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15 Attorneys for Defendant/Counter-Claimant  
 16 CoreCivic, Inc.

17 **UNITED STATES DISTRICT COURT**  
 18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 Sylvester Owino and Jonathan Gomez,  
 20 on behalf of themselves, and all others  
 similarly situated,

21 Plaintiffs,

22 v.

23 CoreCivic, Inc., a Maryland  
 24 corporation,

25 Defendant.

NO. 3:17-cv-01112-JLS-NLS

**DEFENDANT’S NOTICE OF  
 FILING ADDITIONAL  
 DECLARATION IN SUPPORT OF  
 ITS RESPONSE TO PLAINTIFFS’  
 SUPPLEMENTAL BRIEF RE:  
 MOTION FOR CLASS  
 CERTIFICATION**

Date: December 19, 2019  
 Time: 2:30pm  
 Courtroom: 4D  
 Judge: Honorable Janis L. Sammartino

1 CoreCivic, Inc., a Maryland  
corporation,  
2  
3 Counter-Claimant,  
4  
5 v.  
6 Sylvester Owino and Jonathan Gomez,  
on behalf of themselves, and all others  
similarly situated,  
7  
8 Counter-Defendants.

8 CoreCivic submits the attached Declaration to further highlight the  
9 misstatement in Plaintiffs’ Supplemental Brief and Declarations that they were  
10 detained at the Otay Mesa Detention Center (“OMDC”) and/or “other” CoreCivic  
11 facilities. (Dkt. 144-1, ¶¶ 3–4; Dkt. 144-2, ¶ 3; Dkt. 145 at 11–12.) Contrary to  
12 their avowals, Plaintiffs were never detained at OMDC, nor were they detained at  
13 any other CoreCivic facility during the relevant class period. (*See* Decl. of Linda  
14 Benton, ¶¶ 7–8; *see also* Dkt. 145-2 at 16.)

15 Given the short turn-around time to file its Response to Plaintiffs’  
16 Supplemental Brief, Dkt. 143 at 3, CoreCivic was unable to secure the attached  
17 Declaration by the response deadline. But now that the Court has afforded  
18 Plaintiffs an opportunity to reply to CoreCivic’s contention on this point, Dkt. 146  
19 at 2, there is no prejudice in submitting the Declaration now. CoreCivic further  
20 notes that the data supporting the Declaration—pulled from CoreCivic’s Offender  
21 Management System, Decl., ¶¶ 4, 6—was previously produced to Plaintiffs’  
22 counsel on November 9, 2018, in response to their First Set of Requests for  
23 Production, Request No. 28 (*see* CCOG00025031 through CCOG00025033).

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Dated: November 26, 2019

By s/ Nicholas D. Acedo

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Claimant CoreCivic, Inc.

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19 Sylvester Owino and Jonathan Gomez,  
 20 on behalf of themselves, and all others  
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21 Plaintiffs,

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 24 corporation,

25 Defendant.

NO. 3:17-cv-01112-JLS-NLS

**DECLARATION OF LINDA  
 BENTON**

Date: December 19, 2019  
 Time: 2:30pm  
 Courtroom: 4D  
 Judge: Honorable Janis L. Sammartino

1 CoreCivic, Inc., a Maryland  
2 corporation,  
3  
4 Counter-Claimant,  
5  
6 v.  
7  
8 Sylvester Owino and Jonathan Gomez,  
9 on behalf of themselves, and all others  
10 similarly situated,  
11  
12 Counter-Defendants.

13 I, Linda Benton, make the following Declaration:

14 1. I am over the age of 18 years and have personal knowledge of and am  
15 competent to testify to the matters set forth in this Declaration.

16 2. I am employed by CoreCivic as the Senior Director, Business Systems  
17 Support.

18 3. My duties as Senior Director, Business Systems Support, include,  
19 among other duties, management of a team of information technology professionals  
20 who deploy and support the Offender Management System.

21 4. CoreCivic uses a relational database application known as Offender  
22 Management System ("OMS"), a management tool to track inmates and detainees  
23 across CoreCivic's correctional and detention facilities. Each time an inmate or  
24 detainee enters into a facility, an on-site facility CoreCivic employee enters certain  
25 biographic information into OMS regarding each intake, including but not limited to,  
26 the governmental partner and the detainee's name and date of birth. In addition, the  
27 date the detainee enters a CoreCivic facility, as well as the date the detainee is  
28 released from that facility, is entered into OMS at the facility. OMS also assigns an  
auto-generated, unique Permanent Number for each inmate or detainee who enters a  
facility.

5. The entry and release dates are used for security purposes to ensure an  
accurate count of the detainee population, as well as to support CoreCivic's invoices  
to its government partners.

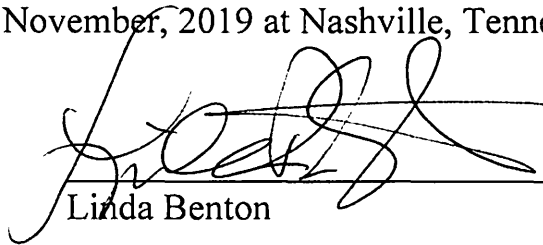
1           6. I reviewed a query performed by my team out of the OMS system  
2 pertaining to ICE detainees Sylvester Owino and Jonathan Gomez, whom I  
3 understand have recently filed declarations in the captioned litigation.

4           7. OMS data shows that, since December 23, 2008, Sylvester Owino was  
5 detained at the San Diego Correctional Facility on three occasions: from May 2,  
6 2008 to December 3, 2009; from March 3, 2010 to May 23, 2013; and from February  
7 9, 2015 to March 9, 2015. There is no record in OMS of him being detained at any  
8 other CoreCivic facility, including the Otay Mesa Detention Center.

9           8. OMS data shows that, since December 23, 2008, Jonathan Gomez was  
10 detained at the San Diego Correctional Facility on one occasion: from June 18, 2012  
11 to September 18, 2013. There is no record in OMS of him being detained at any  
12 other CoreCivic facility, including the Otay Mesa Detention Center.

13           I declare under penalty of perjury that the foregoing is true and correct to the  
14 best of my knowledge.

15           EXECUTED this 26<sup>th</sup> day of November, 2019 at Nashville, Tennessee.

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Linda Benton

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17 **UNITED STATES DISTRICT COURT**  
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19 Sylvester Owino and Jonathan Gomez,  
 20 on behalf of themselves, and all others  
 similarly situated,

21 Plaintiffs,

22 v.

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 24 corporation,

25 Defendant.

NO. 3:17-cv-01112-JLS-NLS

**CERTIFICATE OF SERVICE**

1 CoreCivic, Inc., a Maryland  
 2 corporation,  
 3  
 4 Counter-Claimant,  
 5  
 6 v.  
 7  
 8 Sylvester Owino and Jonathan Gomez,  
 9 on behalf of themselves, and all others  
 10 similarly situated,  
 11  
 12 Counter-Defendants.

13 I am a citizen of the United States and am over the age of eighteen years, and  
 14 not a party to the within action. My business address is Struck Love Bojanowski &  
 15 Acedo, PLC, 3100 West Ray Road, Suite 300, Chandler, AZ 85226. On  
 16 November 26, 2019, I served the following document(s):

17 **DEFENDANT’S NOTICE OF FILING ADDITIONAL DECLARATION IN**  
 18 **SUPPORT OF ITS RESPONSE TO PLAINTIFFS’ SUPPLEMENTAL**  
 19 **BRIEF RE: MOTION FOR CLASS CERTIFICATION and this**  
 20 **CERTIFICATE OF SERVICE**

21  **BY MAIL:** by placing the document(s) listed above in a sealed  
 22 envelope with postage thereon fully prepaid, in the United States Mail at  
 23 Phoenix, Arizona addressed as set forth below.

24  **BY ELECTRONIC SUBMISSION:** submitted electronically by  
 25 CM/ECF to be posted to the website and notice given to all parties that the  
 26 document(s) has been served.

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*Attorneys for Plaintiffs and the Proposed Class*

I declare that I am employed in the office of a member who is admitted pro hac vice in this Court at whose direction the service was made. I declare under penalty of perjury that the forgoing is true and correct.

Executed on November 26, 2019, at Chandler, Arizona.

s/ Nicholas D. Acedo