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11 Attorneys for Plaintiffs SYLVESTER OWINO,
JONATHAN GOMEZ, and the Proposed Class(es)

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

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

17 Plaintiffs,

18 vs.

19 CORECIVIC, INC.,

20 Defendant.

Case No. 3:17-CV-01112-JLS-NLS

CLASS ACTION

**PLAINTIFFS' RESPONSE TO
DEFENDANT'S NOTICE OF NON-
COMPLIANCE RE: CLASS NOTICE
PLAN [ECF 208]**

21
22 CORECIVIC, INC.,
23 Counter-Claimant,

24 vs.

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

27 Counter-Defendants.
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Judge: Hon. Janis L. Sammartino
Magistrate: Hon. Nita L. Stormes

1 Plaintiffs Sylvester Owino and Jonathan Gomez (“Plaintiffs”) hereby respond to the
2 filing styled as a “Notice of Plaintiffs’ Non-Compliance Re: Class Notice Plan” (ECF 208)
3 (the “Notice”) by Defendant CoreCivic, Inc. (“Defendant”). Plaintiffs’ notice plan
4 administrator will implement the modifications requested by Defendant. Plaintiffs will
5 provide updated materials to counsel for Defendant by Wednesday, January 13, 2021.

6 With respect to paragraph 2 of the Notice, Plaintiffs disagree that the television
7 advertisement has not been updated per the Court’s prior order. As an initial matter, the
8 Court held that “Plaintiffs may use the video/image of prison bars because there is no
9 dispute that class members were detained in prison.” [ECF 206 at 6:1-3.] The image to
10 which Defendant objects is of a prison-type facility. Further, Defendant’s characterization
11 of an image as depicting “several individuals crammed into a transport vehicle or cell while
12 handcuffed” is incorrect. The individuals depicted cannot reasonably be characterized as
13 “crammed” and, in any event, Plaintiffs understood the Order as approving the use of
14 prison-type imagery in the television advertisement. Nevertheless, Plaintiffs shall replace
15 the two images to which Defendant objects with images previously approved by the Court.

16 Defendant did not notify or otherwise seek to meet and confer with Plaintiffs’
17 counsel regarding its objections prior to filing its Notice. Given the minor modifications
18 sought by the filing and Plaintiffs’ willingness to promptly make the modifications,
19 Plaintiffs respectfully submit to the Court and counsel for Defendant that counsel for
20 Defendant should discuss any remaining issues with Plaintiffs’ counsel before filing
21 additional materials with the Court, which needlessly wastes the Court’s time and resources
22 and causes inefficiencies by necessitating an additional filing by Plaintiffs.

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1 DATED: January 8, 2021

FOLEY & LARDNER LLP

Eileen R. Ridley
Geoffrey Raux
Alan R. Ouellette

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5 /s/ Eileen R. Ridley

Eileen R. Ridley
Attorneys for Plaintiffs SYLVESTER OWINO,
JONATHAN GOMEZ, and the Proposed
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16 JONATHAN GOMEZ, and the Proposed
17 Class(es)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 8, 2021, to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civil Local Rule 5.4.

/s/ Eileen R. Ridley
Eileen R. Ridley

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