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12  
13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15 **EASTERN DIVISION**

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

20 *Plaintiffs,*

21 v.

22 **THE GEO GROUP, INC.,**

23 *Defendant.*

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

**PLAINTIFFS' OPPOSITION TO  
GEO'S EX PARTE  
APPLICATION TO EXTEND  
CERTAIN DEADLINES**

24 GEO improperly seeks *ex parte* relief from an exigency of its own creation. *See*  
25 Dkt. 201, 208. GEO has known of the Scheduling Order—including the discovery  
26 cutoff date and expert rebuttal deadlines—since it stipulated to those deadlines eight  
27 months ago. *See* Dkt. 247. But inexplicably, GEO has not sought, noticed or conducted  
28 a single deposition since October 2019. Nor has GEO even reviewed “tens of

1 thousands of documents” which, by its own admission, are responsive to requests for  
2 production served more than a year ago.<sup>1</sup>

3 GEO’s application is riddled with manufactured excuses and misstatements of  
4 fact. It should be seen for what it is: a gambit to delay Plaintiffs’ day in court. Tellingly,  
5 GEO waited until *after* it received Plaintiffs’ expert reports to raise the specter of  
6 “[d]rastic harm” that it purports to face should the Court maintain the longstanding  
7 pretrial dates in this action. Dkt. 300 at 12.

8 GEO has not and cannot demonstrate good cause or irreparable injury on this  
9 record because any perceived exigency is a condition entirely of GEO’s own making.  
10 *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995). The  
11 class members have waited nearly three years for justice and should not be punished for  
12 GEO’s dilatory behavior and continued malfeasance. Nor should the Court condone  
13 and reward GEO’s actions here.

#### 14 **A. Legal Standard**

15 *Ex parte* applications are a form of emergency relief that will only be granted upon  
16 an adequate showing of good cause or irreparable injury to the party seeking relief.  
17 Moreover, it must be established that the moving party is without fault in creating the  
18 crisis or that the crisis occurred as a result of excusable neglect. *Clark v. Time Warner*  
19 *Cable*, 2007 WL 1334965 at \*1 (C.D. Cal. May 3, 2007); *Yeiser Research & Development,*  
20 *LLC v. Teknor Apex Company*, 2019 WL 1298097 (S.D. Cal. March 20, 2019). GEO  
21 cannot satisfy either requirement.

22 Federal Rule of Civil Procedure 16(b)(4) allows a schedule to be modified for  
23 good cause and with a judge’s consent. Rule 16(b)’s “good cause” standard primarily  
24 considers the diligence of the party seeking the amendment. *See, e.g., Johnson v. Mammoth*

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25 <sup>1</sup> On August 7 and August 14, 2020, Plaintiffs informed GEO that they intend to seek  
26 sanctions and an adverse jury instruction based on GEO’s failure to produce relevant  
27 discovery and spoliation of documents. Declaration of Lydia Wright (“Wright Decl.”)  
28 at Ex. 1; *see also* Dkt. 290 (discussing the procedure for Plaintiffs to raise spoliation  
issues with implications at trial).

1 *Recreations Inc.*, 975 F.2d 604, 609 (9th Cir. 1992); *see also Rich v. Schrader*, 2013 WL 3710806  
2 at 2 (S.D. Cal. 2013). In order to demonstrate good cause, GEO must demonstrate its  
3 diligence in taking discovery, its diligence in propounding or noticing the particular  
4 outstanding discovery, and explain why the parties could not exchange the particular  
5 discovery before the discovery cut-off date. *Rich*, 2013 WL 3710806, at \*2. Although the  
6 existence or degree of prejudice to the party opposing the modification might supply  
7 additional reasons to deny a motion, the initial focus of the inquiry is upon the moving  
8 party's reasons for seeking modification. *Johnson*, 975 F.2d at 609. If that party was not  
9 diligent, as is the case here, the inquiry ends. *Id.*

10 **B. GEO faces no threat of irreparable harm.**

11 GEO presents three unfounded assertions of irreparable harm.

12 First, the one-way intervention doctrine is not an impediment to the timely  
13 resolution of this case. Four classes have been certified and class members will be  
14 notified immediately following Court approval of the proposed notice plan. *See* Dkt. 284.  
15 During the Local Rule 7-1 conferral process, Plaintiffs proposed an opt-out period of  
16 60 days. GEO requested an opt-out period of 90 days, and Plaintiffs agreed to 75 days.  
17 GEO never raised any concerns about the Scheduling Order or the one-way intervention  
18 doctrine during those conferences. To remedy GEO's newfound concerns about the  
19 opt-out period, Plaintiffs will simply agree to amend the proposed notice plan to seek  
20 the standard 45 days.<sup>2</sup>

21 Second, GEO contends that Plaintiffs "continue to thwart GEO's ability to  
22 comply" with the Scheduling Order by propounding discovery and seeking court  
23 intervention for GEO's malfeasance. Dkt. 300 at 15. But GEO fails to explain how  
24 Plaintiffs' vigorous prosecution of their case and their reasonable requests that GEO  
25 satisfy its discovery obligations constitute a source of irreparable harm.

26  
27 \_\_\_\_\_  
28 <sup>2</sup> Should the Court find merit in GEO's assertion, Plaintiffs request an opportunity to  
fully brief their position regarding the one-way intervention rule.

1           Finally, GEO's attempt to blame the pandemic for its misconduct is unavailing.  
2 Plaintiffs should not be punished because GEO has had to defend itself in COVID-  
3 related litigation. And GEO's "unique business" as a private prison contractor is not an  
4 excuse for its failure to comply with the Scheduling Order in this case. It is clear that  
5 GEO's concerns regarding COVID are trumped up, particularly since GEO does not  
6 seek to reset the fourteen day jury trial in this matter. See Dkt. 300 at 7; see also Dkt. 214  
7 (GEO's Demand for Jury Trial).

8           **C. Any perceived exigency is of GEO's own making.**

9           GEO has failed to demonstrate any exigent or unforeseen circumstances that  
10 would warrant delaying adjudication of this case. GEO presents no justification for its  
11 decision to wait until three weeks before the discovery cutoff to seek relief from  
12 deadlines. The record is replete with examples of GEO's discovery misconduct, which  
13 has delayed discovery by several months and required significant judicial intervention.

14           **1. GEO has not sought, noticed, or conducted a single deposition since**  
15 **October 2019.**

16           In October 2019, GEO deposed the four class representatives. That was the only  
17 and last effort by GEO to obtain any deposition testimony in this case. GEO simply  
18 cannot justify its failure to act, and indeed does not even try. The company cannot now  
19 claim prejudice as a result.<sup>3</sup> See *Brantley v. Borg-Warner Morse Tec, Inc.*, 2013 WL 5204524  
20 (S.D. Cal. Sept. 13, 2013) (denying *ex parte* application for an extension of time to  
21 complete discovery where counsel waited until ten days before the deadline to serve  
22 notice of the depositions).

23           **2. GEO has not sought expert discovery.**

24           Plaintiffs have noticed the deposition of GEO's lone expert, Jeffrey Kropf, for  
25 September 3. But GEO has made no attempt to depose Plaintiffs' experts. It is unclear

26 \_\_\_\_\_  
27 <sup>3</sup> While GEO claims in its application that it now seeks to depose class member  
28 Fernando Munoz-Aguilera, Dkt. 300 at 8, GEO has not informed Plaintiffs of its  
apparent intention.

1 why GEO believes it “will need to subpoena additional documents from Plaintiffs’  
2 experts.” Dkt. 300 at 7. GEO has never raised this issue with Plaintiffs, and all  
3 documents relied upon by each of Plaintiffs’ three experts is cited in their reports and/or  
4 have been produced in this case—totaling more than 4,800 pages. GEO, on the other  
5 hand, has yet to produce any documents relied upon by its expert, Mr. Kropf.

6  
7 **3. GEO has not even reviewed “tens of thousands of documents” in response**  
8 **to Plaintiffs’ Request for Production which were served more than one year**  
9 **ago.**

10 GEO claims that an extension is necessary because its “focus and energy” has  
11 been “taken” by discovery conferences and hearings with Magistrate Kewalramani. Dkt.  
12 300 at 8. Indeed, the parties have engaged in approximately 17 discovery hearings or  
13 conferences with the Court arising out of GEO’s ongoing failure to produce relevant  
14 documents, failure to produce privilege logs, and abuse of confidentiality designations.  
15 But GEO chose September 7, 2020 as its date of substantial compliance with its  
16 discovery obligations, not Magistrate Kewalramani.<sup>4</sup> And even GEO maintains that it  
17 intends to comply with the date it chose. Dkt. 300 at 9.

18 GEO’s malfeasance with its discovery obligations is well documented. On August  
19 17, 2020, GEO represented to Magistrate Kewalramani that it cannot even estimate the  
20 number of pages “and other materials” that remain to be produced. Wright Decl. at Ex.  
21 2. By GEO’s own count, there are approximately 32,000 responsive documents (of an  
22 unknown number of pages) which it has not produced, and less than 5,000 documents  
23 are awaiting ICE review. Worse yet, GEO admits that it only sent those documents to  
24 ICE on August 6, 2020. *Id.* As a result, there are at least 27,000 responsive documents  
25 that GEO has not yet even submitted for ICE review.<sup>5</sup> Wright Decl. at Ex. 3. GEO has

26 <sup>4</sup> GEO incorrectly asserts that its substantial compliance date applies only to  
27 documents responsive to Plaintiffs’ first two sets of Requests for Production.

28 <sup>5</sup> GEO’s delay is the result of intentional cost-savings that the company has sought in  
responding to Plaintiffs’ requests. Specifically, GEO’s counsel has represented to

1 ignored Plaintiffs’ efforts to confer further regarding the company’s document review  
2 process. *Id.* at Ex. 4.<sup>6</sup>

3 GEO next claims that “[o]n the eve of the close of discovery,” Plaintiffs served  
4 GEO with voluminous discovery requests to which GEO simply cannot respond. Dkt.  
5 300 at 7. The facts are clear that GEO—not Plaintiffs—has delayed seeking offensive  
6 written discovery in this case:

- 7
- 8 • On June 26, 2020, GEO served the four class representatives with 21  
9 interrogatories each. Plaintiffs timely responded, and GEO has not  
10 identified any deficiencies with respect to any of Plaintiffs’ responses.
- 11 • On July 15, 2020, Plaintiff Campos Fuentes served GEO with 13  
12 interrogatories and 54 requests for admission. GEO requested an  
13 extension for its response date. from Plaintiffs, to which Plaintiffs agreed.  
14 GEO served Mr. Campos Fuentes with their Objections and Responses  
15 on August 18, 2020.
- 16 • On July 31, 2020, GEO served the four class representatives with 41  
17 requests for production each. Plaintiffs will timely respond and produce  
18 responsive documents on or before August 31, 2020, when their responses  
19 are due.
- 20 • On August 3, 2020, Plaintiffs served GEO with four interrogatories, 13  
21 requests for admission and seven requests for production. GEO’s response  
22 is due September 2, 2020—well within the discovery window. GEO has  
23 never conferred with Plaintiffs regarding their apparent inability to respond  
24 to these discovery requests.

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25 Plaintiffs that to save money on data storage, GEO has adopted an e-discovery and  
26 document review protocol that only images the pages in a document when that  
27 document is actually reviewed. Wright Decl. at ¶ 3.

28 <sup>6</sup> GEO’s counsel also represents the company in *Menocal v. The GEO Group, Inc.*, No. 1:14-cv-02887 (D. Colo.) and *Nwauzor v. The GEO Group, Inc.*, No. 17-cv-5769 (W.D. Wash.), cases raising similar claims against GEO at other facilities. In those cases, GEO has had no issue producing more than 40,000 documents by the close of the discovery period.

- On August 4, 2020, Plaintiffs served GEO with an additional four requests for production. GEO’s response is due September 3, 2020. Yet. Again, GEO has never indicated to Plaintiffs that it is unable to satisfy its discovery obligations with respect to these requests.

The record clearly establishes that GEO has only belatedly complied with its discovery obligations—if at all—after significant court intervention. GEO’s misconduct has delayed Plaintiffs’ receipt of discoverable information by several months, and Plaintiffs have already notified GEO that they intend to seek sanctions and an adverse jury instruction. *Star Envirotech, Inc. v. Redline Detection, LLC*, 2015 WL 9093561 C.D. Cal. Dec. 16, 2015) (granting a monetary sanction of attorney’s fees and costs associated with Defendants’ discovery misconduct and recommending a jury instruction to address the belated production of certain information).

**D. GEO’s application is procedurally improper.**

While the Court should deny GEO’s *ex parte* application due to counsel’s failure to demonstrate due diligence or good cause, it is also appropriate to note that GEO’s counsel completely failed to follow the letter and spirit of the Local Rules in their meet and confer efforts. Instead, GEO’s counsel chose to saddle the Court with a problem entirely of its own making by means of an eleventh hour *ex parte* application.

**CONCLUSION**

Plaintiffs are ready to proceed.<sup>7</sup> For the reasons stated above, GEO’s *ex parte* application, Dkt. 300, should be denied.

Dated: August 23, 2020

*/s/ Lydia A. Wright*

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Lydia A. Wright (admitted *pro hac vice*)

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<sup>7</sup> Plaintiffs intend to move for summary judgment within one week of the September 14, 2020 close of discovery and anticipate substantially narrowing the issues for trial.

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*Class Counsel*

**CERTIFICATE OF SERVICE**

I, Lydia A. Wright, electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Central District of California, using the electronic case filing system. I hereby certify that I have provided copies to all counsel of record electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

Dated: August 23, 2020

/s/ Lydia Wright

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

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

*Plaintiffs,*

v.

**THE GEO GROUP, INC.,**

*Defendant.*

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

**DECLARATION OF LYDIA  
WRIGHT IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
GEO'S EX PARTE  
APPLICATION TO EXTEND  
CERTAIN DEADLINES**

I, Lydia Wright, declare that the following is true and correct based upon my personal knowledge:

1. I am an attorney for the Plaintiffs in the above-captioned action.

2. Attached hereto are the following exhibits in support of Plaintiffs' Opposition to GEO's *ex parte* Application, Dkt. 300.

3. During a conference call between the parties on August 14, 2020, GEO's counsel represented that to save money on data storage, GEO has adopted an e-discovery and document review protocol that only images the pages in a document when that document is actually reviewed.

4. Attached as **Exhibit 1** is a correct and true copy of email correspondence from myself to GEO's counsel dated August 14, 2020.

5. Attached as **Exhibit 2** is a correct and true copy of correspondence from GEO's counsel to Magistrate Kewalramani dated August 17, 2020.



# **EXHIBIT 1**

**Subject:** Novoa v. GEO

**Date:** Friday, August 14, 2020 at 4:04:36 PM Central Daylight Time

**From:** Lydia Wright

**To:** Adrienne Scheffey, Alicia Hou, Colin Barnacle, Damien Delaney, David Van Pelt, Jonathan Turner, Michael Gallion

**CC:** Novoa - External

Alicia and Adrienne,

Thanks for the productive call. The following is a summary of our conversation; please let us know if any of the following does not accord with your recollection.

#### **Plaintiffs' Motion for Summary Judgment**

We discussed thoroughly the substance of Plaintiffs' contemplated Motion for Summary Judgment and were unable to reach any potential resolution that eliminates the necessity for a hearing. L.R. 7-3. One week ago (on Friday, August 7, 2020), Plaintiffs emailed you a stipulation and proposed order to exceed the page limits of the memorandum in support of summary judgment, GEO's response in opposition, and Plaintiffs' reply. Plaintiffs have proposed an excess 10 pages for each of these filings. As we discussed today, Plaintiffs' proposal provides for the same page limits that the parties agreed to for the motion for class certification. **GEO represented that it will inform Plaintiffs by Monday, August 17 if it will join the stipulation.**

#### **Deposition of Brian Evans**

GEO has designated Brian Evans as its 30(b)(6) witness for Topics 16k and 22. On August 13, Plaintiffs notified GEO that they intend to notice Mr. Evans for a remote deposition as both GEO's 30(b)(6) designee for Topics 16k and 22 and as a 30(b)(1) witness and proposed setting the deposition for Friday, August 21 at 10 a.m. EST for the deposition. On today's call, GEO represented that Mr. Evans is available for deposition on Thursday, September 3. Accordingly, **Plaintiffs will notice the deposition for September 3.**

#### **Deposition of Gregory Hillers**

Plaintiffs informed GEO that they would serve Mr. Hillers, by and through GEO's counsel, with a Deposition by Written Question today. As we discussed, Plaintiffs expect to receive Mr. Hillers' handwritten responses to the deposition questions within two weeks.

#### **GEO's Second Supplemental Initial Disclosures**

During our conference, Plaintiffs requested for the third time that GEO produce the following documents listed in its Second Supplemental Initial Disclosures: (1) Documents produced by Contra Costa County Sheriff's Office in response to June 9, 2020 California Public Records Act Request; (2) Documents produced by Orange County Sheriff's Department in response to June 9, 2020 California Public Records Act Request; (3) Documents produced by Yuba County Sheriff's Department in response to June 9, 2020 California Public Records Act Request. As we discussed today, GEO still has not produced the documents. **GEO represented that it will produce the documents today.** Plaintiffs informed GEO that the company is estopped from relying on the documents pursuant to the court order in *NPR, Inc. et al. v. City of Adelanto*, No. CIVDS 1902778 (Sup. Ct. San Bernadino) and agreed to provide GEO with that decision.

#### **Spreadsheets**

Following today's hearing with Magistrate Kewalramani, Plaintiffs emailed you a list of citations to the deposition transcript of Mary Wise-McCormick, wherein she testifies about the existence of three distinct spreadsheets which each capture data about the Voluntary Work Program at Adelanto. On our call, we discussed the differences between those spreadsheets.

GEO represented that the Application List spreadsheet (McCormick Dep. at 124-125; 222-223) (which GEO refers to as a “snapshot” provided to auditors) and the Pay Sheets (McCormick Dep. at 199-200; 222-223; 234) (which GEO refers to as “the formerly live spreadsheet”) refer to the same excel file. GEO represented that it will save the spreadsheet on a daily basis and has asked Ms. McCormick to begin preserving those files. **GEO represented that it will produce the spreadsheets on Fridays, with the first production on Friday, August 21.**

GEO agreed to produce the “Authorized Detainee Work Schedules” (McCormick Dep. at 165-166; 222-223) (which GEO refers to as the “Janecka Spreadsheet”) on an Attorneys’ Eyes Only basis **by Monday, August 17, 2020 and on a weekly basis thereafter.**

GEO agreed to confer with Plaintiffs by 5pm PST today regarding whether any issues remain for the conference scheduled with Magistrate Kewalramani tomorrow.

#### **Plaintiffs’ Motion for Sanctions**

We discussed Plaintiffs’ contemplated Motion for Sanctions as a result of GEO’s ongoing discovery misconduct, which has delayed discovery by several months and required significant judicial intervention. Plaintiffs informed GEO that they intend to seek monetary sanctions and an adverse inference jury instruction with respect to any documents which GEO fails to produce by the close of discovery. The parties were unable to reach any potential resolution that eliminates the necessity for a hearing. L.R. 7-3.

#### **RFPs 36 and 37**

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). On Monday—the afternoon before the deposition of GEO’s 30(b)(6) representative designated to testify on the HUSPs—GEO produced 25 documents which include excerpts and recent drafts of some of those policies. During the deposition of Amber Martin, Ms. Martin had in her possession roughly 200 additional pages of HUSP policies which were never produced to Plaintiffs. As we discussed, it appears to Plaintiffs that GEO is selectively withholding detainee handbooks and HUSPs and choosing to produce certain documents on the eve of deposition, as it has in the past. GEO represented that its document review process is completed by “associates who are assigned pick up batches.” **GEO represented that it will produce all documents responsive to RFP 36 and 37 on or before September 7, 2020.**

Thanks,

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# **EXHIBIT 2**





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August 17, 2020

**VIA ELECTRONIC-MAIL**

The Honorable Shashi H. Kewalramani  
United States Magistrate Judge  
George E. Brown, Jr. Federal Building  
3470 12th St., Riverside, CA 92501

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

The Honorable Judge Kewalramani,

This letter serves to address the issues raised within the Court's August 14, 2020 Minute Order requesting (1) that GEO provide an estimate of the number of pages of documents and other materials that remain to be produced by Defendants, and (2) information regarding the number of documents awaiting ICE review and when they were provided to ICE.

1. Estimated Number of Pages to be Produced:

After thorough inquiry, GEO is unable to estimate the number of pages of documents and other materials that remain to be produced by Defendants. In this case, Plaintiffs' discovery search terms have fielded over 32,000 potentially responsive documents, however, an estimate as to how many pages this electronically stored data constitutes is difficult if not impossible to answer at this time. Until the files have been reviewed and exported for production, it remains exceedingly difficult to approximate the number of pages to be produced.

In seeking an answer to the Court's question, GEO consulted with its e-discovery vendor, TrustPoint One, who was able to provide the following insight:

"The answer to the question 'how many pages will this electronically stored data end up being' is hard to answer. Some files are easily estimated (i.e., generic PDFs, unexotic MS Word files), but there are so many different ways you can format other file types (i.e., Adobe Portfolio, PowerPoint, Excel, MSWord with embedded files or tracked changes) that's difficult, if not impossible to accurately estimate the page count. And we've only discussed MS Office and Adobe files. We've not mentioned design files (CAD, DWG, etc.) or other more exotic file types.

Folks within the eDiscovery industry can't agree on a good estimate (in my opinion because there isn't one), but some common numbers you might see are:

The Honorable Shashi H. Kewalramani

August 17, 2020

Page 2

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<b>Document Type</b>	<b>Average Pages/DOC</b>	<b>Average Pages/GIG</b>
Microsoft Word Files	9	64,782
Email Files	1.5	100,099
Microsoft Excel Files	50	165,791
Lotus 1-2-3 Files	55	297,317
Microsoft PowerPoint	14	17,552
Text Files	20	677,963
Image Files	1.4	15,477

In my personal experience, I've seen numbers well above and well below these estimates. It's why I am so reluctant to give clients an estimate. If I tell them that their PowerPoints will be about 14 pages per file, but the ESI protocol requires Speaker Notes blown up or if the files are formatted in landscape, they could double that page count, easily. The client thinks I've blown the scope and they think I don't know what I'm doing."

In light of the consideration outlined above, GEO remains unable to provide an estimate of the number of pages of documents and other materials that remain to be produced by GEO in this action, but GEO will endeavor to update the Court and counsel if more information comes to light.

2. Documents Awaiting ICE Review:

Regarding the Court's request for information as to the number of outstanding pages of documents and materials GEO has provided to ICE for review and when these materials were so provided, GEO has transferred documents to ICE for its review continually since the inception of discovery. Currently, 4,966 documents await review by ICE – these pending documents were transferred beginning on August 6, 2020 and GEO continues to transfer documents to ICE as they are reviewed on a rolling basis. For the reasons outlined above, an accurate estimate as to the number of pages that this electronically stored data constitutes is difficult if not impossible to answer until the files have been reviewed and exported for production.

We are happy to answer any further inquiry the Court may have in connection with the above.

Sincerely,

*/s/ Alicia Hou*

Alicia Hou

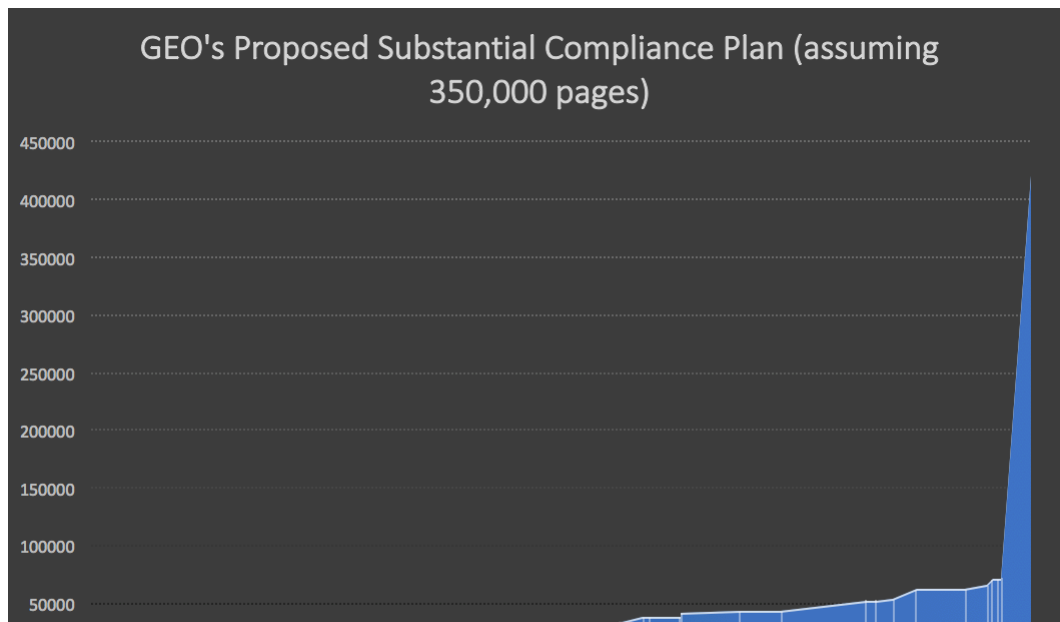
cc: Counsel of Record

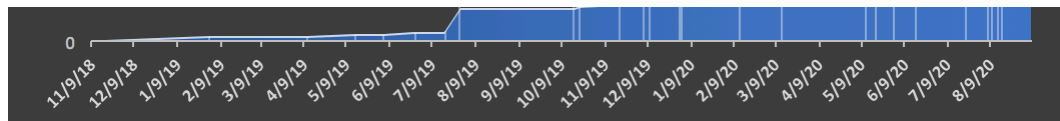
# **EXHIBIT 3**

**Subject:** Re: 5:17-cv-02514, Novoa, et al. v The GEO Group  
**Date:** Tuesday, August 18, 2020 at 1:07:28 PM Central Daylight Time  
**From:** Lydia Wright  
**To:** Alicia Hou, SHK\_Chambers@cacd.uscourts.gov  
**CC:** Adrienne Scheffey, Colin Barnacle, Damien Delaney, David Van Pelt, Jonathan Turner, Michael Gallion, Novoa - External  
**Attachments:** image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

Magistrate Kewalramani,

The following two charts were omitted from Plaintiffs' prior communication. Please accept them as an addendum to Plaintiffs' previous email.





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:** Lydia Wright <lwright@burnscharest.com>

**Date:** Tuesday, August 18, 2020 at 12:33 PM

**To:** Alicia Hou <alicia.hou@akerman.com>, "SHK\_Chambers@cacd.uscourts.gov" <SHK\_Chambers@cacd.uscourts.gov>

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

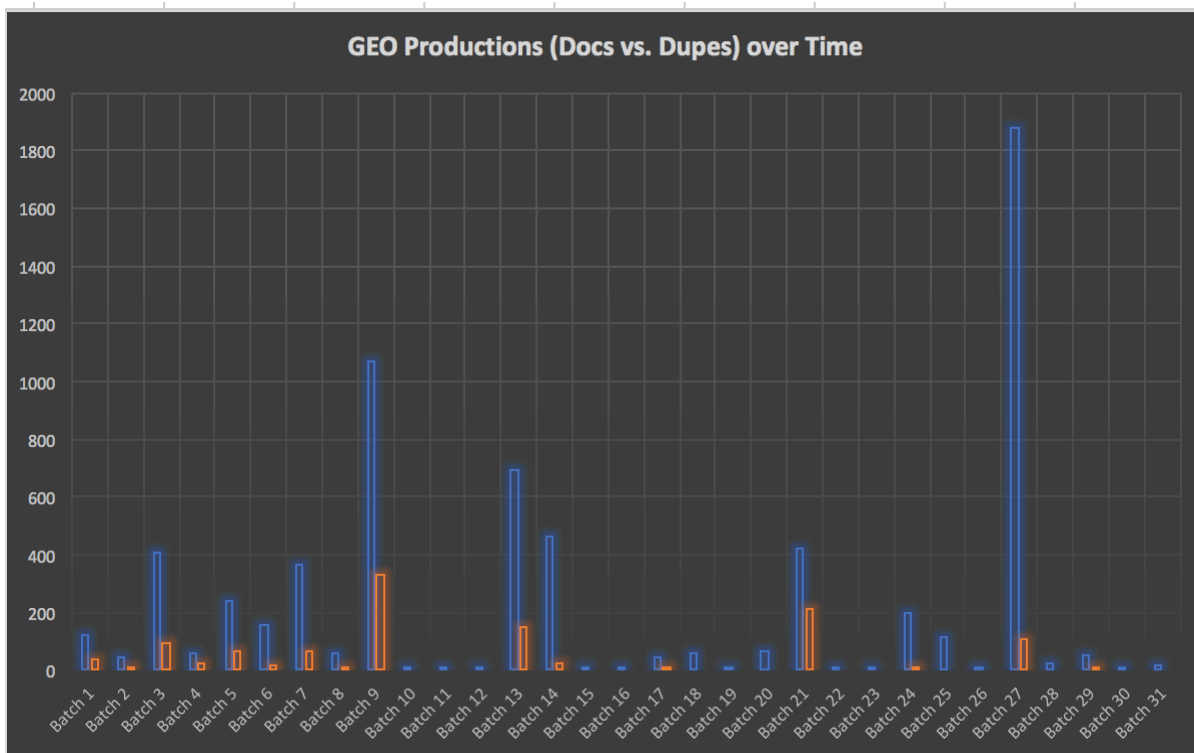
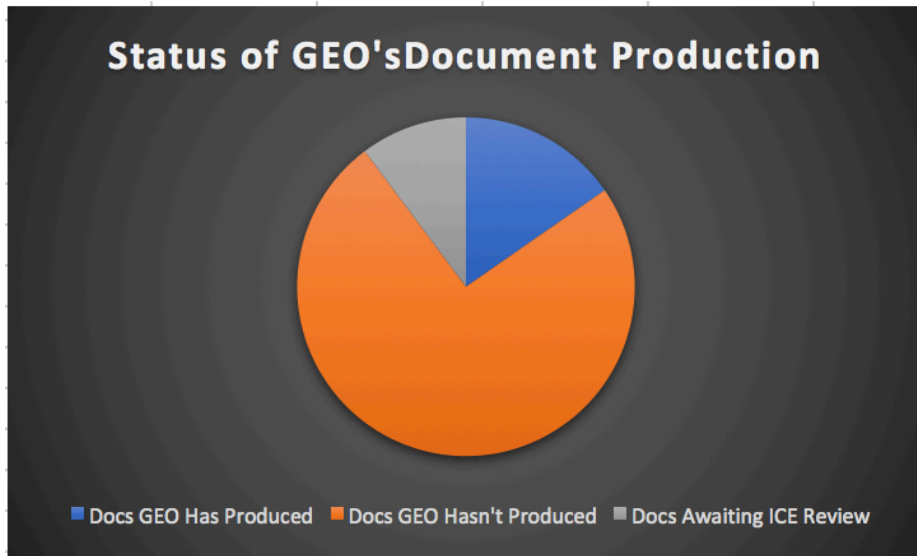
Magistrate Kewalramani,

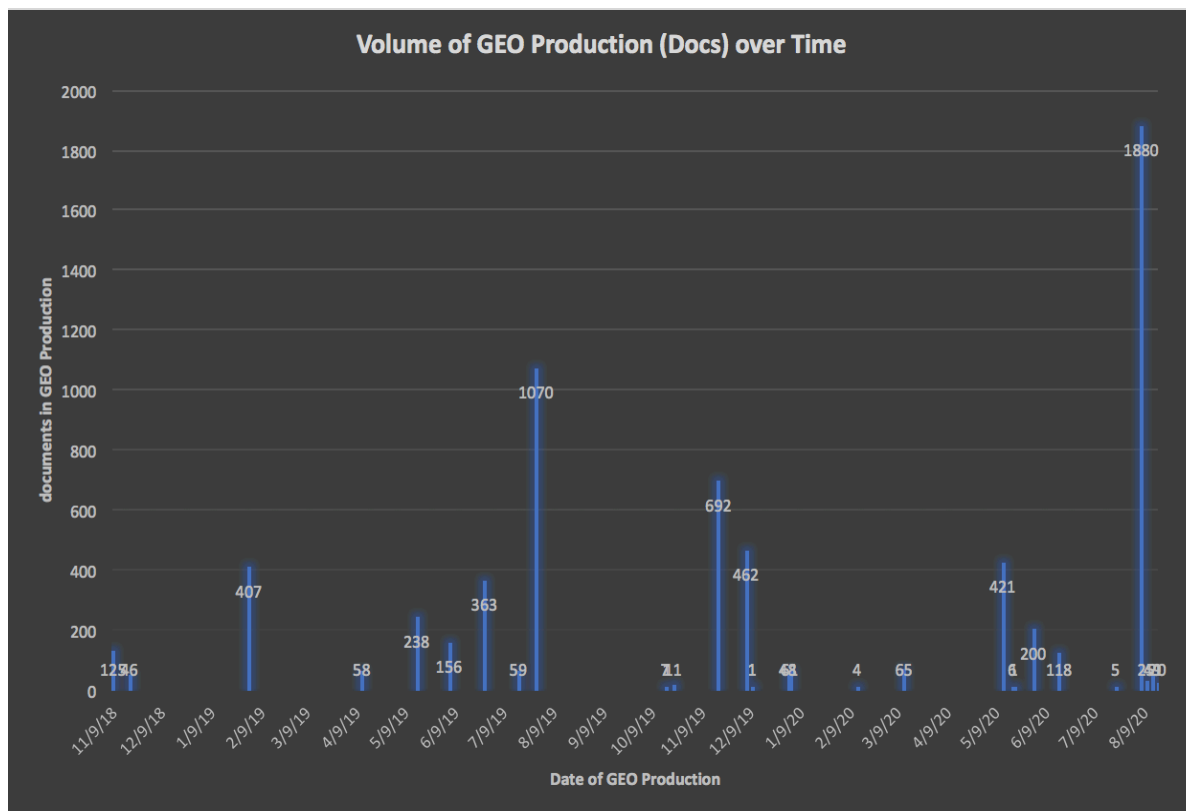
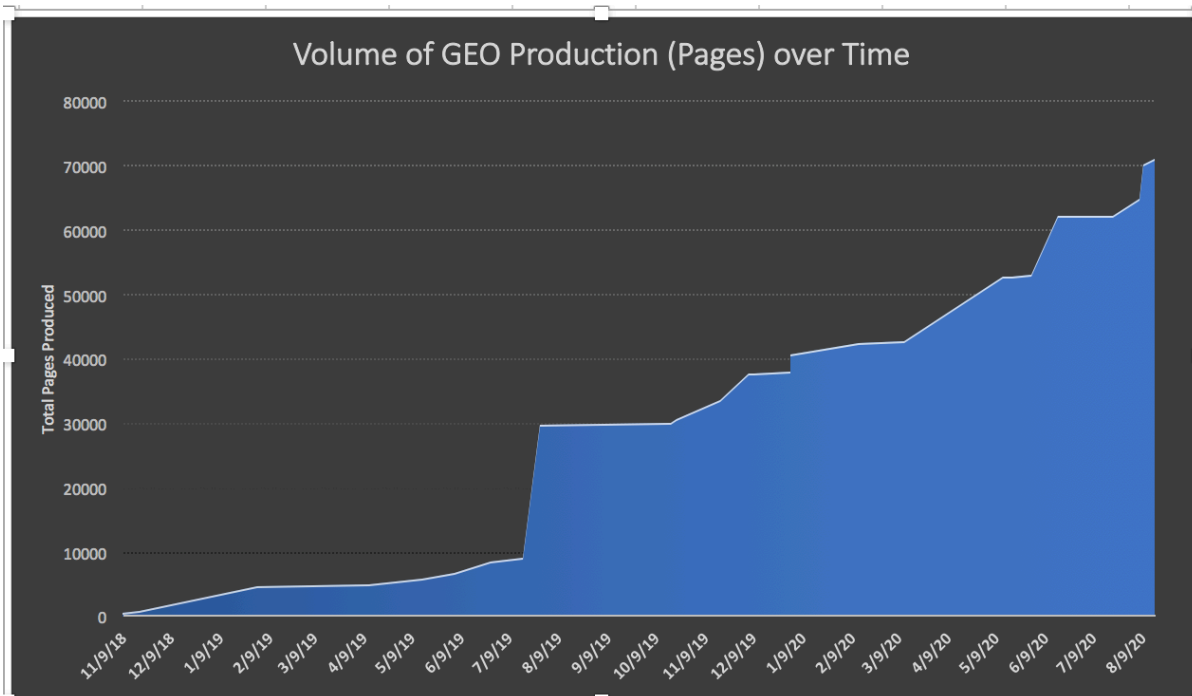
Per the Court's August 7 Order (Dkt. 290), GEO has represented that it will be substantially compliant with its document productions by September 7—only one week before the discovery cutoff in this case. Now, GEO represents that it cannot even *estimate* the number of pages "and other materials" that 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.





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](mailto:alicia.hou@akerman.com)

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# **EXHIBIT 4**

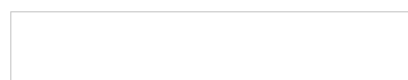
**Subject:** Re: 5:17-cv-02514, Novoa, et al. v The GEO Group  
**Date:** Saturday, August 22, 2020 at 3:43:00 PM Central Daylight Time  
**From:** Andrew Free  
**To:** Alicia Hou, Adrienne Scheffey  
**CC:** Novoa - External

Alicia:

We never got a response to these questions. Can you please provide one?

Thank you,

Andrew



Tel: (844) 321-3221 Fax: (615) 829-8959

[Andrew@ImmigrantCivilRights.com](mailto:Andrew@ImmigrantCivilRights.com)

Mail: P.O. Box 90568 Nashville, TN 37209

**NEW OFFICE ADDRESS (BY APPOINTMENT ONLY)** : 414 Union Street Suite 900 Nashville, TN 37219

[www.Resist.Law](http://www.Resist.Law)

Licensed to Practice in Tennessee

On Tue, Aug 18, 2020 at 2:45 PM Andrew Free <[andrew@immigrantcivilrights.com](mailto:andrew@immigrantcivilrights.com)> wrote:

Alicia:

Do you have a rough estimate of the data volume of the currently outstanding docs for production? We're looking for GB/TB numbers.

It appears TrustPoint may be using Relativity. Can you please confirm this, or if that's not correct, offer the system they're using?

Can you also advise whether GEO is using TAR for the outstanding productions, and if so, which tools (e.g., de-duping)?

We're asking because we're trying to figure out how we're going to be processing what GEO's about to be handing over, and to get a sense of the general burden right now.

Thanks very much,

Andrew



Tel: (844) 321-3221 Fax: (615) 829-8959

[Andrew@ImmigrantCivilRights.com](mailto:Andrew@ImmigrantCivilRights.com)

Mail: P.O. Box 90568 Nashville, TN 37209

**NEW OFFICE ADDRESS (BY APPOINTMENT ONLY)** : 414 Union Street Suite 900 Nashville, TN 37219

[www.Resist.Law](http://www.Resist.Law)

Licensed to Practice in Tennessee

On Mon, Aug 17, 2020 at 9:09 PM <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)> wrote:

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**

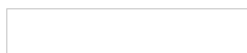
Special Counsel

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](mailto:alicia.hou@akerman.com)

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

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

*Plaintiffs,*

v.

**THE GEO GROUP, INC.,**

*Defendant.*

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

**[PROPOSED] ORDER DENYING  
GEO'S EX PARTE  
APPLICATION TO EXTEND  
CERTAIN DEADLINES**

The Court, having considered GEO's *ex parte* Application to Extend Certain Deadlines, Dkt. 300, hereby DENIES the Application.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Hon. Jesus Bernal  
United States District Judge