

AKERMAN LLP

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

1 **AKERMAN LLP**  
2 MICHAEL L. GALLION (SBN 189128)  
3 DAVID VAN PELT (SBN 163690)  
4 601 West Fifth Street, Suite 300  
5 Los Angeles, California 90071  
6 Telephone: (213) 688-9500  
7 Facsimile: (213) 627-6342  
8 Email: michael.gallion@akerman.com  
9 Email: david.vanpelt@akerman.com

6 COLIN L. BARNACLE (admitted *pro hac vice*)  
7 ADRIENNE SCHEFFEY (admitted *pro hac vice*)  
8 1900 Sixteenth Street, Suite 1700  
9 Denver, Colorado 80202  
10 Telephone: (303) 260-7712  
11 Facsimile: (303) 260-7714  
12 Email: colin.barnacle@akerman.com  
13 Email: adrienne.scheffey@akerman.com

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.

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

Counter-Defendant.

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

Assigned to Hon. Jesus G. Bernal

**DEFENDANT THE GEO GROUP,  
INC.'S OPPOSITION TO  
PLAINTIFFS' MOTION TO  
APPROVE CLASS NOTICE PLAN  
AND FORM OF NOTICE**

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

**TABLE OF CONTENTS**

	<b>Page</b>
I. INTRODUCTION / RELEVANT FACTUAL BACKGROUND.....	1
II. LEGAL STANDARD. ....	2
III. LEGAL ARGUMENT. ....	3
A. Plaintiffs’ Class Notification Process is Deficient.....	3
1. Plaintiffs fail to provide notice to the Nationwide HUSP class.....	3
2. Notice Should be Mailed to Former and Current Detainees Who Remain in the United States.....	6
3. Print Publication is Deficient.....	7
4. Digital Media and Radio Campaign is Deficient.....	8
5. Proposed E-mail Outreach is Improper. ....	8
B. The Proposed Class Notices are Not the Best Practicable Notice. ....	8
C. The Timing of the Notice Plan Conflicts with the Current Scheduling Order. ....	10
II. CONCLUSION.....	13

AKERMAN LLP

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

AKERMAN LLP

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TABLE OF AUTHORITIES**

**Page(s)**

**Cases**

*Brown v. Colegio de Abogados de Puerto Rico*,  
 613 F.3d 44 (1st Cir. 2010)..... 11

*Brown v. Ticor Title Ins. Co.*,  
 982 F.2d 386 (9th Cir. 1992) ..... 3

*Darrington v. Assessment Recovery of Wash., LLC*,  
 No. C13-0286-JCC, 2014 WL 3858363 (W.D. Wash. Aug. 5, 2014) ..... 11

*Delgado v. Ortho –McNeil, Inc.*,  
 2007 WL 2847238, No. SACV07-263CJCMLGX (C.D. Cal Aug. 7,  
 2007) ..... 2, 8, 10

*Eisen v. Carlisle & Jacquelin*,  
 417 U.S. 156, 94 S. Ct. 2140, 40 L. Ed. 2d 732 (1974) ..... 6

*Faber v. Ciox Health, LLC*,  
 944 F.3d 593 (6th Cir. 2019) ..... 2, 12

*Hanlon v. Chrysler Corp.*,  
 150 F3d 1011 (9th Cir. 1998) ..... 3

*Harriss v. Pan American World Airways, Inc.*,  
 74 FRD 24 (ND CA 1977) ..... 4

*Hecht v. United Collection Bureau, Inc.*  
 (2nd Cir. 2012) 691 F3d 218 ..... 5

*Holmes v. Continental Can Co.*  
 (11th Cir. 1983) 706 F2d 1144 ..... 5

*In re Monumental Life Ins. Co.*,  
 365 F.3d 408 (5th Cir.2004) ..... 4

*Jefferson v. Ingersoll Int'l Inc.*,  
 195 F.3d 894 (7th Cir.1999) ..... 4

*Johnson v. Gen. Motors Corp.*,  
 598 F.2d 432 (5th Cir. 1979) ..... 3, 4

AKERMAN LLP

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

1 *Larson v. AT & T Mobility LLC*,  
 687 F.3d 109 (3d Cir. 2012) ..... 6

2

3 *McCurley v. Royal Seas Cruises, Inc.*,  
 No. 17-CV-00986-BASAGS, 2019 WL 3817970 (S.D. Cal. Aug. 14,  
 4 2019) ..... 11

5 *McKinney v. U.S. Postal Serv.*,  
 6 292 F.R.D. 62 (D.D.C. 2013) ..... 11

7 *Molski v. Gleich*,  
 8 307 F.3d 1155 (9th Cir. 2002), opinion withdrawn and superseded,  
 318 F.3d 937 (9th Cir. 2003) ..... 4

9

10 *Phillips Petroleum Co. v. Shutts*,  
 472 U.S. 797, 105 S. Ct. 2965, 86 L. Ed. 2d 628 (1985) ..... 6

11 *Phillips Petroleum Co. v. Shutts*,  
 12 472 US 797 (1985)..... 3, 4, 5

13 *Robinson v. Metro–North Commuter R.R. Co.*,  
 14 267 F.3d 147 (2d Cir.2001) ..... 4

15 *Rosas v. Sarbanand Farms, LLC*,  
 No. C18-0112-JCC, 2019 WL 859225 (W.D. Wash. Feb. 22, 2019) ..... 7

16

17 *Schwarzschild v. Tse*,  
 69 F.3d 293 (9th Cir. 1995) ..... 11

18

19 *Tylka v. Gerber Prods. Co.*,  
 182 F.R.D. 573 (N.D. Ill. 1998) ..... 11

20

21 **Rules**

22 Fed. R. Civ. P. 23(c)(2)(B) ..... passim

23 Fed. R. Civ. P. 23(c)(2)(B)(i) ..... 2

24 Fed. R. Civ. P. 23(c)(2)(B)(iv) ..... 8

25 FRCP 23 ..... 3, 11

26 Rule 23(b)(2)..... 3, 4

27 Rule 23(c)(2)..... 11

28

**AKERMAN LLP**

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

1 Rule 23(c)(3)..... 2

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Defendant The GEO Group Inc. ("GEO") hereby submits its Opposition and  
2 Objections to Plaintiffs' class notice plan and form of notice.

3 **I. INTRODUCTION / RELEVANT FACTUAL BACKGROUND.**

4 On November 26, 2019, the Court granted Plaintiffs' Motion for Class  
5 Certification certifying three classes of current and former civil immigration  
6 detainees: the Adelanto Wage Class, the Adelanto Forced Labor Class (including the  
7 Work Program Subclass and the Uncompensated Work Program Subclass) and the  
8 Nationwide HUSP Class. (ECF 223, 229.) The Nationwide HUSP Class consisted of  
9 thousands of detainees in more than ten facilities managed by GEO throughout the  
10 United States.

11 Plaintiffs waited more than *nine* months to file their Proposed Class Notice Plan  
12 on August 4, 2020, without explanation or apparent justification. Plaintiffs' plan does  
13 not even provide any notice to the Nationwide HUSP class. (ECF 284.)

14 Plaintiffs did not begin the conferral process with GEO until early July, and  
15 pressured GEO to return comments, confer, and resolve material issues contained in  
16 seven notices within fourteen days. (Declaration of Alicia Y. Hou (**Hou Decl.**) ¶ 4.)  
17 In good faith, GEO worked hard to provide comments by Plaintiffs' arbitrary deadline  
18 of July 27. (Hou Decl. ¶ 5.) Plaintiffs disregarded the majority of GEO's substantive  
19 comments, however, and proceeded to file the Motion with no significant additional  
20 meet and confer. In addition, after first suggesting that they would abandon any claim  
21 for monetary damages to support not providing notice to the Nationwide HUSP Class  
22 (including amending their Third Amended Complaint), Plaintiffs have been equivocal  
23 on the issue since that time.

24 Plaintiffs' Noticed Plan is deficient in a number of respects, and GEO opposes  
25 it for the reasons set forth below.

AKERMAN LLP

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

1 **II. LEGAL STANDARD.**

2 Fed. R. Civ. P. 23(c)(2)(B) requires the Court to “direct to class members the  
3 best notice that is practicable under the circumstances, including individual notice to  
4 all members who can be identified through reasonable effort.” Though the Court has  
5 discretion to determine what constitutes the best practicable notice to class members,  
6 it must nonetheless ensure that class notice sets forth seven key details of the class  
7 action, including (1) “the nature of the action”; (2) “the definition of the class  
8 certified”; (3) “the class claims, issues, or defenses”; (4) “that a class member may  
9 enter an appearance through an attorney if the member so desires”; (5) “that the court  
10 will exclude from the class any member who requests exclusion”; (6) “the time and  
11 manner for requesting exclusion”; and (7) “the binding effect of a class judgment on  
12 members under Rule 23(c)(3)”. *See* Fed. R. Civ. P. 23(c)(2)(B)(i) – (vii). The Court  
13 must further ensure that class notice sets forth these details “clearly and concisely” in  
14 plain language that is easily understandable. *See* Fed. R. Civ. P. 23(c)(2)(B).

15 In addition, any notice issued to a certified class must avoid the “appearance of  
16 judicial endorsement of the merits of the action.” *See Delgado v. Ortho –McNeil, Inc.*,  
17 2007 WL 2847238, No. SACV07-263CJCMLGX, at \*3 (C.D. Cal Aug. 7, 2007).  
18 Thus, written notice “must include conspicuous language, immediately below the  
19 caption, that the Court has not taken any position on the merits of the case and that the  
20 mere distribution of notice does not necessarily mean that the plaintiff class will  
21 ultimately prevail.” *See id.*

22 Most importantly, to comply with the commands of due process, each absent  
23 member of the class must receive adequate notice to allow for an opportunity for him  
24 or her to opt-out. This issue is, and should be of great importance to both GEO,  
25 Plaintiffs, and the Court. Without adequate notice, absent parties cannot be bound by a  
26 decision in favor of either side. *Faber v. Ciox Health, LLC*, 944 F.3d 593, 603 (6th  
27 Cir. 2019) (“[P]arties are not bound to class action judgments until given a full and  
28 fair opportunity to litigate.”). The right to participate or opt out is an individual one

AKERMAN LLP

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

1 and cannot be made by the class representative or class counsel. *Hanlon v. Chrysler*  
2 *Corp.*, 150 F3d 1011, 1024 (9th Cir. 1998) (overruling on other grounds recognized  
3 by *Roes, I-2 v. SFBSC Mgmt., LLC* (9th Cir. 2019) 944 F3d 1035, 1046). The right to  
4 opt out of a class action exists where provided by statute, under FRCP 23, or where  
5 otherwise required by due process of law. *Phillips Petroleum Co. v. Shutts*, 472 US  
6 797, 811-812 (1985); *Brown v. Ticor Title Ins. Co.*, 982 F.2d 386, 392 (9th Cir. 1992)  
7 (it would violate due process to give res judicata effect to class action judgment  
8 involving money damage claims of class members who had not been afforded opt-out  
9 rights).

10 GEO has significant concerns that Plaintiffs' proposed notice is inadequate. As  
11 discussed below, Plaintiffs' proposed notice fails to satisfy the requirements of Rule  
12 23(c)(2)(B) and the commands of due process.

13  
14 **III. LEGAL ARGUMENT.**

15 **A. Plaintiffs' Class Notification Process is Deficient.**

16 **1. Plaintiffs fail to provide notice to the Nationwide HUSP class.**

17 In the first instance, Plaintiffs proposed notice fails because they have no plan  
18 to provide any notice to any members of the Nationwide HUSP Class.

19 Plaintiffs' proposal plainly violates applicable law and the due process rights of  
20 GEO and the members of the nationwide class themselves.

21 “[D]ue process requires that [notice] be provided before individual monetary  
22 claims may be barred.” *Johnson v. Gen. Motors Corp.*, 598 F.2d 432, 437 (5th Cir.  
23 1979). “[W]hen both monetary and injunctive relief are sought in an action certified  
24 under Rule 23(b)(2), notice may be mandatory if absent class members are to be  
25 bound.” *Id.* As counsel for GEO made clear to Plaintiffs' counsel during the meet and  
26 confer process, Plaintiffs here plainly seek compensatory and punitive damages under  
27 the Nationwide HUSP class; accordingly, notice must be given as required by due  
28 process. (See ECF No. 184 - TAC ¶ 240, 241, 243.)



1 Notice under 23(b)(2) is required where compensatory or punitive damages are  
2 at issue. *Phillips Petroleum Co.*, 472 US at 805; *see also In re Monumental Life Ins.*  
3 *Co.*, 365 F.3d 408, 417 (5th Cir.2004) and *Robinson v. Metro–North Commuter R.R.*  
4 *Co.*, 267 F.3d 147, 165–67 (2d Cir.2001); *Molski v. Gleich*, 307 F.3d 1155, 1166 (9th  
5 Cir. 2002), opinion withdrawn and superseded, 318 F.3d 937 (9th Cir. 2003);  
6 *Jefferson v. Ingersoll Int'l Inc.*, 195 F.3d 894, 897 (7th Cir.1999) (“[i]t is an open  
7 question in [other] circuit[s]—and in the Supreme Court—whether Rule 23(b)(2) ever  
8 may be used to certify a no-notice, no-opt-out class when compensatory or punitive  
9 damages are in issue.”)

10 In an effort to provide notice to the smallest number of absent class members  
11 possible, Plaintiffs propose excluding the Nationwide HUSP class from the notice  
12 plan, suggesting that the nationwide class members receive absolutely no notice  
13 whatsoever. In doing so, Plaintiffs seek approval of a notice plan that not would  
14 provide GEO, or the absent class members, with finality. If the nationwide class is  
15 able to successfully obtain relief in this action, without adequate notice, there will be  
16 an unresolved concern about which class members are bound by the judgment and  
17 which ones are not—particularly where class members may be members of multiple  
18 subclasses. *Johnson*, 598 F.2d at 437 (holding that absent class member who did not  
19 receive notice was not bound by the judgment).

20 At a minimum, under the notions of due process and fairness GEO is entitled to  
21 a notice plan that ensures any judgment in this case is final as to all class members and  
22 that GEO will not face subsequent suits from absent class members based upon the  
23 same allegations that should have been resolved in the instant action. Permitting  
24 Plaintiffs to recover monetary damages in this action without ensuring those  
25 individuals cannot bring subsequent lawsuits deprives GEO of due process in  
26 litigating this class action.

27 Moreover, Plaintiffs have not met their burden to show that notice is not  
28 required for the nationwide class. *Harriss v. Pan American World Airways, Inc.*, 74

1 FRD 24, 52 (ND CA 1977) (ordinarily, plaintiff's burden to propose a sufficient notice  
2 plan.) Plaintiffs provide no insight into how notice will afford due process to the  
3 nationwide class or whether absent class members will be precluded from seeking  
4 subsequent relief. Rather, Plaintiffs summarily dismiss these concerns in a single  
5 footnote, stating that a request for monetary relief does not in and itself negate  
6 23(b)(2) status. The footnote fails to demonstrate whether notice must be given to  
7 classes where the action seeks **both** monetary and injunctive relief, and Plaintiffs fail  
8 to provide convincing authority to support this assertion.

9 Certainly, to the extent Plaintiffs assert that the Nationwide HUSP class  
10 foregoes any claim for compensatory damages, GEO accepts this representation.  
11 However, Plaintiffs have not done so here, at least not yet. Where the class action  
12 seeks damages or similar relief in addition to injunctive relief, as here, due process  
13 requires that the nonresident class members receive adequate notice of the  
14 proceedings and the opportunity to “opt out” and that their interests be adequately  
15 represented. *Phillips Petroleum Co. v. Shutts* (1985) 472 US at 811-812. In actions  
16 seeking both a classwide injunction and monetary relief, individual notice serves to  
17 protect the individual interests of absent class members. *Holmes v. Continental Can*  
18 *Co.* (11th Cir. 1983) 706 F2d 1144, 1156-1159; *Hecht v. United Collection Bureau,*  
19 *Inc.* (2nd Cir. 2012) 691 F3d 218, 224-225.

20 Here, the TAC clearly demonstrates the Nationwide HUSP class is clearly  
21 seeking predominantly monetary damages:

22 240. Plaintiffs and Nationwide HUSP Class Members are  
23 entitled to recover from GEO all amounts that GEO has  
24 wrongfully and improperly obtained, and GEO should be  
25 required to disgorge to Plaintiffs and Nationwide HUSP  
Class Members the benefits it has unjustly obtained.

26 241. Plaintiffs and Nationwide HUSP Class Members are also  
27 entitled to recover compensatory and punitive damages.  
28

1 (See TAC at ECF 184.) Unlike with injunctive relief, absent class members would be  
2 prejudiced by resolution of the monetary damages as it would preclude them from  
3 bringing a subsequent suit about the same subject matter.

4  
5 **2. Notice Should be Mailed to Former and Current Detainees**  
6 **Who Remain in the United States.**

7 Given the importance of notice to ensuring that any judgment is binding upon  
8 all class members, GEO believes that it is not appropriate to forego mailed notice in  
9 this circumstance. During the conferral process, Plaintiffs failed to respond to GEO’s  
10 inquiry as to whether Plaintiffs intended on issuing mail notice. (Hou Decl. ¶ 6.) Had  
11 Plaintiffs meaningfully conferred on the subject, GEO would have agreed to work  
12 with Plaintiffs to identify potential class members. *Larson v. AT & T Mobility LLC*,  
13 687 F.3d 109, 124 (3d Cir. 2012) (“[I]ndividual notice must be delivered to class  
14 members who can be reasonably identified, and that the costs required to actually  
15 deliver notice should not easily cause a court to permit the less satisfactory substitute  
16 of notice by publication.”).

17 Given the circumstances of their detention, every class member *should* have at  
18 least one address indicating where they are (or were) detained. GEO is not aware of  
19 any reason – other than class counsels’ obvious attempt to avoid the costs associated  
20 with mailing notice – why these addresses are not sufficient to provide the best notice  
21 in the circumstances. *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812, 105 S. Ct.  
22 2965, 2975, 86 L. Ed. 2d 628 (1985) (“[W]here a fully descriptive notice is sent first-  
23 class mail to each class member, with an explanation of the right to ‘opt out,’ satisfies  
24 due process.”); *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 175, 94 S. Ct. 2140,  
25 2151, 40 L. Ed. 2d 732 (1974) (requiring mailed notice where there was “nothing to  
26 show that individual notice cannot be mailed to each.”).

27 Also had Plaintiffs meaningfully conferred, GEO would have proposed the best  
28 approach would have been to send notice to those individuals who are currently

1 detained at GEO’s facilities. GEO would have suggested that the parties work together  
2 with the notice administrator to identify the best method for sending notice to those  
3 facilities without running afoul of any facility rules. This step would have, at a  
4 minimum, provided a neutral third party’s position on the data, as opposed to the  
5 parties’ diametrically opposed positions. GEO has confirmed that that the class notice  
6 administrator selected by Plaintiffs, JND, has these capabilities. *See*  
7 <https://www.jndla.com/notice-programs> (last visited August 21, 2020) (“JND Class  
8 Action Administration can work with data from a variety of sources. We transcribe  
9 class member information from physical documents and utilize a variety of research  
10 tools to identify the most accurate and up-to-date address information for class  
11 members.”).

### 12 3. Print Publication is Deficient.

13 Plaintiffs propose print publication in Southern California-based Spanish  
14 language newspapers, completely foregoing the class of detainees who are not  
15 Spanish-speakers located outside of Southern California. For example, detainees from  
16 India comprise the top 5 populations at the Adelanto facility—Plaintiffs completely  
17 ignore this population.

18 In light of the varying population sets across the facilities and at Adelanto, if  
19 mailed notice is eliminated (which it does not believe should occur), publication  
20 notice should be effectuated through at least one major United States newspaper to  
21 take the place of the previously proposed mailed United States notice. “[I]t is  
22 important to keep in mind that a significant portion of class members in certain cases  
23 may have limited or no access to email or the Internet.” *Rosas v. Sarbanand Farms,*  
24 *LLC*, No. C18-0112-JCC, 2019 WL 859225, at \*2 (W.D. Wash. Feb. 22, 2019)  
25 (quoting Fed. R. Civ. P. 23(c) Advisory Committee Notes). Because many individuals  
26 may not have access to the internet, and because class members comprise of those  
27 outside the Spanish-speaking population, GEO believes publication notice should be  
28 included in at least one major United States publication.

1                   **4. Digital Media and Radio Campaign is Deficient.**

2           GEO asks that the digital media and radio notices be geared towards a  
3 nationwide audience to compensate for the elimination of mailed notice. This notice  
4 should not exclusively focus on Spanish speakers, but should also be directed at  
5 demographics likely to reach the non-Spanish speaking portion of the class. Plaintiffs  
6 have also failed to provide mock-ups of their proposed website and the Spanish  
7 translation text of the radio notice. Plaintiffs’ refusal to do so precludes the Court  
8 from properly evaluating whether the notice proposed satisfies the “best notice that is  
9 practicable” or otherwise compliant with even the most basic notice requirements  
10 under Fed. R. Civ. P. 23(c)(2)(B).

11                   **5. Proposed E-mail Outreach is Improper.**

12           Plaintiffs improperly propose to include in their e-mail outreach groups that  
13 primarily provide legal services and state agencies, which may cause confusion to the  
14 class member in violation of Fed. R. Civ. P. 23(c)(2)(B)(iv) which requires notice to  
15 clearly and conspicuously state that a class member may enter an appearance through  
16 their own attorney if the member so desires. (Hou Decl. ¶ 7.) Further, any notice  
17 issued to a certified class must avoid the “appearance of judicial endorsement of the  
18 merits of the action.” *See Delgado v. Ortho –McNeil, Inc.*, 2007 WL 2847238, No.  
19 SACV07-263CJCMLGX, at \*3 (C.D. Cal Aug. 7, 2007).

20           Groups Plaintiffs propose to use as "outreach organizations" include the  
21 California Department of Social Services, National Immigration Law Center, and the  
22 Refugee & Immigrant Center for Education and Legal Service—all of which will  
23 serve to cause confusion among class members related to judicial endorsement by  
24 state agencies, or his or her right to have her own attorney or class counsel, as opposed  
25 to the attorney providing him or her with the notice. In addition, dissemination of the  
26 notices by legal groups could be construed as a solicitation.

27                   **B. The Proposed Class Notices are Not the Best Practicable Notice.**

28           In addition to the deficient manner by which Plaintiffs propose to give notice,

1 the notices themselves are deficient. It is plainly not the “best notice that is  
2 practicable” or otherwise compliant with even the most basic notice requirements. *See*  
3 Fed. R. Civ. P. 23(c)(2)(B).

4 Plaintiffs’ proposed notices are defective because they are unclear and biased  
5 against GEO. The Long Form Notice<sup>1</sup> contains many sections that (a) are unnecessary  
6 to accomplish the “best notice that is practicable”; and/or (b) appear designed more to  
7 entice the reader into remaining in the class than to inform the reader regarding his or  
8 her rights as a potential class member. For example:

- 9 • The descriptive portion of the notice, located within the very first  
10 paragraph, and again under Section 2 of p. 2, which it seems, should  
11 begin with a neutral description of the case and the claims instead  
12 paraphrases Plaintiffs’ claims against GEO as “wage theft, unjust  
13 enrichment, and forced labor,” while simply stating GEO denies the  
14 allegations. The Court should require Plaintiff state the formal causes of  
15 action against GEO and provide that GEO’s position is that it not only  
16 denies the allegations, but that GEO believes it has fully complied with  
17 the law. (ECF 284-1, Declaration of Jennifer M. Keough in support of  
18 Plaintiffs' instant motion (**Keough Decl.**) ¶ 20 at pp. 1- 2 of Exhibit G.)
- 19 • The description of whether individuals are part of the class under Section  
20 6 of p. 3 references footnotes containing improper definitions of the  
21 terms “Voluntary Work Program,” “Uncompensated Work Program,”  
22 and “Housing Unit Sanitation Policy.” GEO objects to Plaintiffs’  
23 characterization of these definitions; Plaintiffs’ mischaracterization of  
24 these terms go to the very heart of the disputes in this lawsuit. The  
25 definitions as written appear designed to entice class members into  
26 agreeing to remain a part of the class. Moreover, it simply advances

27  
28 <sup>1</sup> The deficiencies in the other notice notices are all contained in the Long Form Notice; accordingly, GEO incorporates by reference its discussion and arguments concerning the deficiencies in the Long Form Notice to Plaintiffs' other notices.

1 Plaintiffs’ position by stating these definitions as fact, when the  
2 definitions of these terms are pending triable issues before the Court.  
3 (ECF 284-1, Keough Decl. ¶ 20 at p. 3 of Exhibit G.)

- 4 • The description of class members’ “[o]ptions” in Sections 10 and 11 are  
5 buried at the bottom of notice. (ECF 284-1, Keough Decl. ¶ 20 at p. 4 of  
6 Exhibit G.)

7 In addition to these deficiencies, Plaintiffs’ proposed notice wholly fails to state  
8 **conspicuously, immediately** below the caption, that (a) the Court has not endorsed  
9 either party’s position; and (b) that mere class notice does not signify that Plaintiffs  
10 have prevailed. (ECF 284-1, Keough Decl. ¶ 20 at p. 1 of Exhibit G.) Under these  
11 circumstances, class notice is deficient. *See, e.g., Delgado*, 2007 WL 2847238, at \*3.  
12 *Also see* Fed. R. Civ. P. 23(c)(2)(B).

13 Finally, much of Plaintiffs’ Proposed Notice Plan hinges on an as-yet produced  
14 website. Plaintiffs state in general terms that the website will be “informational [and]  
15 interactive” and “will be developed to enable potential class members to get  
16 information about the litigation. The website will have an easy-to-navigate design and  
17 will be formatted to emphasize important information.” Plaintiffs, however, have not  
18 provided a mock-up to the Court, and refused to provide mock-ups to GEO during the  
19 conferral process. (Hou Decl. ¶ 8.) Without any further information, Plaintiffs’  
20 website does not satisfy the requirements under Fed. R. Civ. P. 23(c)(2)(B).

21  
22 **C. The Timing of the Notice Plan Conflicts with the Current Scheduling  
23 Order.**

24 While GEO does not contest that a 75 day notice period is adequate to effect the  
25 best notice possible under the circumstances, because of Plaintiffs’ delay in filing their  
26 Motion to Approve Class Notice Plan, any class member who remains in this case will  
27 not be afforded a meaningful opportunity to participate. The general rule is that notice  
28 should issue swiftly after class certification and before a formal determination on the

1 merits. *See McKinney v. U.S. Postal Serv.*, 292 F.R.D. 62, 68 (D.D.C. 2013); *Tylka v.*  
2 *Gerber Prods. Co.*, 182 F.R.D. 573, 579 (N.D. Ill. 1998). *See also* 7AA CHARLES  
3 ALAN WRIGHT, ARTHUR R. MILLER & MARY KAY KANE, FEDERAL  
4 PRACTICE AND PROCEDURE § 1788 (3d ed. 2005) (“Thus, notice must be sent  
5 long before the merits of the case are adjudicated.”) “The purpose of Rule 23(c)(2) is  
6 to ensure that the plaintiff class receives notice of the action **well before** the merits of  
7 the case are adjudicated.” *Schwarzschild v. Tse*, 69 F.3d 293, 295 (9th Cir. 1995)  
8 (emphasis added); *see also Darrington v. Assessment Recovery of Wash., LLC*, No.  
9 C13-0286-JCC, 2014 WL 3858363, at \*3 (W.D. Wash. Aug. 5, 2014). “[T]he notice  
10 requirement for 23(b)(3) class actions is rooted in due process and clearly mandatory  
11 under Rule 23(c)(2)(B)”, *Brown v. Colegio de Abogados de Puerto Rico*, 613 F.3d 44,  
12 51 (1st Cir. 2010) (citing *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 176 (1974)).  
13 “Ultimately, class notice should be completed before dispositive motions are  
14 decided.” *McCurley v. Royal Seas Cruises, Inc.*, No. 17-CV-00986-BASAGS, 2019  
15 WL 3817970, at \*4 (S.D. Cal. Aug. 14, 2019).

16 Under this 75-day notice period, and assuming the very unlikely scenario where  
17 Plaintiffs have the notice plan ready to launch the day of the hearing (despite being  
18 unable to submit a mock-up of the key elements of their plan with this motion or  
19 during prior conferrals), the last date to opt-out would be November 28, 2020.  
20 Because this date falls on a Saturday, notice would need to be extended until  
21 November 30, 2020—the same date of the motion cutoff (including for motions to  
22 have been heard). By that date, summary judgment and all motions would have been  
23 briefed and the parties would be mere months from trial. Thus, the admonition (as  
24 required by Rule 23) that class members could be represented by counsel of their  
25 choosing, would be nothing more than an empty phrase. Indeed, there would be  
26 nothing left for an attorney to do if a class member chose his or her own counsel:  
27 discovery would be closed, motions would be briefed, and there would be no  
28



1 meaningful measure for participating in the action. Thus, one of the key elements of  
2 notice could not be meaningfully effectuated.

3 Plaintiffs suggest in a footnote to this Court that such a result can be avoided by  
4 shortchanging notice and due process and expediting the opt-out period without good  
5 reason. (ECF 284, Motion at p. 2.) It is curious that Plaintiffs would so suggest, when  
6 they should be advocating for adequate due process for their own clients. Indeed, in a  
7 similar case pending in Colorado, where Plaintiffs’ lead counsel here, Andrew Free,  
8 also represents the plaintiff class against GEO, the parties and the Court agreed that in  
9 order to provide the best notice under the circumstances a 90-day opt-out period was  
10 necessary. *Menocal v. GEO Group Inc.*, 1:14-cv-02887 JLK, District of Colorado,  
11 Docket Number 186 (June 20, 2019). As that class also involved a TVPA claim and  
12 an unjust enrichment claim brought by detainees in similar circumstances, there is no  
13 reason to believe the instant action requires significantly less time to effectuate proper  
14 notice.

15 Additionally, if the deadlines are not extended, GEO will suffer avoidable  
16 prejudice. GEO would be forced to file a dispositive motion prior to the expiration of  
17 Plaintiff’s proposed opt-out period in order to comply with the current deadlines in  
18 this case. Practically speaking, this means any judgment GEO could obtain against  
19 Plaintiffs would be binding only against the named plaintiffs. This also means  
20 prospective class members will be allowed to evaluate the strength of GEO’s key legal  
21 positions prior to deciding whether they would like to be included in the class. This  
22 would be unduly prejudicial to GEO.

23 Here, notice has not been sent because Plaintiffs waited to bring this motion.  
24 Therefore, GEO is left with two equally unappealing choices—either brief summary  
25 judgment before notice is complete or forego filing summary judgment altogether.  
26 This places the parties squarely within the *Faber* circumstances. This delay was  
27 avoidable. The Ninth Circuit declined GEO’s request for 26(f) review on January 22,  
28

1 2020. Yet, Plaintiffs did not file their motion to approve class notice until August 4,  
2 2020, with a hearing set for September 14, 2020. (ECF 284.)

3 Assuming the Court approves Plaintiffs’ Notice Plan, and assuming Plaintiffs  
4 launch their Notice Plan on the day of the hearing (which is highly improbable), the  
5 earliest possible opt-out deadline would be November 28, 2020. Yet, the deadline for  
6 parties to file a motion for summary judgment is over two months before that, on  
7 October 14. Accordingly, in order to accommodate Plaintiffs’ notice proposal, the  
8 summary judgment deadline should be moved.

9 **II. CONCLUSION.**

10 For the foregoing reasons, Plaintiffs’ motion to approve the notice plan should  
11 be denied.

12 Respectfully submitted, August 24, 2020.

13  
14 **AKERMAN LLP**

15  
16 By: /s/ David Van Pelt  
17 Michael L. Gallion  
18 David Van Pelt  
19 Colin L. Barnacle  
20 Adrienne Scheffey

21 Attorneys for Defendant  
22 THE GEO GROUP, INC.  
23  
24  
25  
26  
27  
28

AKERMAN LLP

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

AKERMAN LLP

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

1 **AKERMAN LLP**  
2 MICHAEL L. GALLION (SBN 189128)  
3 DAVID VAN PELT (SBN 163690)  
4 601 West Fifth Street, Suite 300  
5 Los Angeles, California 90071  
6 Telephone: (213) 688-9500  
7 Facsimile: (213) 627-6342  
8 Email: michael.gallion@akerman.com  
9 Email: david.vanpelt@akerman.com

6 COLIN L. BARNACLE (admitted *pro hac vice*)  
7 ADRIENNE SCHEFFEY (admitted *pro hac vice*)  
8 1900 Sixteenth Street, Suite 1700  
9 Denver, Colorado 80202  
10 Telephone: (303) 260-7712  
11 Facsimile: (303) 260-7714  
12 Email: colin.barnacle@akerman.com  
13 Email: adrienne.scheffey@akerman.com

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.

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

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 OPPOSITION TO  
PLAINTIFF'S MOTION TO  
APPROVE CLASS NOTICE PLAN  
AND FORM OF NOTICE**

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

**DECLARATION OF ALICIA Y. HOU**

I, ALICIA Y. HOU, declare as follows:

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

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

3. This declaration is made in support of GEO's Opposition to Plaintiffs' Motion to Approve Class Notice Plan and Form of Notice.

4. Plaintiffs did not begin the conferral process with GEO until early July and pressured GEO to return comments, confer, and resolve material issues contained in seven notices within a mere fourteen days. A true and correct copy of Plaintiffs' counsel's conferral e-mail to me is attached as **Exhibit A**.

5. In good faith, GEO provided comments by Plaintiffs' arbitrary deadline of July 27, 2020. That same day, on July 27, Plaintiffs' counsel Mallory Biblo and I had a telephone call to confer about the contents of their Motion. Ms. Biblo and I had a further conferral call on July 31, 2020.

6. On August 4, 2020, following the parties' July 31 conferral call, I e-mailed Ms. Biblo and asked, among other inquiries, whether Plaintiffs intended on issuing mail notice. A true and correct copy of my August 4 e-mail to Plaintiffs' counsel highlighting the mail issue is attached as **Exhibit B**.

7. During the conferral process, Plaintiffs' counsel provided me a list of outreach organizations through which they intend on sending e-mail notice. A true and correct copy of the excel spreadsheet I received from Plaintiffs' counsel outlining the list of outreach organizations is attached as **Exhibit C**.

AKERMAN LLP

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8. Plaintiffs' counsel stated on one of the two conferral calls that they did not have website mockups ready and would not be able to present one to me prior to their filing of the motion.

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

Executed on August 24, 2020 at Los Angeles, California.

/s/ Alicia Y. Hou  
Alicia Y. Hou

AKERMAN LLP

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

# **EXHIBIT A**

---

**To:** Van Pelt, David (Ptrn-Lax)  
**Subject:** RE: Novoa - Class Notice Program

---

**From:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>  
**Sent:** Thursday, July 2, 2020 10:15 AM  
**To:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>  
**Cc:** Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>  
**Subject:** Novoa - Class Notice Program

Team GEO:

We have been working on the class notice program for this case. Here are our thoughts and plans. We intend to seek court approval but wanted to give GEO the opportunity to weigh in on the submission.

In broad strokes, here are the concepts behind the program we've developed with our vendor. Efforts in the United States consist of a summary notice in Spanish in three leading Spanish-language newspapers and a digital campaign through the leading digital network, Google Display Network (GDN), targeting potential class members in several western states. Efforts in Mexico/Latin America consist of Spanish radio and digital through GDN and the social media platform, Facebook. An email effort to relevant third-party churches and relief organizations, an internet search campaign, and the distribution of a press release will extend notice exposure further. The notice administrator will also create (a) a dedicated website accessible to people within and outside the United States and (b) a toll-free number featuring IVR and live operator support in multiple dialects. The notice program also includes the posting of notice at relevant facilities operated by GEO.

In addition to the generalized description above, the notice program, as envisioned, would include the following components:

1. The notice administrator will coordinate publication of a shortened summary notice in the following leading Spanish-language publications: La Opinion, Excelsior (Los Angeles and Orange County), and El Chicano. The proposed "Summary Notice" is attached hereto as Exhibit B.
2. The notice administrator will execute a regional digital notice campaign targeting California, New Mexico, Arizona, Nevada, Idaho, Montana, Washington, and Oregon through GDN. The notice administrator will also execute an international digital notice campaign in Mexico, El Salvador, Guatemala, and Honduras using GDN and Facebook. In addition, the notice administrator will execute an internet search campaign in Mexico, El Salvador, Guatemala, and Honduras using search engines such as Google and Bing. All proposed digital ads are attached hereto as Exhibit C.

3. The notice administrator will prepare radio advertisements in Spanish to run on news, talk radio, and entertainment stations in Mexico, El Salvador, Guatemala, and Honduras. The proposed radio script is attached hereto as Exhibit D.
4. The notice administrator will cause the distribution of a press release to news lines throughout the U.S., Spanish Latin America, and India. The proposed press release is attached hereto as Exhibit E.
5. The notice administrator will send an email campaign to key churches and relief organizations in California. The proposed email notice is attached hereto as Exhibit F.
6. The notice administrator will create and maintain an informational case-specific website on which notices, other important court documents, and Frequently Asked Questions will be posted. In more detail, the website will include an email contact form, frequently asked questions page, and links to downloadable copies of the Long Form Notice in English and Spanish, and other important court documents. The proposed Long Form Notice is attached hereto as Exhibit G.
7. The notice administrator will maintain a toll-free information line with IVR and live operators fluent in multiple dialects that Class Members can call for more information about the case.

We intend to file the proposed notice plan and order with the Court before the end of the month. We'd like to represent the submission as unopposed, so we welcome GEO's timely and reasonable input. Please provide any edits, comments, etc. to the attached documents by July 16.

All the best.

**Daniel H. Charest**  
Burns Charest LLP  
900 Jackson Street  
Suite 500  
Dallas, Texas 75202  
469.904.4555 direct  
214.681.8444 mobile  
469.444.5002 fax



# **EXHIBIT B**

---

**From:** Hou, Alicia (Lax)  
**Sent:** Tuesday, August 4, 2020 12:41 PM  
**To:** Mallory Biblo  
**Cc:** Daniel Charest; Novoa - External; Scheffey, Adrienne (Assoc-Den); Van Pelt, David (Ptnr-Lax); Gallion, Michael (Ptnr-Lax); Turner, Jonathan (Assoc-Lax)  
**Subject:** RE: Novoa - Class Notice Program

Mallory,

You provided us with the draft notices in early July despite the fact the Court issued its certification order last December. We presume it took you the over seven months to draft and prepare those notices. Yet, you demanded GEO provide comments to the seven notices within a mere fourteen days. In good faith, we provided comments by the arbitrary deadline of July 27 that you unilaterally imposed. Since then, we've been diligently conferring and trying to work with you around your internal deadlines.

Because you sent the revised notices (following our revisions) only 30 minutes before our call last Friday, I did not have the chance to review them before we spoke. You represented on the call that you accepted many of our revisions; based on that representation, we tried to focus the call on some of the larger issues like nationwide notice. However, it seemed you had your mind made up on many of the issues -- several times during our call you stated you would proceed with filing your motion and would no longer confer on certain points. After our call, I reviewed the notices only to see that many of our substantive revisions were actually rejected. This is not a meaningful conferral under the FRCP.

While I understand plaintiffs will be filing the motion without any further conferral, I'd still like to address some of the issues we see with your notices. We invite you to continue the conferral process in good faith.

### **General issues and observations**

- Nationwide Class – some of the authority you cite appears to only hold that a request for monetary relief does not in and itself negate 23(b)(2) status, but doesn't address the issue we raise of whether notice must be given to classes where the action seeks both monetary and injunctive relief. We note that notice under Rule 23 is created to ensure due process to absent class members. With that in mind, notice under 23(b)(2) may be necessary if where compensatory or punitive damages are at issue. See *In re Monumental Life Ins. Co.*, 365 F.3d 408, 417 (5th Cir.2004) and *Robinson v. Metro-North Commuter R.R. Co.*, 267 F.3d 147, 165–67 (2d Cir.2001); *Molski v. Gleich*, 307 F.3d 1155, 1166 (9th Cir. 2002), opinion withdrawn and superseded, 318 F.3d 937 (9th Cir. 2003). It is still our position that notice is necessary because Plaintiffs have indicated compensatory and punitive damages are at issue. To the extent Plaintiffs take the position in the notice motion that no-notice is required, we will consider that a waiver of Plaintiffs' right to compensatory or punitive damages for the class.
- Website – we cannot agree to anything until we see a mock-up. Again, your refusal to provide a mockup does not demonstrate a good faith conferral.
- You mention potential class members in India, but have only proposed only one method (press release) targeting Indian audiences.
- FN definitions – not neutral. See below for further clarification on our position.
- Transcript of all calls to the toll-free number – please agree to provide.
- JND Plan
  - Mail notice – do you plan on issuing mail notice?
  - The plan focuses almost exclusively on Spanish speaking individuals and those near the border.
  - The radio campaign is limited to two weeks.

**Issues with specific notice formats [above general issues and our original comments/tracked changes are fully incorporated below, whether or not expressly stated]**

- **Publication [Exhibit B]**
  - The definition for “Uncompensated Work Program” is still inflammatory, e.g. having to work “for no money at all” and for an “arbitrary” period of time.
  - None of our language that we added in the third to last paragraph was considered. Our proposed language was reasonable – rather than paraphrasing plaintiffs’ claims with arguably inflammatory language, we suggested simply using the formal causes of action. We also think it is reasonable to include a line that GEO not only denies liability, but that GEO’s position is that it has fully complied all laws.
  - By failing to incorporate our revisions, GEO does not see how this can be the “best notice under the circumstances” required by Rule 23.
  
- **Digital media samples [Exhibit C]**
  - We understand your position is that the website will not be ready prior to the day you wish to file your motion re notice. Please note we cannot agree to the contents of the notice without seeing what the website will look like and what information it will contain.
  
- **Radio scripts [Exhibit D]**
  - As discussed on our call, we would like to see the website and Spanish text before we can agree. Your refusal to provide the website and Spanish translation prior to filing the motion again constitutes a bad faith conferral.
  - The TRAC database reflects the top 5 countries represented at Adelanto as of July 2019 to be Mexico, El Salvador, Guatemala, Honduras and India. In fact Honduras and India nearly equal each other in terms of numbers of people represented. Please let us know if you will issue notice to detainees located in India outside of the press release.
  
- **Press release [Exhibit E]**
  - The definition for “Uncompensated Work Program” is still inflammatory, e.g. having to work “for no money at all” and for an “arbitrary” period of time.
  - None of our language that we added in second un-indented paragraph was considered. Our proposed language was reasonable – rather than paraphrasing plaintiffs’ claims with arguably inflammatory language, we suggested simply using the formal causes of action. We also think it is reasonable to include a line that GEO not only denies liability, but that GEO’s position is that it has fully complied all laws.
  - By failing to incorporate our revisions, GEO does not see how this can be the “best notice under the circumstances” required by Rule 23.
  
- **Email [Exhibit F]**
  - The reasonable language we proposed in the second paragraph of the body text was not considered. Our proposed language was reasonable – rather than paraphrasing plaintiffs’ claims with arguably inflammatory language, we suggested simply stating that the lawsuit alleges GEO

violated labor laws. We also think it is reasonable to include a line that GEO not only denies liability, but that GEO's position is that it has fully complied all laws.

- Organizations – in Dan's July 2 email he stated the e-mail would be sent to churches and key relief organizations. There was no mention of legal services organizations such as those included in the list you sent me yesterday. We do not believe it is appropriate to include groups that primarily provide legal services as it is likely that a class member who receives the notice from an attorney may be confused about his or her right to have her own attorney or class counsel as opposed to the attorney providing him or her with the notice. In addition, we have concerns about the ethical obligations of those attorneys who further disseminate the notice, which could be construed as a solicitation.
- Long form notice [Exhibit G]
  - None of the language we proposed in the first paragraph of page 1 and on Item 2 of page 3 was considered. Our proposed language was reasonable – rather than paraphrasing plaintiffs' claims with arguably inflammatory language, we suggested simply using the formal causes of action. We also think its is reasonable to include a line that GEO not only denies liability, but that GEO's position is that it has fully complied all laws.
  - All other issues outlined above are incorporated here.

**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)

---

**From:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>

**Sent:** Tuesday, August 4, 2020 6:42 AM

**To:** Hou, Alicia (Lax) <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>

**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>; Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>; Scheffey, Adrienne (Assoc-Den) <[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)>; Van Pelt, David (Ptrn-Lax) <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>; Gallion, Michael (Ptrn-Lax) <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>

**Subject:** Re: Novoa - Class Notice Program

Alicia,

Thanks for the email.

We sent GEO the notice documents and a description of the plan on July 2 and requested comments by July 16. Although you had represented that GEO would provide comments by the 16th, Plaintiffs did not receive any comments from GEO until July 27th. On the 27th, the parties had a lengthy meet and confer via telephone, which resulted in Plaintiffs accepting several of GEO's comments to the notice documents and plan. For example, Plaintiffs agreed to change the website to the one suggested by GEO, Plaintiffs added language that was suggested by GEO related to FRCP 32(c)(2)(B)(iv), and Plaintiffs accepted several of GEO's line edits. On that call, GEO also requested that Plaintiffs provide the Notice Plan and the list of churches and key organization that Plaintiffs intend to send the email notice to, which I sent to you on the

30th. I also sent you the revised versions of the notice documents on the morning of the 31st before our second meet and confer that afternoon. A few hours after the meet and confer, as requested, I sent you Plaintiffs' position with respect to notice of the injunctive class. I have yet to receive GEO's position.

Since the 27th, we have not received any additional comments from GEO. I have invited you to suggest language for the digital ads, which you have not provided. I invited you to provide demographics on the detainee population to determine if notice needs to be sent to additional countries, you have not sent that information.

On the July 27th meet and confer, GEO mentioned the need to extend deadlines and the trial date to provide more time for the notice. That position is unacceptable to Plaintiffs given the amount of time that they have waited for GEO to engage with respect to notice. So, Plaintiffs will file the proposed plan that has incorporated numerous comments by GEO this afternoon.

Thanks,

**Mallory Biblo**

469.914.7610 direct  
262.227.0685 mobile

---

**From:** "[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)" <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Date:** Monday, August 3, 2020 at 7:40 PM  
**To:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** RE: Novoa - Class Notice Program

Hi Mallory,

While we appreciate that we've agreed on some aspects of the notice, we want to clarify that there are still several issues in dispute, particularly now that we see you did not accept many of our proposed revisions to the notices—copies of which we did not receive until this morning thirty minutes before our second conferral call this past Friday.

We are preparing further comments to the notices and will send shortly.

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

---

**From:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Sent:** Friday, July 31, 2020 1:30 PM  
**To:** Hou, Alicia (Lax) <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>

Cc: Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>; Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>; Scheffey, Adrienne (Assoc-Den) <[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)>; Van Pelt, David (Ptnr-Lax) <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>; Gallion, Michael (Ptnr-Lax) <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** Re: Novoa - Class Notice Program

Alicia,

Thanks for the call earlier this week and the call earlier today. Besides the issue of notice of the FRCP 23(b)(2) class, it seems to me that the parties are just about at an agreement on the notice documents (especially, with respect to the major pieces of plan).

With respect to notice of the FRCP 23(b)(2) class, plaintiffs' position is that no notice is required and plaintiffs do not intend to provide notice. Plaintiffs sought a class pursuant to FRCP 23(b)(2), and the Court certified that class. There is no nationwide class certified pursuant to FRCP 23(b)(3). Additionally, where equitable relief is sought, a request for monetary relief does not destroy Rule 23(b)(2) status. *Murray v. Local 2620, Dist. Council 57, Am. Fed'n of State, Cty., & Mun. Employees, AFL-CIO*, 192 F.R.D. 629, 636-37 (N.D. Cal. 2000); see *Molski v. Gleich*, 318 F.3d 937, 952, (9th Cir. 2003) ("Notice for a Rule 23(b)(2) class is discretionary under Rule 23(d)(2)"); *Souza v. Scalone*, 64 F.R.D. 654, 658 (N.D. Cal. 1974), *vacated on other grounds*, 563 F.2d 385 (9th Cir. 1977). ("Where the monetary relief sought is integrally related to and would directly flow from the injunctive or declaratory relief sought, 23(b)(2) status is appropriate.")

If you have some language that you would like us to consider with respect to the social media ads (Exhibit C), please send that over. And, if you have the information regarding top five countries, please send that over as well.

Let me know if you need anything else from me.

Thanks,

Mallory

**Mallory Biblo**

469.914.7610 direct  
262.227.0685 mobile

---

**From:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>

**Date:** Friday, July 31, 2020 at 12:25 PM

**To:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>

**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>

**Subject:** Re: Novoa - Class Notice Program

Alicia,

Attached are updated versions of the notice documents.

Here is what I did – I went back to plaintiffs’ original versions and made changes in redline. I incorporated the majority of GEO’s edits, comments, etc.

Thanks,

**Mallory Biblo**

469.914.7610 direct  
262.227.0685 mobile

---

**From:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Date:** Thursday, July 30, 2020 at 4:29 PM  
**To:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** Re: Novoa - Class Notice Program

Alicia,

Attached is the Notice Plan and list of outreach contacts where email notice will be sent. I should also be able to send you updated drafts of the notice documents before our call tomorrow.

Further, do you have any case law or other authority to support your request for “transcripts of all calls received by the phone number listed as well as any queries made to the website prior to attorney contact”?

Thanks,

**Mallory Biblo**

469.914.7610 direct  
262.227.0685 mobile

---

**From:** "[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)" <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Date:** Monday, July 27, 2020 at 2:48 PM  
**To:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** RE: Novoa - Class Notice Program

To clarify, we also have comments to **Exhibit C**. 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](mailto:alicia.hou@akerman.com)

---

**From:** Hou, Alicia (Lax)  
**Sent:** Monday, July 27, 2020 11:45 AM  
**To:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>; Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>; Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>; Scheffey, Adrienne (Assoc-Den) <[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)>; Van Pelt, David (Ptrn-Lax) <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>; Gallion, Michael (Ptrn-Lax) <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** RE: Novoa - Class Notice Program

Mallory,

Attached are the notices with our comments. We also have comments to Exhibit B, which we'll discuss with you on the call. Talk soon.

**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)

---

**From:** Hou, Alicia (Lax) <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Sent:** Monday, July 27, 2020 7:43 AM  
**To:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>; Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>; Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>; Scheffey, Adrienne (Assoc-Den) <[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)>; Van Pelt, David (Ptrn-Lax) <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>; Gallion, Michael (Ptrn-Lax) <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** Re: Novoa - Class Notice Program

Thanks. We'll send comments shortly.

**Alicia Hou**

Special Counsel  
Akerman LLP | [601 West Fifth Street, Suite 300 | Los Angeles, CA 90071](#)  
D: [213 533 5907](tel:2135335907) | T: [213 688 9500](tel:2136889500) | F: [213 627 6342](tel:2136276342)  
[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)

On Jul 27, 2020, at 7:09 AM, Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)> wrote:

Alicia – I am going to send out a calendar invite with dial-in information for 1600 CST. Please let me know if you are not available at that time and provide a better time. Also, when can we expect GEO's comments to the notice documents?

**Mallory Biblo**

469.914.7610 direct  
262.227.0685 mobile



---

**From:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>  
**Date:** Thursday, July 23, 2020 at 9:26 PM  
**To:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>, Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** Re: Novoa - Class Notice Program

Thanks, Alice, for responding. Unfortunately, I have another appointment at that time. I could go an hour later (1600 central) if that works for you. Please let us know. All the best.

**Daniel H. Charest**

469.904.4555 direct  
214.681.8444 mobile

---

**From:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Date:** Thursday, July 23, 2020 at 6:05 PM  
**To:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>, Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>  
**Cc:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** RE: Novoa - Class Notice Program

Hi Mallory,

How about Monday at 3 CST? We will provide comments in advance of the call. 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](mailto:alicia.hou@akerman.com)

---

**From:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Sent:** Wednesday, July 22, 2020 9:35 AM  
**To:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>; Hou, Alicia (Lax) <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Cc:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>; Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>; Scheffey, Adrienne (Assoc-Den) <[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)>; Van Pelt, David (Ptrn-Lax) <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>; Gallion, Michael (Ptrn-Lax) <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** Re: Novoa - Class Notice Program

Alicia,

Please provide an update as to when we can expect comments on the notice program from GEO. Also, let's get a call to discuss the notice program/meet and confer on the calendar on Monday, June 27th. We are available on

Monday before 3 PM CST – so, let me know what time is best for you, and I will circulate a calendar invite with dial-in information.

Thanks,

**Mallory Biblo**

469.914.7610 direct  
262.227.0685 mobile

---

**From:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>  
**Date:** Friday, July 17, 2020 at 10:07 AM  
**To:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>, Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** Re: Novoa - Class Notice Program

Just to be clear, Alicia, that is the deadline for input from our perspective. Given the complexity of the documentation, we encourage GEO to respond earlier to enhance cooperation. The less time we have to react and discuss, the less input we can accept. Thanks.

**Daniel H. Charest**

469.904.4555 direct  
214.681.8444 mobile

---

**From:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Date:** Friday, July 17, 2020 at 10:58 AM  
**To:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>, Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>, Adrienne Scheffey <[Adrienne.scheffey@akerman.com](mailto:Adrienne.scheffey@akerman.com)>, David Van Pelt <[david.vanpelt@akerman.com](mailto:david.vanpelt@akerman.com)>, Michael Gallion <[michael.gallion@akerman.com](mailto:michael.gallion@akerman.com)>  
**Subject:** Re: Novoa - Class Notice Program

Mallory and Daniel,

Thank you for the additional time. We will have comments by then.

**Alicia Hou**

Special Counsel  
Akerman LLP | [601 West Fifth Street, Suite 300 | Los Angeles, CA 90071](https://www.akerman.com)  
D: [213 533 5907](tel:2135335907) | T: [213 688 9500](tel:2136889500) | F: [213 627 6342](tel:2136276342)  
[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)

On Jul 17, 2020, at 7:56 AM, Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)> wrote:

Alicia,

Plaintiffs will move the court on August 3 for approval of the notice program. We invite GEO to comment before then and to engage in the meet and confer process required by LR 7-3 on or before July 27. If GEO does not respond, or decides not to engage in the M&C process, Plaintiffs will move forward with the filing and note GEO's silence on the matter.

Thanks,

**Mallory Biblo**

469.914.7610 direct  
262.227.0685 mobile

---

**From:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>  
**Date:** Friday, July 17, 2020 at 9:51 AM  
**To:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>, Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>  
**Subject:** Re: Novoa - Class Notice Program

What is the expected timing, Alicia? We have provided two weeks for comment and need to press forward. Thanks.

**Daniel H. Charest**

469.904.4555 direct  
214.681.8444 mobile

---

**From:** Alicia Hou <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>  
**Date:** Friday, July 17, 2020 at 10:29 AM  
**To:** Mallory Biblo <[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)>  
**Cc:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>, Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>, Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>  
**Subject:** Re: Novoa - Class Notice Program

Thanks for following up Mallory. We should've reached out yesterday, but will need additional time to get back to you. We'll revert shortly.

**Alicia Hou**

Special Counsel

#6388

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)

On Jul 17, 2020, at 7:24 AM, Mallory Biblo  
<[mbiblo@burnscharest.com](mailto:mbiblo@burnscharest.com)> wrote:

Alicia,

We were expecting GEO's comments to the notice documents yesterday but have not received them. Does GEO still intend to provide comments? If so, when can we expect them?

Thanks,

**Mallory Biblo**

469.914.7610 direct

262.227.0685 mobile

---

**From:** "[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)" <[alicia.hou@akerman.com](mailto:alicia.hou@akerman.com)>

**Date:** Wednesday, July 8, 2020 at 2:23 PM

**To:** Daniel Charest <[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>

**Cc:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>, Novoa - External  
<[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>

**Subject:** FW: Novoa - Class Notice Program

Hi Daniel,

David forwarded me your e-mail. We will be providing comments by July 16. By the way, I've joined the Akerman team working on this matter – can you add me to your e-mail distribution list so I can receive e-mails like the below?

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)

vCard | 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.

---

**From:** Daniel Charest <>  
**Sent:** Wednesday, July 8, 2020 8:34 AM  
**To:** Novoa-OC <>  
**Cc:** Novoa - External <>  
**Subject:** Re: Novoa - Class Notice Program

Just following up here. Do defendants intend to provide comments? We are happy to wait until 7/16 as set out below for GEO's input. But I would have expected some indication either way from defendants. Please advise. Thanks.

**Daniel H. Charest**  
469.904.4555 direct  
214.681.8444 mobile

---

**From:** Daniel Charest  
<[dcharest@burnscharest.com](mailto:dcharest@burnscharest.com)>  
**Date:** Thursday, July 2, 2020 at 1:14 PM  
**To:** Novoa-OC <[novoa-OC@burnscharest.com](mailto:novoa-OC@burnscharest.com)>  
**Cc:** Novoa - External <[Novoa-External@burnscharest.com](mailto:Novoa-External@burnscharest.com)>  
**Subject:** Novoa - Class Notice Program

Team GEO:

We have been working on the class notice program for this case. Here are our thoughts and plans. We intend to seek court approval but wanted to give

GEO the opportunity to weigh in on the submission.

In broad strokes, here are the concepts behind the program we've developed with our vendor. Efforts in the United States consist of a summary notice in Spanish in three leading Spanish-language newspapers and a digital campaign through the leading digital network, Google Display Network (GDN), targeting potential class members in several western states. Efforts in Mexico/Latin America consist of Spanish radio and digital through GDN and the social media platform, Facebook. An email effort to relevant third-party churches and relief organizations, an internet search campaign, and the distribution of a press release will extend notice exposure further. The notice administrator will also create (a) a dedicated website accessible to people within and outside the United States and (b) a toll-free number featuring IVR and live operator support in multiple dialects. The notice program also includes the posting of notice at relevant facilities operated by GEO.

In addition to the generalized description above, the notice program, as envisioned, would include the following components:

1. The notice administrator will coordinate publication of a shortened summary notice in the following leading Spanish-language publications: La Opinion, Excelsior (Los Angeles and Orange County), and El Chicano. The proposed "Summary Notice" is attached hereto as Exhibit B.
2. The notice administrator will execute a regional digital notice campaign targeting California, New Mexico, Arizona, Nevada, Idaho,

Montana, Washington, and Oregon through GDN. The notice administrator will also execute an international digital notice campaign in Mexico, El Salvador, Guatemala, and Honduras using GDN and Facebook. In addition, the notice administrator will execute an internet search campaign in Mexico, El Salvador, Guatemala, and Honduras using search engines such as Google and Bing. All proposed digital ads are attached hereto as Exhibit C.

3. The notice administrator will prepare radio advertisements in Spanish to run on news, talk radio, and entertainment stations in Mexico, El Salvador, Guatemala, and Honduras. The proposed radio script is attached hereto as Exhibit D.
4. The notice administrator will cause the distribution of a press release to news lines throughout the U.S., Spanish Latin America, and India. The proposed press release is attached hereto as Exhibit E.
5. The notice administrator will send an email campaign to key churches and relief organizations in California. The proposed email notice is attached hereto as Exhibit F.
6. The notice administrator will create and maintain an informational case-specific website on which notices, other important court documents, and Frequently Asked Questions will be posted. In more detail, the website will include an email contact form, frequently asked questions page, and links to downloadable copies of the Long

Form Notice in English and Spanish, and other important court documents. The proposed Long Form Notice is attached hereto as Exhibit G.

7. The notice administrator will maintain a toll-free information line with IVR and live operators fluent in multiple dialects that Class Members can call for more information about the case.

We intend to file the proposed notice plan and order with the Court before the end of the month. We'd like to represent the submission as unopposed, so we welcome GEO's timely and reasonable input. Please provide any edits, comments, etc. to the attached documents by July 16.

All the best.

**Daniel H. Charest**  
Burns Charest LLP  
900 Jackson Street  
Suite 500  
Dallas, Texas 75202  
469.904.4555 direct  
214.681.8444 mobile  
469.444.5002 fax



# **EXHIBIT C**

AGG - Outreach Contact List

RELIGIOUS CHARITY ORGANIZATIONS	Email	Website or Other Address			
1 Roman Catholic Diocese of San Bernardino	<a href="mailto:jandrews@sbdiocese.org">jandrews@sbdiocese.org</a>	<a href="https://www.sbdiocese.org/">https://www.sbdiocese.org/</a>			
2 Episcopal Diocese of Los Angeles and Episcopal News	<a href="mailto:jtaylor@ladiocese.org">jtaylor@ladiocese.org</a>	<a href="https://diocesela.org/">https://diocesela.org/</a>			
Pacifica Synod, ELCA (Evangelical Lutheran Church of America)					
3 Lutheran Center of Mission & Learning	<a href="mailto:office@pacificasynod.org">office@pacificasynod.org</a>	<a href="http://www.pacificasynod.org/">http://www.pacificasynod.org/</a>			
4 Salvation Army - Victor Valley Corps (Community Center)	<a href="mailto:matthew.farias@usw.salvationarmy.org">matthew.farias@usw.salvationarmy.org</a>	<a href="https://victorvalley.salvationarmy.org/">https://victorvalley.salvationarmy.org/</a>			
5 Adelanto Foursquare Church	<a href="mailto:mdeanmullen@me.com">mdeanmullen@me.com</a>	<a href="https://www.foursquare.org/locator/?church=30012">https://www.foursquare.org/locator/?church=30012</a>   Main Office: The Foursquare Church, 1910 W. Sunset Blvd., Suite 200, Los Angeles 90026			
6 Desert Streams Baptist Church	<a href="mailto:pastor@desertstreams.church">pastor@desertstreams.church</a>	<a href="https://www.desertstreams.church/">https://www.desertstreams.church/</a>			
7 Impact Christian Church - Offices	<a href="mailto:dane@greaterimpact.cc">dane@greaterimpact.cc</a>	<a href="https://greaterimpact.cc/">https://greaterimpact.cc/</a>			
8 Catholic Charities East Bay	<a href="mailto:volunteer@cceb.org">volunteer@cceb.org</a>	<a href="https://www.cceb.org/">https://www.cceb.org/</a>			
9 Catholic Relief Services	<a href="mailto:pressinquiries@crs.org">pressinquiries@crs.org</a>	<a href="https://www.crs.org/get-involved/lead-way?red=stj">https://www.crs.org/get-involved/lead-way?red=stj</a>			
10 Evangelical Immigration Table	<a href="mailto:info@evangelicalimmigrationtable.com">info@evangelicalimmigrationtable.com</a>	<a href="http://evangelicalimmigrationtable.com/contact/">http://evangelicalimmigrationtable.com/contact/</a>			
Catholic Charities of San Bernardino - Refugee and Immigration Services	<a href="mailto:info@ccsbriv.org">info@ccsbriv.org</a>	<a href="http://www.ccsbriv.org/">http://www.ccsbriv.org/</a>			

CALIFORNIA IMMIGRATION ORGANIZATIONS/SERVICES	Email	Website			
1 Access California Services	<a href="mailto:info@accesscal.org">info@accesscal.org</a>	<a href="http://www.accesscal.org/">http://www.accesscal.org/</a>			
2 Alliance San Diego	<a href="mailto:andrea@alliancesd.org">andrea@alliancesd.org</a> ; <a href="mailto:chris@alliancesd.org">chris@alliancesd.org</a>	<a href="https://www.alliancesd.org/">https://www.alliancesd.org/</a>			
3 American Civil Liberties Union (ACLU) of San Diego & Imperial Counties	<a href="mailto:info@acusandiego.org">info@acusandiego.org</a>	<a href="https://www.acusandiego.org/">https://www.acusandiego.org/</a>			
4 American Civil Liberties Union (ACLU) of Northern California	<a href="mailto:info@aclunc.org">info@aclunc.org</a>	<a href="https://www.aclunc.org/home">https://www.aclunc.org/home</a>			
5 American Friends Service Committee "US-Mexico Border Program"	<a href="mailto:usmexborder@afsc.org">usmexborder@afsc.org</a>	<a href="https://www.afsc.org/office/san-diego-ca">https://www.afsc.org/office/san-diego-ca</a>			
6 California Community Colleges (undocumented student services)	<a href="mailto:info@cccso.edu">info@cccso.edu</a>	<a href="https://www.cccso.edu/Students/Support-services/Special-population/Undocumented-Students">https://www.cccso.edu/Students/Support-services/Special-population/Undocumented-Students</a>			
7 California Community Foundation	<a href="mailto:info@calfund.org">info@calfund.org</a>	<a href="https://www.calfund.org/familiestogether/">https://www.calfund.org/familiestogether/</a>			
8 California Dept of Social Services (CDSS)	<a href="mailto:par@dss.ca.gov">par@dss.ca.gov</a>	<a href="https://www.cdss.ca.gov/immigration-services">https://www.cdss.ca.gov/immigration-services</a>			
9 California Immigrant Policy Center	<a href="mailto:info@caimmigrant.org">info@caimmigrant.org</a> ; <a href="mailto:cchang@caimmigrant.org">cchang@caimmigrant.org</a>	<a href="https://caimmigrant.org/">https://caimmigrant.org/</a>			
10 California Immigrant Youth Justice Alliance	<a href="mailto:info@civia.org">info@civia.org</a>	<a href="https://civia.org/">https://civia.org/</a>			
11 Coalition for Humane Immigration Rights of Los Angeles (CHIRLA)	<a href="mailto:action@chirla.org">action@chirla.org</a>	<a href="https://www.chirla.org/">https://www.chirla.org/</a>			
12 Esperanza Immigrant Rights Project	<a href="mailto:portiz@ccharities.org">portiz@ccharities.org</a>	<a href="https://www.esperanza-la.org/contact">https://www.esperanza-la.org/contact</a>			
13 Federation of Zacatecan Clubs of Southern California	<a href="mailto:presidente@federacionzacatecana.org">presidente@federacionzacatecana.org</a>	<a href="http://federacionzacatecana.org/">http://federacionzacatecana.org/</a>	SPANISH LANGUAGE		
14 Human Rights Watch	<a href="http://www.hrw.org/en/contact/los-angeles">http://www.hrw.org/en/contact/los-angeles</a>	<a href="https://www.hrw.org/about/get-local/los-angeles">https://www.hrw.org/about/get-local/los-angeles</a>			
15 Immigration Center for Women and Children	<a href="mailto:info@icwclaw.org">info@icwclaw.org</a>	<a href="https://www.icwclaw.org/">https://www.icwclaw.org/</a>			
16 Immigration Institute of the Bay Area	<a href="mailto:sfinfo@iibayarea.org">sfinfo@iibayarea.org</a> ; <a href="mailto:redwoodcity@iibayarea.org">redwoodcity@iibayarea.org</a> ; <a href="mailto:oakland@iibayarea.org">oakland@iibayarea.org</a> ; <a href="mailto:brentwood@iibayarea.org">brentwood@iibayarea.org</a> ; <a href="mailto:fremont@iibayarea.org">fremont@iibayarea.org</a> ; <a href="mailto:napa@iibayarea.org">napa@iibayarea.org</a> ; <a href="mailto:sonoma@iibayarea.org">sonoma@iibayarea.org</a>	<a href="https://iibayarea.org/">https://iibayarea.org/</a>			
17 OTAN - Outreach and Technical Assistance Network	<a href="mailto:support@otan.us">support@otan.us</a>	<a href="https://otan.us/about-us/">https://otan.us/about-us/</a>	Citizenship classes		
18 San Diego Immigrant Rights Consortium	<a href="mailto:erin@alliancesd.org">erin@alliancesd.org</a> ; <a href="mailto:hram@alliancesd.org">hram@alliancesd.org</a>	<a href="https://www.immigrantsandiego.org/">https://www.immigrantsandiego.org/</a>			
19 San Diego Rapid Response Network	<a href="mailto:SDRRNmedia@gmail.com">SDRRNmedia@gmail.com</a>	<a href="http://www.rapidresponsesd.org/">http://www.rapidresponsesd.org/</a>			
20 World Relief - Southern California	<a href="mailto:lduncan@wr.org">lduncan@wr.org</a>	<a href="https://worldreliefsouthernca.org/">https://worldreliefsouthernca.org/</a>			
21 World Relief Modesto	<a href="mailto:dperry@wr.org">dperry@wr.org</a>	<a href="https://worldreliefmodesto.org/">https://worldreliefmodesto.org/</a>			
22 World Relief Sacramento	<a href="mailto:kham@wr.org">kham@wr.org</a>	<a href="https://worldreliefsacramento.org/immigration-legal-services">https://worldreliefsacramento.org/immigration-legal-services</a>			

NATIONAL IMMIGRATION ORGANIZATIONS/SERVICES	Email	Website			
1 American Immigration Council	<a href="mailto:info@immcouncil.org">info@immcouncil.org</a>	<a href="https://www.americanimmigrationcouncil.org/">https://www.americanimmigrationcouncil.org/</a>			
2 Colibre Center (finding persons who crossed Mexican border)	<a href="mailto:info@colibrcenter.org">info@colibrcenter.org</a>	<a href="https://colibrcenter.org/">https://colibrcenter.org/</a>			
3 Farmworker Justice	<a href="https://www.farmworkerjustice.org/contact">https://www.farmworkerjustice.org/contact</a>	<a href="https://www.farmworkerjustice.org/">https://www.farmworkerjustice.org/</a>			
4 Freedom for Immigrants	<a href="mailto:CFlalho@freedomforimmigrants.org">CFlalho@freedomforimmigrants.org</a> ; <a href="mailto:CMansfield@freedomforimmigrants.org">CMansfield@freedomforimmigrants.org</a>	<a href="https://www.freedomforimmigrants.org/">https://www.freedomforimmigrants.org/</a>			
5 Grantmakers Concerned with Immigrants and Refugees (GCIR)	<a href="mailto:admin@gcir.org">admin@gcir.org</a>	<a href="https://www.gcir.org/">https://www.gcir.org/</a>			
6 Hispanic Federation	<a href="https://hispanicfederation.org/forward/">https://hispanicfederation.org/forward/</a>	<a href="https://hispanicfederation.org/">https://hispanicfederation.org/</a>			
7 Mi Familia Vota	<a href="mailto:media@mifamiliaavota.org">media@mifamiliaavota.org</a>	<a href="https://www.mifamiliaavota.org/">https://www.mifamiliaavota.org/</a>			
8 National Network for Immigrant and Refugee Rights (NNIRR)	<a href="mailto:nnirinfo@nnirr.org">nnirinfo@nnirr.org</a>	<a href="https://www.nnirr.org/">https://www.nnirr.org/</a>			
9 Human Rights Initiative	<a href="mailto:bholston@hrionline.org">bholston@hrionline.org</a>	<a href="https://hrionline.org/">https://hrionline.org/</a>			
10 National Immigration Law Center	<a href="mailto:reply@nilc.org">reply@nilc.org</a>	<a href="https://www.nilc.org/">https://www.nilc.org/</a>			
11 National Immigration Forum	<a href="mailto:anoorani@immigrationforum.org">anoorani@immigrationforum.org</a>	<a href="https://immigrationforum.org/">https://immigrationforum.org/</a>			
12 RACIES - Refugee & Immigrant Center for Education and Legal Services	<a href="mailto:media@raicestexas.org">media@raicestexas.org</a>	<a href="https://www.raicestexas.org/what-we-do/">https://www.raicestexas.org/what-we-do/</a>			