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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SYLVESTER OWINO, JONATHAN
GOMEZ, on behalf of themselves, and all
others similarly situated,

Plaintiff,

v.

CORECIVIC, INC., a Maryland
corporation,

Defendant.

Case No.: 3:17-cv-1112-JLS-NLS

**ORDER ON PROPOSED CLASS
NOTICE PLAN**

AND RELATED CROSS ACTION

The Court previously issued an Order the Proposed Class Notice plan. ECF No. 203. As part of that order, the Court ordered Plaintiffs to further supplement their class notice plan disclosures. Pursuant to this order, Plaintiffs filed their Notice of Proposed Content for Class Notices (ECF No. 204), and Defendant filed its objections (ECF No. 205). The Court now makes its final rulings on the objections as set forth below in this order.

URL and Website Mockup

Defendant makes the following objections to the URL and website mockup:

1. Defendant objects that the URL “http://www.coreciviclawsuit.com” is too

1 expansive and overly prejudicial. This objection is **sustained**. The URL shall read
2 “www.coreciviclaborclassaction.com,” assuming this URL is available. The URL should
3 also be blocked and domain deleted once a final judgment is entered in this case.

4 2. Defendant objects that Plaintiffs have not provided any audio or video as
5 part of the website content. This objection is **sustained**. The website as launched cannot
6 include any audio or video.

7 3. Defendant objects that Plaintiffs have not provided Spanish translations of
8 the entire website. This objection is **sustained**. The website should include a Spanish
9 translation of all content, similar to the way it has been implemented for the website
10 www.geoadelantoclassaction.com, where users can push a key for a Spanish version of
11 the current page they are viewing. The Court does not intend to review any further
12 translations. The Court expects Plaintiffs to be accurate in their translations and to
13 provide a declaration to that effect.

14 4. Defendant objects again to the illustration of the man shown on the
15 homepage as unduly prejudicial. This objection is **sustained**. The website shall not have
16 any image on its home page.

17 5. Defendant objects to the wording of the overlay on the home page which
18 states “Were you forced to work against your will or in a Voluntary Work Program in
19 California?” This objection is **sustained**. The text shall instead read “Were you forced
20 to work against your will, or did you participate in a Voluntary Work Program in
21 California?”

22 6. Defendant objects to FAQ #7, which states that the individual class member
23 does not need to attend trial. This objection is **sustained**. The answer shall be amended
24 to include at the end: “However, you may be called as a witness by either party, in which
25 case you must attend.”

26 7. Defendant objects to FAQ #9 because it does not identify the name of each
27 class and modifying it to would make it consistent with the other class notices. This
28 objection is **sustained**. The text should be modified to the following:

1 “(1) **NATIONAL FORCED LABOR CLASS:** You were detained at any
2 CoreCivic facility in the United States any time between December 23, 2008 and
3 the present, AND you were forced or coerced to clean areas of the facility outside
4 of your personal living area under threat of punishment. You are included even if
5 you got paid for this work.

6 (2) **CALIFORNIA FORCED LABOR CLASS:** You were detained at the
7 one of these CoreCivic facilities in California:

- 8 1. Otay Mesa Detention Center in Otay Mesa, California
- 9 2. San Diego Correctional Facility in Otay Mesa, California
- 10 3. California City Correctional Facility in California City, California

11 Any time between January 1, 2006 and the present, AND you were forced or
12 coerced to clean areas of the facility outside of your personal living area under
13 threat of punishment. You are included even if you got paid for this work.

14 (3) **CALIFORNIA LABOR LAW CLASS:** You were detained at any
15 CoreCivic facility in California listed above any time between May 31, 2013 and
16 the present, AND you participated in the Voluntary Work Program.”

17 8. Defendant objects to FAQ #16 because it does not provide a hyperlink to the
18 Exclusion Request Form. This objection is **sustained**. This FAQ shall be modified to
19 include a hyperlink to the form.

20 9. Defendant objects to the inclusion of the Joint Statement Regarding
21 Proposed Case Management Schedule on the Documents page. This objection is
22 **sustained**. This document must be removed and may be replaced with the Scheduling
23 Order (ECF No. 187). If Plaintiff chooses to include this, it must also update this link
24 without undue delay when there are schedule modifications in the future.

25 10. Defendant also objects that the Long Form Notice on the Documents Page
26 does not include a link to the Exclusion Request Form. This objection is **sustained**. The
27 Long Form Notice on that page shall include the Exclusion Request Form.

28 11. Finally, Defendant objects that the Exclusion Request Form does not have
its own link as a separate document on the Documents page. This objection is **sustained**.

1 Plaintiffs shall add it as a separate document on this page.

2 **Interactive Voice Response**

3 Defendant objects to the introductory paragraph of the script because it only
4 mentions Plaintiff’s federal TVPA claim and does not mention the California TVPA and
5 labor law claims or Defendant’s position. This objection is **sustained**. Text in the
6 introductory paragraph shall state the following:

7 “Welcome to the Owino v. CoreCivic Voice Information System. This
8 system provides information about the proposed class action lawsuit. This
9 Action alleges that CoreCivic (formerly called Corrections Corporation of
10 America) violated Federal and state law by (1) forcing detainees to clean
11 areas of the facility outside of their personal living area under threat of
12 punishment, and (2) failing to pay minimum wage, provide wage statements,
13 and pay earned compensation upon termination, and imposing unlawful
14 terms and conditions of employment to detainees who were detained in a
15 California facility and who participated in the Voluntary Work Program.
16 CoreCivic denies the allegations in the lawsuit and denies that it did
17 anything wrong.”

18 **Press Release**

19 Defendant objects to the “What is this Lawsuit About” paragraph as not
20 sufficiently stating its position. It requests that this paragraph include the relevant text
21 from the Long Form Notice. This objection is **sustained**. The paragraph shall be edited
22 to the following:

23 The Plaintiffs in the lawsuit are called “Class Representatives.” They are
24 asking for money damages and restitution allowed under California and
25 Federal law for themselves and the Class Members, as well as attorney’s
26 fees and costs incurred in connection with the lawsuit.

27 CoreCivic denies that it did anything wrong, and contends that it did not
28 coerce or force detainees to clean areas of the facility outside of their
personal living area under threat of punishment and did not violate Federal
or California law.

CoreCivic also denies that it violated California law with respect to
participants in the Voluntary Work Program in its California facilities and

1 seeks an offset of any owed wages or damages by the amount it cost to
2 house detainees and operate the Voluntary Work Program.

3 Defendant also objects to the “What happens if I’m a class member?” section and
4 requests that the Court include some additional information, contained again in the Long
5 Form Notice, regarding possible offsets. This objection is **sustained**. The text of this
6 section shall read as follows:

7 If you would like to be a Class Member in this class action lawsuit, you do
8 not need to do anything. Doing nothing means you will automatically be part
9 of the Class. The Class Representatives and Class Counsel will represent
10 your interests in the lawsuit. If any decisions are made or money or benefits
awarded, you will be notified on what you need to do next.

11 As a Class Member in this class action, you will have to follow and comply
12 with any court decision in the case, whether favorable or unfavorable. You
13 will be bound by any settlement or judgment entered in this lawsuit. Any
14 damages award may be reduced to pay the costs and fees of Class Counsel,
15 and if you are a member of the California Labor Law class, any offset if
16 CoreCivic prevails on its counterclaim. You will also lose any right to
pursue similar claims for this time period on your own behalf, and you will
not be able to file another lawsuit raising similar claims.

17 **Television and Radio Advertisements**

18 Defendant makes the following objections to the television and radio ads:

19 1. Defendant objects that an English version of the television ad has not been
20 submitted. Plaintiffs only submitted a link to the Spanish ad. This objection is **sustained**
21 **in part**. Plaintiffs do need to provide a version of the English ad before it airs. However,
22 as long as it provides the same content (including video, images, and audio) as the
23 Spanish ad which was included, the Court will approve the ad. This is subject to the
24 rulings on the Spanish ad, as will be discussed below. In other words, the English ad
25 should be identical to the Spanish ad, except for the translations of the text on the screen
26 and spoken words. Plaintiffs do not need to submit the English ad to the Court for
27 approval, but need to disclose it to Defendant.

28 2. Defendant objects to several photographs and videos in the television

1 advertisement as unduly prejudicial and misleading. This objection is **sustained** in part.
2 Plaintiffs may use the video/image of prison bars because there is no dispute that class
3 members were detained in prison. The other videos cannot be used as they are prejudicial
4 and may not portray an accurate reflection of plaintiffs’ circumstances.

5 3. Defendant objects to the references in the ad to “Court Mandated Notice.”
6 This objection is **sustained**. References to this in the ads must be removed.

7 **Online and Social Media Advertisements**

8 Defendant makes the following objections to the online and social media ads:

9 1. Defendant objects to the photograph of the angry man with a hat as
10 prejudicial. This objection is **sustained**. This image may not be used.

11 2. Defendant objects to the wording “Were you forced to work against your
12 will or in a Voluntary Work Program in California?” as discussed above for the webpage.
13 This objection is **sustained**. The text shall instead read “Were you forced to work against
14 your will, or did you participate in a Voluntary Work Program in California?”

15 3. Defendant objects to the references in the Facebook ad to “Court Mandated
16 Notice.” This objection is **sustained**. References to this in the ads must be removed.

17 **Spanish Translations**

18 1. All translations must be made consistent with the above rulings.

19 2. Defendant objects to various translations throughout the notice materials
20 related to the same issue—namely, that the English text states “were you detained,” “if
21 you were a detainee,” and certain variations of that, but the Spanish translations provided
22 by Plaintiff actually state that ICE “stopped” you at a Corecivic facility. This objection is
23 **sustained**. The Court agrees with Defendant’s position—the translations should be
24 modified to be a translation of “detained” rather than “stopped.”

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1 **Conclusion**

2 Plaintiffs must make the modifications as outlined above in this Order by
3 **December 31, 2020** and provide Defendant with any updated material by the same date.
4 Plaintiffs shall have until **January 19, 2020** to begin execution of the class notice plan.¹

6 **IT IS SO ORDERED.**

7 Dated: December 18, 2020

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9 Hon. Nita L. Stormes
10 United States Magistrate Judge

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27 ¹ The website, phone line, and advertisements must go live to the public by this date. Ads to run on the
28 television or radio must be scheduled to start airing. Any notices that need to be mailed to potential
 class members shall be mailed by this date.