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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 REPLY IN
 SUPPORT OF RENEWED MOTION
 FOR LEAVE TO FILE
 DOCUMENTS UNDER SEAL**

Judge: Honorable Janis L. Sammartino

1 CoreCivic, Inc., a Maryland
2 corporation,
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4 Counter-Claimant,
5
6 v.
7
8 Sylvester Owino and Jonathan Gomez,
9 on behalf of themselves, and all others
10 similarly situated,
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12 Counter-Defendants.
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24 After initially asking the Court to allow *them* to file under seal Exhibits B, C,
25 and D to the Declaration of Eileen Ridley in support of their Supplemental Reply
26 Brief (Doc. 148) in part because the documents “contain personally identifying
27 information related to ... CoreCivic’s personnel” (Doc. 149), Plaintiffs now oppose
28 CoreCivic’s Renewed Motion. (Doc. 155, 156.) The Court should disregard
Plaintiffs’ Opposition. Even if the Court considers their arguments, however,
CoreCivic has demonstrated compelling reasons to keep this information under
seal, and Plaintiffs have failed to show otherwise.

CoreCivic therefore respectfully requests that the Court grant its Renewed
Motion for Leave to File Documents Under Seal and maintain the status quo by (1)
keeping facility staff members’ unredacted full names under seal and (2) allowing
the current redactions to remain in their present form. To the extent the Court
determines that compelling reasons exist only as to staff members’ first names,
CoreCivic requests that Plaintiffs be required to submit corrected versions of the
redacted documents as the parties who made the original redactions at issue.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

On April 10, 2019, Plaintiffs informed CoreCivic via email that they
intended to rely on certain documents that CoreCivic had previously designated as
confidential in their Motion for Class Certification and Motion for Partial Summary
Judgment. (Ex. 1 at ¶ 3.) CoreCivic responded via email on April 11, 2019 with

1 proposed redactions, including redactions to “staff first names” in the detainee files
2 and excerpts Plaintiffs intended to use, and offered times for a telephone conference
3 the next day to discuss them further. (Id. at ¶ 4.)

4 Plaintiffs did not respond to the email or otherwise request to confer further
5 regarding CoreCivic’s proposals before filing either their Motion for Class
6 Certification or their Motion for Partial Summary Judgment. (Id. at ¶¶ 5-6.) Rather,
7 Plaintiffs unilaterally moved to file the unredacted documents under seal with
8 some, but not all, of CoreCivic’s proposed redactions applied to the documents
9 lodged under seal. (Id. at ¶ 7; Doc. 86, 98.)

10 Pursuant to the Court’s May 29 and June 10, 2019 Orders (Doc. 96, 100),
11 CoreCivic filed Renewed Motions for Leave to File Documents Under Seal
12 regarding the exhibits to the Motion for Class Certification and Motion for Partial
13 Summary Judgment. (Doc. 101, 104.) In its Renewed Motion regarding exhibits
14 attached to the Motion for Partial Summary Judgment, CoreCivic did not object to
15 the public filing of Exhibits 41 and 42, but requested that, to the extent they were
16 filed on the public docket, Plaintiffs first redact staff members’ first names in order
17 to protect their privacy and safety. (Doc. 104 at 12:16-13:10.) CoreCivic noted that
18 Plaintiffs redacted most of the staff member first names from the lodged
19 documents, but left names unredacted on pages CCOG00025447, 25451, and
20 25524; CoreCivic therefore asked that before those exhibits were filed on the public
21 docket, Plaintiffs redact the additional names as well. (Id. at 13:7-10.)

22 Plaintiffs unilaterally redacted full names, rather than just the first names, on
23 those exhibits. (*See, e.g.*, Doc. 99, Ex. 41 at CCOG00025347) (redacting the entire
24 name on the “Staff Witness Signature” line.) In an effort to conserve the parties’
25 and the Court’s resources, CoreCivic did not request that those redactions be
26 redone, only that the first names be redacted from the names Plaintiffs had missed.
27 (Ex. 1 at ¶ 8.) The Court granted the Renewed Motions in part, requiring the parties
28 to meet and confer on appropriate redactions consistent with the Order, but did not

1 specifically rule on the issue of staff first names. (Doc. 107.)¹

2 Acting under the shared assumption that the Order included staff names, the
3 parties met and conferred on June 27, 2019 regarding appropriate redactions. (Ex. 1
4 at ¶ 9.) The parties agreed on redactions, including staff members' first names, and
5 allocated the burden of making them. (Id.) After the call, Plaintiffs also requested
6 that CoreCivic redact personal identifying information for detainees and staff
7 members from Exhibit 11 to the Motion for Class Certification, which consisted of
8 a complete detainee file. (Id. at ¶ 10.) CoreCivic responded that Plaintiffs should do
9 so, as it had previously (1) proposed such redactions prior to the filing of the
10 Motion for Class Certification, and (2) proposed that Plaintiffs include only the
11 particular pages they intended to reference in the Motion in the exhibit due to its
12 size (a proposal CoreCivic repeated during the June 27 meet and confer), but
13 Plaintiffs decided to attach the complete file without redactions. (Id. at ¶ 11.)

14 Plaintiffs did not respond to CoreCivic's position, but instead sent copies of
15 their portion of the exhibits—including Exhibit 11—with proposed redactions for
16 CoreCivic's review on July 1, 2019. (Id. at ¶ 12.) Plaintiffs again redacted the full
17 names of staff members, rather than just the first names. (Id.) Rather than asking
18 Plaintiffs to redo them, CoreCivic approved the proposed redactions via email on
19 July 3, 2019 and proposed two additional redactions that had been overlooked. (Id.
20 at ¶ 13.) Plaintiffs again did not respond, but filed the redacted documents on July
21 8, 2019. (Id. at ¶ 14; Doc. 114, 115.)

22 On July 11, 2019, CoreCivic filed its Motion for Leave to File Documents
23 Under Seal Re: Memorandum in Opposition to Plaintiffs' Motion for Class
24 Certification, which sought to file unredacted copies of Exhibits 4, 11, 24-26, 29,

25 ¹ In preparing this Reply, CoreCivic discovered that Exhibits 41 and 42 to
26 Plaintiffs' Motion for Partial Summary Judgment were filed on the public docket
27 without the additional redactions requested in CoreCivic's Renewed Motion. (Doc.
28 104, 110-24, 110-25.) To the extent the Court grants this Renewed Motion,
CoreCivic requests that the Court also order the redaction of those first names.

1 and 32 under seal, with redacted copies on the public docket. (Doc. 119.) The
2 publicly filed copies of Exhibits 4, 11, 24-26, and 32, which consisted in part of
3 detainee file excerpts, contained redactions of personal identifying information for
4 both detainees and facility staff members. (*See, e.g.*, Doc. 120, Ex. 4,
5 CCOG00098519) (redacting information in the “Name of Detainee,” “A-Number,”
6 and “UDC Chairpersons [sic] Signature” lines.) CoreCivic redacted only the first
7 names of staff members. (*See, e.g.*, *Id.* at CCOG00098519) (redacting only the first
8 name of the “UDC Chairpersons [sic] Signature.”) Where a staff member’s first
9 name was not included, CoreCivic made no redactions to the remainder of the
10 name. (*See, e.g.*, *Id.* at CCOG00098518) (no redactions to the information in the
11 “Signature of Investigating Officer” line.)

12 Plaintiffs did not oppose CoreCivic’s July 11 Motion, and the Court granted
13 it in part on July 16, 2019. (Doc. 122.) Specifically, the Court granted the Motion as
14 to Exhibits 4, 11, 24-26, and 32, but denied it as to Exhibit 29, which consisted of a
15 policy regarding segregation placement. (*Id.*)

16 On December 2, 2019, Plaintiffs filed their Motion for Leave to File
17 Documents Under Seal Regarding Plaintiffs’ Supplemental Reply Brief Filed
18 Pursuant to Court Order. (Doc. 149.) Plaintiffs asked the Court for leave to file
19 unredacted copies of Exhibit B, C, and D to their Supplemental Reply Brief,
20 consisting of excerpts from their own detainee files, under seal, with redacted
21 copies on the public docket. (*Id.*) Among the information sought to be sealed and
22 redacted was “personally identifying information related to ... CoreCivic’s
23 personnel.” (*Id.* at 1:23-27, 2:5-6.) Plaintiffs appeared to assume—as did
24 CoreCivic—that such redactions were appropriate given that the Court had not
25 disapproved of similar redactions to previously-filed exhibits. (Ex. 1 at ¶ 15.)

26 On December 16, 2019, the Court granted the Motion in part as to personal
27 identifying information of detainees, but denied it as to similar information
28 pertaining to facility staff, and granted CoreCivic leave to file a renewed motion

1 demonstrating compelling reasons to file such information under seal. (Doc. 152.)²
2 The Court did not set a briefing schedule for a response and reply, most likely
3 because Plaintiffs had already asked to file such information under seal, and all that
4 remained was for CoreCivic to make a showing of compelling reasons to do so.³

5 Nevertheless, Plaintiffs opposed CoreCivic's Renewed Motion on December
6 30, 2019. (Doc. 156.) Plaintiffs make no attempt to explain their change in position,
7 and attach no controverting evidence to rebut the Declaration of Warden LaRose
8 submitted in support of CoreCivic's Renewed Motion. (Id.)

9 **II. LEGAL ARGUMENT**

10 **A. Staff Members' First Names Should Be Redacted.**

11 Plaintiffs wrongly accuse CoreCivic of taking inconsistent positions with
12 regard to how much of facility staff members' names should be redacted on the
13 public docket, even though Plaintiffs themselves are responsible for the apparent
14 inconsistency. CoreCivic has repeatedly requested only that staff first names be
15 redacted and kept under seal, and only redacted staff first names in the documents it
16 attached to its Opposition to the Motion for Class Certification. (Ex. 1 at ¶¶ 3-14;
17 Doc. 104; Doc. 120, Ex. 4 at CCOG00098518-19.) Plaintiffs, however, have
18 consistently redacted staff members' entire names. CoreCivic has not raised this as
19 an issue to avoid the unnecessary waste of the parties' and the Court's time and
20 resources, but has never requested that full names be redacted.

21 This continues to be true with regard to the current Renewed Motion. There,
22

23 ² The December 16, 2019 Order noted that "this Order may have ramifications for
24 the documents filed publicly in response to the Court's June 24, 2019 Order. *See*
25 ECF Nos. 110, 114." (Doc. 152.)

26 ³ In each of Plaintiffs' prior Motions for Leave to File Documents Under Seal,
27 Plaintiffs stated they did not believe the documents at issue should be filed under
28 seal, but that they were moving to do so because they were required to under the
terms of the Protective Order. (Doc. 86 at 1:9-17, Doc. 98 at 7:16-28.) Plaintiffs
made no such qualifications in the Motion currently at issue. (Doc. 149.)

1 CoreCivic referenced staff members’ “full names” because that is what is currently
2 redacted on the public docket and lodged under seal in an unredacted format. (Doc.
3 148-4, 148-5, 148-6; *see, e.g.*, Doc. 148-4 at CCOG00025282) (redacting all
4 information on the “Signature” and “Title” lines.) To avoid unnecessarily wasting
5 the parties’ and the Court’s time and resources, CoreCivic merely asked the Court
6 to maintain the status quo. Should the Court find that compelling reasons exist only
7 as to staff members’ first names, and that staff members’ last names should be
8 available on the public docket, CoreCivic requests that the Court impose the burden
9 of correcting the redactions on Plaintiffs, as it was Plaintiffs who redacted more
10 than CoreCivic requested in the first place.

11 Plaintiffs’ reference to exhibits that have been filed on the public docket—
12 some without objection from CoreCivic—with the full names of facility wardens
13 (also referred to as “administrators” at some facilities)⁴ on them does not make
14 CoreCivic’s position inconsistent, either. As the “public face” of each facility,
15 wardens/administrators’ names are listed on CoreCivic’s website, along with a
16 photograph of the warden/administrator in most cases. (*See, e.g.*, [http://www.core](http://www.corecivic.com/facilities/south-texas-family-residential-center)
17 [civic.com/facilities/south-texas-family-residential-center](http://www.corecivic.com/facilities/south-texas-family-residential-center), name and photograph of
18 South Texas Family Residential Center Administrator Wesley J. Lee, last accessed
19 January 6, 2020.) With few exceptions, the exhibits Plaintiffs reference on this
20 point contain the full names of past and/or current facility wardens/administrators,
21 which are already public record, and therefore not subject to either the Protective
22

23 ⁴ Plaintiffs’ counsel were aware of these interchangeable terms long before they
24 filed their Opposition to the current Renewed Motion, as counsel for CoreCivic
25 informed Plaintiffs’ counsel during the parties’ ESI discussions that the terms
26 represented two names for the same position, depending on the facility and
27 contract. (Ex. 1 at ¶ 16.) As such, Plaintiffs’ reference to “a correctional officer or
28 business/administrative employee” at 4:21-24 of their Opposition, implying that
CoreCivic did not oppose the disclosure of the full names of facility staff members
beyond the facility wardens, is disingenuous.

1 Order or CoreCivic's request to redact staff members' first names. (Doc. 60 at ¶ 5)
2 ("CONFIDENTIAL INFORMATION shall not include information contained in
3 the public domain at the time of disclosure in this action.")⁵

4 **B. Compelling Reasons Exist To Keep Staff Members' First Names**
5 **Under Seal.**

6 Plaintiffs fail to attach any admissible evidence to their Opposition
7 demonstrating that compelling reasons do not exist to keep staff members' first
8 names under seal, or contradicting the evidence offered by CoreCivic through
9 Warden LaRose's declaration. Plaintiffs therefore implicitly concede that a secure
10 detention facility such as OMDC is potentially dangerous. Specifically, Plaintiffs
11 fail to challenge Warden LaRose's assertion that OMDC houses detainees in the
12 legal custody of both United States Immigration and Customs Enforcement ("ICE")
13 and the United States Marshals Service ("USMS"), many of whom have "extensive
14 criminal histories, including crimes of violence." (Doc. 155-1 at ¶ 13.) Plaintiffs

15 _____
16 ⁵ Doc. 110-2 through 110-5, 110-22, and 111-6 through 111-14 are all facility
17 policies that merely list the name of the warden/administrator in place at the time
18 the policy was issued. Doc. 110-19 through 110-21 are memoranda to staff
19 regarding rules and procedures for kitchen workers at Otay Mesa Detention Center
20 ("OMDC"). In stating that it did not object to the public filing of these documents
21 in its Renewed Motion regarding Plaintiff's Motion for Summary Judgment,
22 CoreCivic inadvertently failed to realize that Doc. 110-19 and 110-20 contain the
23 full name of an assistant warden. To the extent the Court grants this Renewed
24 Motion, CoreCivic requests that the Court also order the redaction of those first
25 names. Doc. 110-21 contains only first initials of referenced facility staff, and
26 requires no further redaction. Doc. 110-25 contains only the last name of the
27 referenced officer, and requires no further redaction. Doc. 111-2 contains the full
28 name of Trinity Services Group's Regional Vice President, who does not work
directly with detainees. Doc. 111-4 contains the full name of Assistant Warden
Pollock, who was the Acting Warden of Stewart Detention Center at the time his
deposition was noticed. As to Doc. 118, as demonstrated above, CoreCivic redacted
staff first names from the exhibits attached to its Opposition to Plaintiffs' Motion
for Class Certification, which is all it ever asked Plaintiffs to do to the exhibits in
support of their own motions.

1 also fail to challenge Warden LaRose’s assertion that many of the ICE detainees—
2 such as Owino—are or were being deported precisely because of their criminal
3 histories. (Id.) *See Nielsen v. Preap*, 139 S. Ct. 954, 959 (2019) (“Congress has
4 decided, however, that this procedure [of releasing aliens who have been arrested
5 because they are deportable on bond or parole while their removal is being decided]
6 is too risky in some instances. Congress therefore adopted a special rule for aliens
7 who have committed certain dangerous crimes and those who have connections to
8 terrorism. Under ... 110 Stat. 3009–585, 8 U.S.C. § 1226(c), these aliens must be
9 arrested ‘when [they are] released’ from custody on criminal charges and (with one
10 narrow exception not involved in these cases) must be detained without a bond
11 hearing until the question of their removal is resolved.”).

12 Plaintiffs similarly fail to challenge Warden LaRose’s assertion that OMDC
13 houses many detainees—both ICE and USMS detainees—who are verified
14 members of dangerous gangs (referred to as security threat groups), such as MS-13,
15 Paisas, Sureños, Norteños, and drug cartels. (Doc. 155-1 at ¶ 14.) With a total
16 capacity of approximately 1,994 beds, at least 17.4% of the detainees at OMDC
17 belonged to one of these gangs as of December 2, 2019.⁶ (Id.)

18 It therefore makes no difference that detainees at OMDC are not *currently*
19 facing pending criminal charges—they are still potentially dangerous, and Plaintiffs
20 have not shown otherwise. That detainees are currently being detained while
21 immigration proceedings are pending against them does not eliminate any violent

22
23 ⁶ Plaintiffs complain that CoreCivic did not provide “any concrete, quantitative data
24 relevant to instances at OMDC, or CoreCivic’s facilities generally,” to justify
25 keeping staff first names under seal, but fail to refute—or even acknowledge—
26 these statistics. Nor do Plaintiffs cite any authority requiring CoreCivic to provide
27 more detailed information than that provided in the Renewed Motion and
28 supporting declaration of Warden LaRose, which Plaintiffs characterize as
“extensive lengths ... to outline the potential security risks associated with
disclosing this information to inmates or detainees, particularly those with criminal
histories.”

1 tendencies they may have, or any motive they may have to harm those responsible
2 for detaining them. (Id. at ¶ 12.) Plaintiffs fail to challenge Warden LaRose’s
3 assertion that detainees can and will assault, or attempt to assault, staff members.
4 (Id.) Nor do Plaintiffs challenge Warden LaRose’s assertion that detainees are able
5 to communicate with each other and share information, both within and outside of,
6 the facility, where non-detained family members, friends, and/or fellow gang
7 members can obtain information that can be used to intimidate, threaten, or
8 otherwise compromise staff members, putting the facility, staff, detainees, and the
9 public at risk. (Id. at ¶¶ 5-18.) This is the very definition of information that “might
10 ... become a vehicle for improper purposes.” See *Kamakana v. City & Cty. of*
11 *Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal citations and quotations
12 omitted). For these reasons, secure facilities like OMDC ensure that detainees do
13 not have access to personal information about staff, including their first names. (Id.)
14 The Court should also ensure that detainees do not have access to such information.

15 **III. CONCLUSION**

16 Compelling reasons exist to keep the full names of CoreCivic staff members
17 under seal—namely, the protection of their safety and security, as well as that of the
18 detainees, the facility, and the public in general. CoreCivic therefore respectfully
19 requests that the unredacted copies of Exhibits B, C, and D to the Supplemental
20 Declaration of Eileen Ridley in Support of Plaintiffs’ Reply Brief in Response to
21 Defendant’s Supplemental Brief (Doc. 148); Exhibits 41 and 42 to the Declaration
22 of Eileen R. Ridley in Support of Plaintiffs’ Motion for Partial Summary Judgment
23 (Doc. 110); and Exhibit 11 to the Declaration of Eileen R. Ridley in Support of
24 Plaintiffs’ Motion for Class Certification (Doc. 114) be kept under seal, with
25 redacted copies on the public docket. CoreCivic further requests that Exhibits 33,
26 34, 41, and 42 to the Declaration of Eileen R. Ridley in Support of Plaintiffs’
27 Motion for Partial Summary Judgment (Doc. 110) be further redacted to remove
28 staff first names on pages CCOG00025447, 25451, 25524, 25711, and 27854.

1 Finally, to the extent the Court determines that compelling reasons exist only as to
2 staff members' first names, CoreCivic requests that Plaintiffs be required to submit
3 corrected versions of the redacted documents as the parties who made the original
4 redactions at issue.

5 Dated: January 6, 2020

6
7 By s/ Jacob B. Lee

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22 Attorneys for Defendant/Counter-Claimant
23 CoreCivic, Inc.

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3654841

EXHIBIT 1

EXHIBIT 1

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

19 Sylvester Owino and Jonathan Gomez,
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22 v.

23 CoreCivic, Inc., a Maryland
 24 corporation,

25 Defendant.

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

**DECLARATION OF JACOB B. LEE
 IN SUPPORT OF DEFENDANT'S
 RENEWED MOTION FOR LEAVE
 TO FILE DOCUMENTS UNDER
 SEAL**

Judge: Honorable Janis L. Sammartino

1 CoreCivic, Inc., a Maryland
2 corporation,
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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

14 I, JACOB B. LEE, make the following Declaration:

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

17 2. I am counsel of record for Defendant/Counter-Claimant CoreCivic,
18 Inc. (“CoreCivic”) in the above-captioned matter, and make this Declaration in
19 support of CoreCivic’s Renewed Motion for Leave to File Documents Under Seal
20 regarding the exhibits attached to Plaintiffs’ Reply Brief in Response to
21 Defendant’s Supplemental Brief. (Doc. 148.)

22 3. On Wednesday, April 10, 2019—the last day to do so under the terms
23 of the Protective Order before their Monday, April 15, 2019 filing deadline for their
24 Motion for Class Certification—Plaintiffs informed CoreCivic of the confidential
25 documents they intended to use as exhibits to their Motion for Class Certification
26 and Motion for Partial Summary Judgment (“MPSJ”) via email.

27 4. CoreCivic responded via email on Thursday, April 11, 2019 with
28 proposed redactions and offered times for a phone call between counsel the next
day to discuss them further. Among the proposed redactions were redactions to
facility staff first names in the detainee files and excerpts Plaintiffs intended to use.

Plaintiffs did not respond to the email or otherwise request to confer
further regarding CoreCivic’s proposals before filing their Motion for Class
Certification.

1 6. Nor did Plaintiff respond to the email or otherwise request to confer
2 further regarding CoreCivic’s proposals before filing their MPSJ.

3 7. Rather, Plaintiffs unilaterally moved to file the unredacted documents
4 under seal with some, but not all, of CoreCivic’s proposed redactions applied to the
5 documents lodged under seal.

6 8. Plaintiffs unilaterally redacted full names, rather than just the first
7 names, on those exhibits. In an effort to conserve the parties’ and the Court’s
8 resources, CoreCivic did not request that those redactions be redone, only that the
9 first names be redacted from the names Plaintiffs had missed.

10 9. Acting under the shared assumption that the Order included staff
11 names, the parties met and conferred on June 27, 2019 regarding appropriate
12 redactions. The parties agreed on redactions, including staff members’ first names,
13 and allocated the burden of making them.

14 10. After the call, Plaintiffs also requested that CoreCivic redact personal
15 identifying information for detainees and staff members from Exhibit 11 to the
16 Motion for Class Certification, which consisted of a complete detainee file.

17 11. CoreCivic responded that Plaintiffs should do so, as it had previously
18 (1) proposed such redactions prior to the filing of the Motion for Class
19 Certification, and (2) proposed that Plaintiffs include only the particular pages they
20 intended to reference in the Motion in the exhibit due to its size (a proposal
21 CoreCivic repeated during the June 27 meet and confer), but Plaintiffs decided to
22 attach the complete file without redactions.

23 12. Plaintiffs did not respond to CoreCivic’s position, but instead sent
24 copies of their portion of the exhibits—including Exhibit 11—with proposed
25 redactions for CoreCivic’s review on July 1, 2019. Plaintiffs again redacted the full
26 names of staff members, rather than just the first names.

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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 January 6,
 16 2020, I served the following document(s):

17 **DEFENDANT’S REPLY IN SUPPORT OF RENEWED MOTION FOR**
 18 **LEAVE TO FILE DOCUMENTS UNDER SEAL, DECLARATION OF**
 19 **JACOB B. LEE, and this CERTIFICATE OF SERVICE**

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

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

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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 January 6, 2020, at Chandler, Arizona.

s/ Jacob B. Lee