will have to do all this after the last day to initiate conferrals under Rule 37-1 necessary to comply with the Court's deadline for hearing discovery-related motions. GEO's proposed substantial compliance deadline of September 7 thus violates the District Court's scheduling order by making compliance with several of its deadlines impossible.

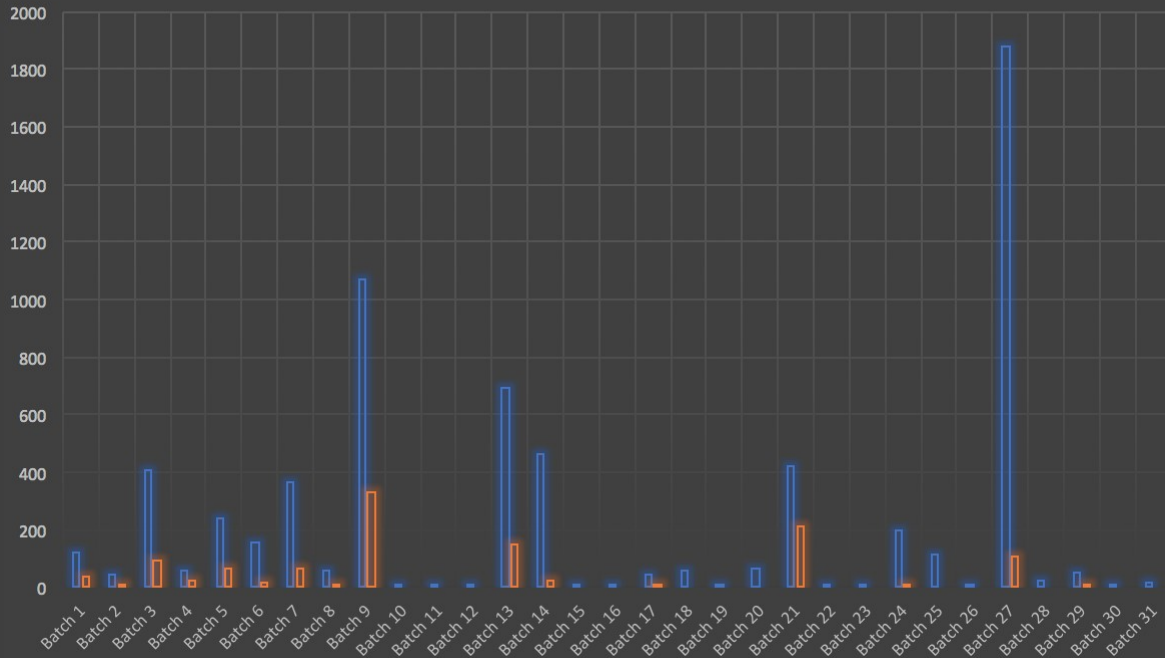
For the Court's reference, the charts below summarize GEO's production of documents to date.

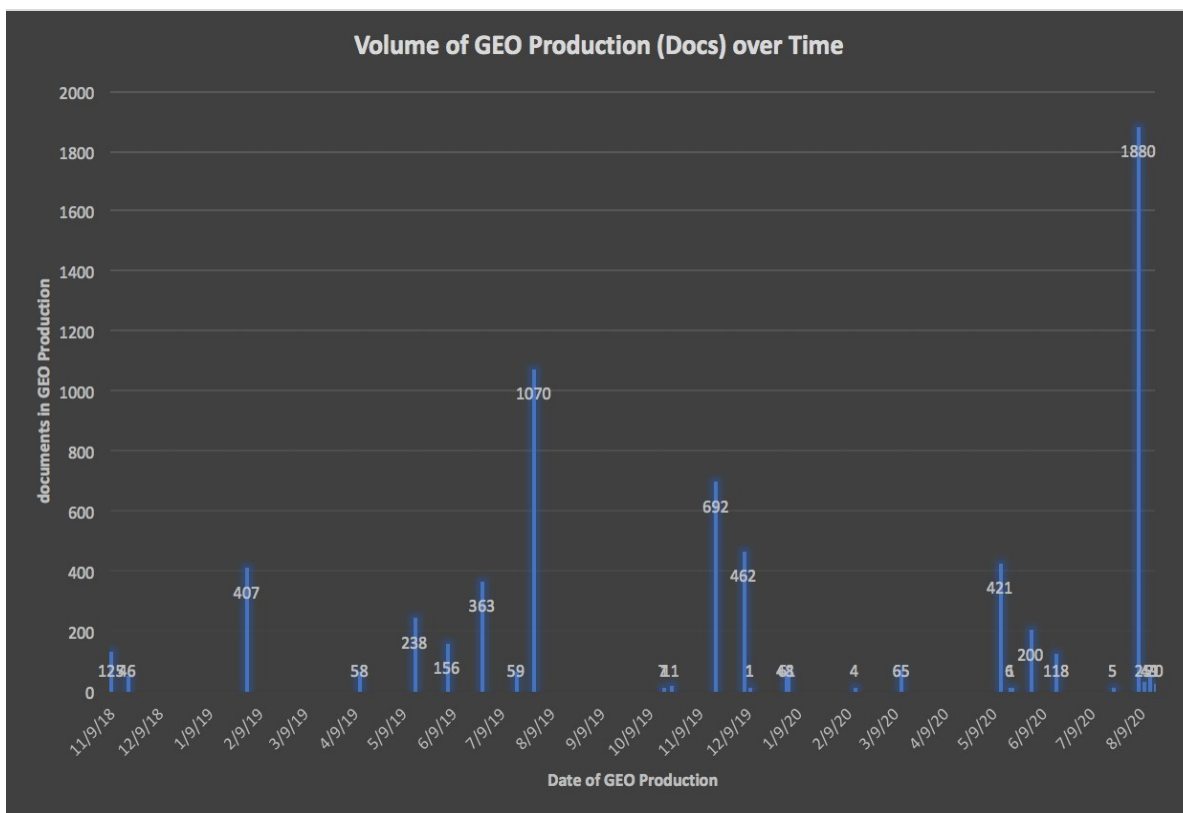
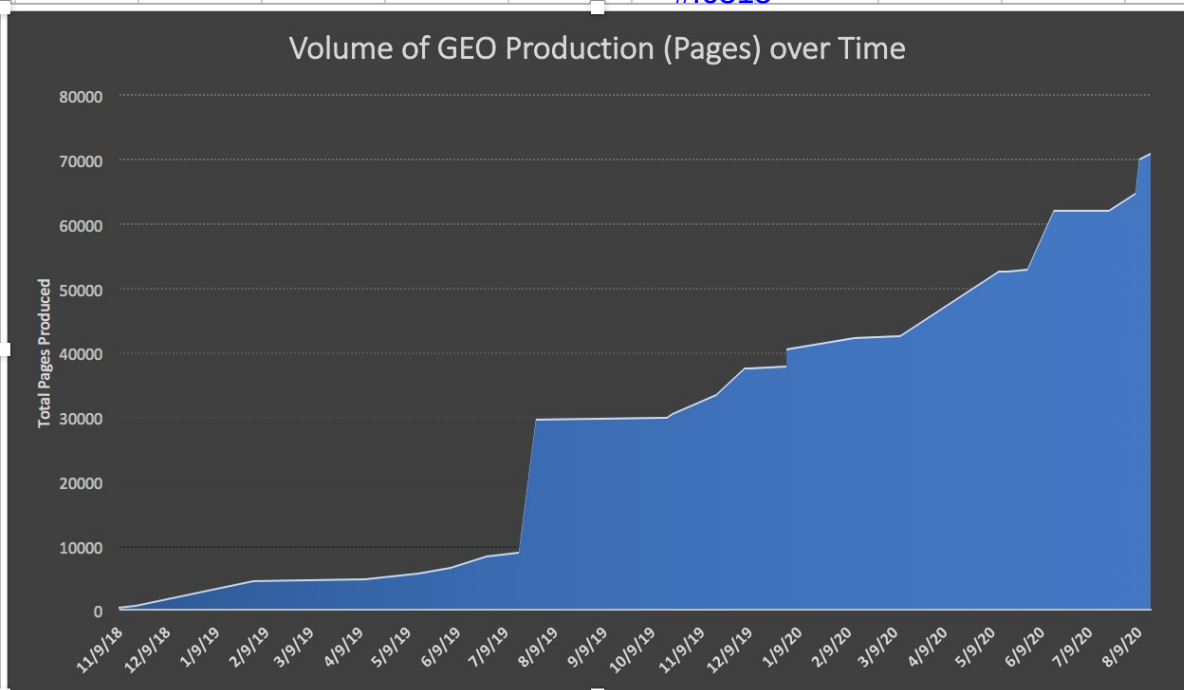
Status of GEO's Document Production



■ Docs GEO Has Produced ■ Docs GEO Hasn't Produced ■ Docs Awaiting ICE Review

GEO Productions (Docs vs. Dupes) over Time





Considering the circumstances and the timeline of this case, including the close of discovery in three weeks, it appears that GEO’s intent is to deprive Plaintiffs of discoverable information.

Plaintiffs seek a conference with the Court as soon as possible to discuss GEO’s representations and ongoing failure to produce responsive documents.

Thank you,

Lydia A. Wright

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

From: "alicia.hou@akerman.com" <alicia.hou@akerman.com>

Date: Monday, August 17, 2020 at 8:09 PM

To: "SHK_Chambers@cacd.uscourts.gov" <SHK_Chambers@cacd.uscourts.gov>, Lydia Wright <lwright@burnscharest.com>

Cc: Adrienne Scheffey <Adrienne.scheffey@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>, Novoa - External <Novoa-External@burnscharest.com>

Subject: 5:17-cv-02514, Novoa, et al. v The GEO Group

Magistrate Kewalramani,

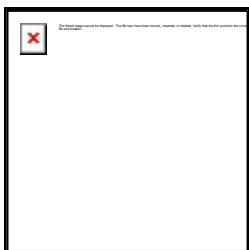
As directed by the Court's August 14, 2020 minute order, please find attached GEO's letter to the Court outlining status of documents pending review.

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

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EXHIBIT 5

From: Lydia Wright <lwright@burnscharest.com>
Sent: Friday, August 21, 2020 3:01 PM
To: Hou, Alicia (Lax)
Cc: Scheffey, Adrienne (Assoc-Den); Van Pelt, David (Ptrn-Lax); Gallion, Michael (Ptrn-Lax); Cizmorris, Melissa (Assoc-Den); Turner, Jonathan (Assoc-Lax); Novoa - External
Subject: Re: Novoa et al. v. GEO - conferral re upcoming deadlines

Thanks, Alicia. You may represent that Plaintiffs oppose GEO's *ex parte* application to modify the scheduling order as set forth below.

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

From: "alicia.hou@akerman.com" <alicia.hou@akerman.com>
Date: Friday, August 21, 2020 at 4:38 PM
To: Lydia Wright <lwright@burnscharest.com>
Cc: Adrienne Scheffey <Adrienne.scheffey@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, Michael Gallion <michael.gallion@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>, Jonathan Turner <jonathan.turner@akerman.com>, Novoa - External <Novoa-External@burnscharest.com>
Subject: RE: Novoa et al. v. GEO - conferral re upcoming deadlines

Lydia,

As we discussed on our call, given the outstanding discovery, we think that the outstanding discovery in this case warrants an extension of the discovery deadline. Considerations include, the additional discovery propounded this month by Plaintiffs, that Plaintiffs continue to notice additional depositions which further compress the time available for written discovery, and outstanding expert discovery—including depositions of Plaintiffs experts. In short, we do not think there are enough days between now and the discovery cutoff to reasonably accomplish the remaining discovery. Additionally, as we discussed on our call today and our call last Friday, Plaintiffs' delay in filing their motion to approve class notice has resulted in a notice completion deadline that falls after our dispositive motion cutoff. We look forward to receiving your response regarding whether you will join or oppose our request this afternoon.

Best,

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, August 21, 2020 2:13 PM
To: Hou, Alicia (Lax) <alicia.hou@akerman.com>
Cc: Scheffey, Adrienne (Assoc-Den) <adrienne.scheffey@akerman.com>; Van Pelt, David (Ptrn-Lax) <david.vanpelt@akerman.com>; Gallion, Michael (Ptrn-Lax) <michael.gallion@akerman.com>; Cizmorris, Melissa (Assoc-Den) <melissa.cizmorris@akerman.com>; Turner, Jonathan (Assoc-Lax) <jonathan.turner@akerman.com>; Novoa - External <Novoa-External@burnscharest.com>
Subject: Re: Novoa et al. v. GEO - conferral re upcoming deadlines

Hi Alicia,

Why does GEO believe these extensions are necessary? A better understanding of your rationale will help us determine whether to oppose or join in GEO's motion.

Also, please note that the best way to get ahold of me is by email. Particularly during this work-from-home period, a message left on the general office line may not reach me in a timely manner.

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: "alicia.hou@akerman.com" <alicia.hou@akerman.com>
Date: Friday, August 21, 2020 at 4:00 PM
To: Lydia Wright <lwright@burnscharest.com>
Cc: Adrienne Scheffey <Adrienne.scheffey@akerman.com>, David Van Pelt <david.vanpelt@akerman.com>, Michael Gallion <michael.gallion@akerman.com>, "melissa.cizmorris@akerman.com" <melissa.cizmorris@akerman.com>, Jonathan Turner <jonathan.turner@akerman.com>
Subject: Novoa et al. v. GEO - conferral re upcoming deadlines

Lydia,

Thanks for returning my call earlier. My understanding based on our call is that Plaintiffs are not currently interested in extending any of the deadlines in this case. As I mentioned on our call, we believe the below extensions are needed.

Please let us know by COB today whether Plaintiffs will continue to oppose these deadlines.

Event	Current Date	Proposed Date
Expert Disclosure (Initial)	Monday, August 17, 2020	No Change
Expert Disclosure (Rebuttal)	Monday, August 31, 2020	Wednesday, September 30, 2020

All Discovery Cutoff (including hearing discovery motions)	Monday, September 14, 2020	Friday, October 30, 2020
Last Date to Conduct Settlement Conference	Monday, October 12, 2020	Friday, November 6, 2020
Last Date to File Summary Judgment Motions	Wednesday October 4, 2020	Friday, November 6, 2020
Last Date to Hear Non-Discovery Motions	Monday, November 30, 2020	Friday, December 4, 2020
Final Pretrial Conference and Hearings on Motions in Limine	Monday, January 4, 2021 at 11:00 AM	No Change
Trial Date	Tuesday, February 2, 2021 at 9:00 AM	No Change

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
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AKERMAN LLP

601 WEST FIFTH STREET, SUITE 300
LOS ANGELES, CALIFORNIA 90071
TEL.: (213) 688-9500 – FAX: (213) 627-6342

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

Plaintiff,

vs.

THE GEO GROUP, INC.,

Defendant.

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

**[PROPOSED] ORDER GRANTING
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**

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.

1 The Court, having considered Defendant The GEO Group, Inc.'s (**GEO**) *Ex*
 2 *Parte* Application to Extend Expert Rebuttal Deadline, Discovery Cut-Off, Deadline
 3 to File Summary Judgment Motions, and Non-Discovery Motion Cut-Off, and good
 4 cause appearing therefore, IT IS HEREBY ORDERED THAT:

5 For the reasons discussed in the Motion, the Court **GRANTS** GEO's *ex parte*
 6 application to extend the following deadlines:

Event	Current Date	Proposed Date
Expert Disclosure (Rebuttal)	August 31, 2020	September 30, 2020
All Discovery Cutoff (including hearing discovery motions)	September 14, 2020	October 30, 2020
Last Date to Conduct Settlement Conference	October 12, 2020	November 6, 2020
Last Date to File Summary Judgment Motions	October 4, 2020	November 6, 2020 (or the soonest possible date following the close of the notice period).
Last Date to Hear Non- Discovery Motions	November 30, 2020	December 4, 2020

19
 20 **IT IS SO ORDERED.**

21
 22 DATED: _____

23 _____
 24 HON. JESUS G BERNAL
 25 UNITED STATES DISTRICT JUDGE