

The Honorable Robert J. Bryan

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

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

Case No. 3:17-cv-05806-RJB

**DECLARATION OF COLIN L. BARNACLE
IN SUPPORT OF DEFENDANT THE GEO
GROUP, INC.'S MOTIONS IN LIMINE**

I, Colin L. Barnacle, make the following statement under oath subject to the penalty of perjury pursuant to the laws of the United States and the State of Washington:

1. I am the attorney for The GEO Group, Inc. in the above-captioned matter. I am over the age of eighteen (18), and I am competent to testify in this matter.

2. On February 26, 2020, I received the State of Washington's Third Supplemental Expert Disclosure for Dr. Nickerson.

3. On page four of Dr. Nickerson's supplemental report, which is marked confidential, he states that he interprets a "fair wage" as equivalent to the payment of the Washington minimum wage or the prevailing wage under the federal Service Contract Act.

4. On page seven of Dr. Nickerson's supplemental report, which is marked confidential and not included with this declaration, he states that his damages analysis is

1 contingent upon a “determination of liability, and the applicability of the rates ... by the trier of
2 fact.”

3 5. Attached are true and correct copies of the following exhibits:

4 **EXHIBIT A:** Attached as Exhibit A are excerpts from the 30(b)(6) deposition of
5 Colleen Melody, designee for the Washington Attorney General, taken August 10, 2018.

6 **EXHIBIT B:** Attached as Exhibit B are excerpts from the transcript of the hearing held
7 before this Court on January 10, 2020.

8 **EXHIBIT C:** Attached as Exhibit C is GEO's First Set of Interrogatories and Requests
9 for Production that was served on December 29, 2017.

10 Dated this 12th day of March, 2020 at Denver, Colorado.

11 Akerman, LLP

12 s/ Colin L. Barnacle

13 Colin L. Barnacle, (Admitted *pro hac vice*)
14 Attorney for Defendant The GEO Group, Inc.

PROOF OF SERVICE

I hereby certify on the 12th day of March 2020, pursuant to Federal Rule of Civil Procedure 5(b), I electronically filed and served the foregoing **DECLARATION OF COLIN L. BARNACLE IN SUPPORT OF DEFENDANT THE GEO GROUP, INC.’S MOTIONS IN LIMINE** via the Court’s CM/ECF system on the following:

Marsha J. Chien
Andrea Brenneke
Lane Polozola
Patricio A. Marquez
OFFICE OF THE ATTORNEY GENERAL
800 Fifth Avenue, Suite 2000
Seattle, Washington 98104

Attorneys for Plaintiff

s/ Nick Mangels

Nick Mangels

EXHIBIT A

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 17-cv-05806-RJB
Plaintiff,)	
)	
vs.)	
)	
THE GEO GROUP, INC.,)	
)	
Defendant.)	
)	
)	

30(b)(6) DEPOSITION UPON ORAL EXAMINATION OF
COLLEEN MELODY
 August 10, 2018
 Fircrest, Washington

Taken Before:
 Laura A. Gjuka, CCR #2057
 Certified Shorthand Reporter

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

A P P E A R A N C E S

For the Plaintiff:

MARSHA CHIEN
LA ROND BAKER
Assistant Attorney General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
206-464-7744
larondb@atg.wa.gov
marshac@atg.wa.gov

For the Defendant:

JOAN K. MELL
III Branches Law, PLLC
1019 Regents Boulevard
Suite 204
Fircrest, WA 98466
253-566-2510
joan@3brancheslaw.com

Also Present:

ANYA PERRET

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

EXAMINATION INDEX

EXAMINATION BY:

PAGE NO.

Ms. Mell

4

EXHIBIT INDEX

EXHIBIT NO.

DESCRIPTION

PAGE NO.

Exhibit No. 24

10 pages, Notice of Deposition

154

Exhibit No. 25

2 pages, Various Emails, 2014

177

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

BE IT REMEMBERED that on the 10th of August, 2018, 9:06 a.m., at 1019 Regents Boulevard, Fircrest, Washington, before LAURA A. GJUKA, CCR# 2057, Washington State Certified Court Reporter residing at University Place, authorized to administer oaths and affirmations pursuant to RCW 5.28.010.

WHEREUPON the following proceedings were had, to wit:

* * * * *

COLLEEN MELODY, having been first duly sworn by the Court Reporter, was examined and testified as follows:

EXAMINATION

BY MS. MELL:

Q State your name for the record.

A Colleen Melody.

Q what's your address?

A My business address is 800 Fifth Avenue, suite 2000, Seattle, Washington 98104.

Q Okay. what's your personal address?

MS. CHIEN: Objection. Is there a reason you need her personal address?

MS. MELL: Not if you're going to accept

1 service if I need to --

2 THE WITNESS: Yes, we accept service
3 through our --

4 MS. CHIEN: Through the business address.

5 BY MS. MELL:

6 Q When you say "we accept service," if you're not there
7 and I need to subpoena you, the Attorney General's
8 office will accept service for you?

9 A Yeah.

10 MS. CHIEN: Yes.

11 BY MS. MELL:

12 Q Okay. And your phone number?

13 A (206) 464-5342.

14 Q And that's work?

15 A That's my direct line at work.

16 Q What is your position?

17 A I'm a unit chief for the civil rights unit at the
18 Washington State Attorney General's Office.

19 Q How many people are in the civil rights unit?

20 A Thirteen.

21 Q And who are those people comprised of? I don't need to
22 know their names, I just need to know what they do.

23 A They're attorneys and support staff that include
24 investigator, paralegal, legal assistant, staff members.

25 Q Who is the investigator?

1 BY MS. MELL:

2 Q How do you accuse GEO of understaffing a facility unless
3 you know what the staffing requires?

4 A We haven't accused of GEO of understaffing a facility.
5 We accused GEO of not paying the staff that it has
6 chosen to employ the rate that's required by law.

7 Q I thought I understood that you said Attorney General
8 Ferguson has an interest in having Washington citizens
9 do the jobs needed to operate the facility.

10 A No. I've said that Attorney General Ferguson, through
11 the Office of the Attorney General in the civil rights
12 unit, has a position that the jobs being done by
13 detainee workers in the facility is work that's
14 compensable to employees under Washington law. The
15 position is not that it should be detainees or that it
16 should not be non-detainees doing the work. We don't
17 have a position on that. The position is the people who
18 do the work in the facility, whoever they are, need to
19 be paid minimum wage for that work.

20 Q Okay. But does Attorney General Ferguson have a basis
21 for saying that any number of Washington citizens should
22 be doing the work in the facility?

23 A No, because we don't think that it has to be Washington
24 citizens.

25 Q And the Attorney General Ferguson is not taking a

EXHIBIT B

APPEARANCES

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

For the Plaintiff
Nwauzor, et al.:

JAMAL N. WHITEHEAD
Schroeter Goldmark & Bender
810 Third Avenue
Suite 500
Seattle, Washington

DEVIN T. THERIOT-ORR
Open Sky Law PLLC
20415 72nd Avenue South
Suite 110
Kent, Washington

R. ANDREW FREE
Law Office of R. Andrew Free
P.O. Box 90568
Nashville, Tennessee

For the Plaintiff
State of Washington:

ANDREA BRENNEKE
LANE POLOZOLA
MARSHA J. CHIEN
800 Fifth Avenue
Suite 2000
Seattle, Washington

For the Defendant
The GEO Group:

COLIN L. BARNACLE
ADRIENNE SCHEFFEY
Akerman LLP
1900 Sixteenth Street
Suite 1700
Denver, Colorado

JOAN K. MELL
III Branches Law PLLC
1019 Refents Boulevard
Suite 204
Fircrest, Washington

MORNING SESSION

JANUARY 10, 2020

1
2
3 THE COURT: This is the time we set for a preliminary
4 pretrial conference in Cause Number 17-5769, Nwauzor versus
5 GEO, and 17-5806, State versus GEO.

6 Let me call the role here. First, for Washington,
7 Ms. Chien, Ms. Brenneke and Mr. Polozola.

8 For the plaintiffs, Nwauzor and others, Mr. Whitehead.

9 MR. WHITEHEAD: Good morning, Your Honor.

10 THE COURT: Mr. Theriot-Orr

11 MS. THERIOT-ORR: Yes, sir, good morning.

12 THE COURT: Mr. Free.

13 MR. FREE: Yes, sir.

14 THE COURT: For the defendants, Mr. Barnacle.

15 MR. BARNACLE: Good morning.

16 THE COURT: Ms. Scheffy and Ms. Mell.

17 MS. MELL: Good morning, Your Honor.

18 THE COURT: We have a number of things to cover this
19 morning. First thing is, I want to get a better feel than I
20 have for exactly what the claims of the plaintiffs are here,
21 and understand a bit more of how you propose to prove your
22 claims.

23 I had this nice sheet with your names on it, and then I
24 covered it up.

25 I guess I should ask Mr. Whitehead to go first and tell me

1 have heard. It seems to me there are things like punishment
2 for not working or different things that are not within what
3 you two have described today. Are you anticipating any
4 evidence along those lines of inappropriate activities on the
5 part of GEO toward detainees?

6 MS. BRENNEKE: I am thinking about our claims as
7 being fairly discrete whether or not the Minimum Wage Act is
8 being applied for work, and also whether there is an
9 injustice for them to retain the benefits of those for the
10 unjust enrichment claim moving forward.

11 I believe with the unjust enrichment claim, there is some
12 maybe potential for thinking about the circumstances in which
13 they are working and the injustice of that, that is a bit
14 broader because that is an equitable claim that is a
15 subjective standard.

16 We are not bringing claims you might have seen reported in
17 some of the cases like in Colorado and other places where
18 there is like a forced work situation or other types of
19 claims that I think could be brought in some circumstances.
20 We have not brought those claims.

21 Jamal, I don't know if --

22 MR. WHITEHEAD: No, I don't have anything further to
23 add. Certainly, Your Honor, we believe those things to be
24 true. In terms of what we would try to present and prove at
25 trial, that is not the case we intend to bring.

EXHIBIT C

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
29
30
31

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

CHAO CHEN, individually and on
behalf of all those similarly situated,

Plaintiff,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

Case No.: 3:17-cv-05769-RJB

**GEO'S FIRST SET OF
INTERROGATORIES, AND REQUESTS
FOR PRODUCTION PROPOUNDED TO
PLAINTIFF**

TO: CHAO CHEN, Plaintiff.

AND TO: Lindsay Halm, Adam Berger, Jamal Whitehead, Andrew Free and Devin Theriot-
Orr, Attorneys for the Class.

Pursuant to Federal Rules of Civil Procedure, 26, 33, and 34, you are served with GEO's
First Set of Interrogatories and Requests for Production to the Plaintiff. Return the answers
and responses under oath to III Branches Law, PLLC, 1019 Regents Blvd. Suite 204, Fircrest,
WA 98466, within thirty (30) days of service.

///

1 **INSTRUCTIONS**

2 The following interrogatories and requests for production shall be answered in the
3 space provided. These interrogatories and requests for production are continuing in nature and
4 you must supplement your answers pursuant to Fed. R. Civ. P. 26(e). Supplemental responses
5 should follow the same format. A word version of the document accompanies service to allow
6 Plaintiff to interlineate a complete response as needed.
7

8
9 The requests for production extend beyond documents within Plaintiff's possession to
10 include all documents that Plaintiff constructively possesses. The documents requested shall
11 be produced in their entirety, including all attachments and enclosures. Production of
12 electronic stored information should be produced in conformance with a Model ESI Agreement
13 of the court or a modified version agreed upon by the parties. Any documents no longer in
14 existence or in the possession or control of defendant shall be listed, stating the circumstances
15 surrounding and authorization for the loss, destruction, or disposal of such document.
16
17

18 **DEFINITIONS**

- 19
20 1. The term you or Chao Chen means Plaintiff and all employees, agents, attorneys,
21 investigators, other representatives and all other persons acting or purporting to act on your
22 behalf.
23
24 2. The terms and and or shall each be construed disjunctively or conjunctively so as to
25 require the broadest possible answer or production in response to any request.
26
27 3. The term each shall mean each, every, any, and all.
28
29 4. The term including shall mean including, but not limited to.

1 5. The terms relating to, relate to, and related to, mean consisting of, identifying,
2 concerning, referring to, alluding to, responding to, in connection with, commenting on, in
3 response to, about, regarding, explaining, discussing, showing, describing, studying, reflecting,
4 analyzing or constituting.

6 6. The word document shall mean the original or any copy of any and all document(s), as
7 the term “document” is defined in Fed. R. Civ. P. 34 and shall include without limitation, any
8 diary, calendar, electronic mail, text, or digital or electronic record, and any and all attachments
9 thereto, book, pamphlet, periodical, letter, memorandum, telegram, report, record, study,
10 handwritten note, map, drawing, working paper, chart, paper, graph, index, tape, data sheet,
11 data processing or other computerized, digital, or electronic record, or any other written,
12 recorded, transcribed, taped, filmed, print screen, print-out or graphic matter, however
13 produced or reproduced, to which you have or have had access.

17 7. The term identify or identity used *in reference to an individual person or business*
18 *entity* means to state: 1) the person or entity's full name and present residence or business
19 address; 2) the present or last known telephone number; 3) the present or last known position
20 of employment or business affiliation; and, 4) the position of employment or business
21 affiliation, at all times relevant to the causes of action.

24 8. The term identify or identity when used *in reference to a document* means to state: 1)
25 the date and author of the document; 2) the type of document, e.g., letter, e-mail, text,
26 memorandum, telegram, chart, etc. (or some other means of identifying it); and, 3) the
27 document's present location or custodian. If any such document was, but is no longer, in your
28 possession or subject to your control, state what disposition was made of the document.

1 “Summarize” used in reference to a document means to state the information contained in the
2 document, including all recommendations and conclusions, in summary form. If any request
3 calls for documents which are not available or which are only partially available, provide
4 whatever documents are available in response to the particular request and append a statement
5 as to the reasons why complete production is not possible.
6

7
8 9. The term identify used *in reference to a meeting, conversation or communication*
9 means to state: 1) the identity of the persons who were present and/or participated in the
10 meeting, conversation or communication; 2) the date on which the meeting, conversation or
11 communication occurred; 3) the place at which the meeting, conversation or communication
12 occurred; and 4) if any record, memorandum, or other writing of the meeting, conversation or
13 communication was made, then to identify that record, memorandum or other writing.
14

15
16 10. The acronym NWDC means the Immigration and Customs Enforcement processing
17 center commonly referred to as the Northwest Detention Center on “J” Street in Tacoma,
18 Washington.
19

20 **OBJECTIONS**

21
22 These interrogatories and requests do not seek disclosure of attorney-client
23 communications or invasion of any other privileges protected under law. However, in the event
24 you object to answering any interrogatory or producing any documents, in whole or in part,
25 state your objection and the factual and legal reasons supporting the objection with
26 particularity. Any objection necessitating the entry of a confidentiality or protective order shall
27 be communicated to us prior to the thirty (30) day deadline for answering and should not delay
28
29

1 your timely responses to these interrogatories or RFP's. If you object to answering only part of
2 an interrogatory or RFP, then specify the part to which you object and answer or produce the
3 remainder. For any document or communication withheld, provide a list for each each detailing
4 1) a description of the document 2) nature of the privilege asserted or basis of withholding 3)
5 subject matter and date 4) type of communication or document and 5) the author and recipient.
6

7 ANY OBJECTION THAT IS NOT ASSERTED MAY BE DEEMED TO HAVE BEEN
8
9 WAIVED.

10 **INTERROGATORIES AND REQUESTS FOR PRODUCTION**

11 INTERROGATORY NO. 1: Explain what motivated you to claim that GEO should have paid
12 you minimum wages for your participation in the voluntary work program while ICE detained
13 you at the NWDC.

14 **ANSWER:**

15
16
17 REQUEST FOR PRODUCTION NO. 1: Produce for inspection and copying any and all
18 documents pertaining to your answer to Interrogatory No. 1.

19 **RESPONSE:**

20
21
22 INTERROGATORY NO. 2: Explain the involvement of ICE over the tasks you performed
23 and the payments you received while ICE detained you at the NWDC.

24 **ANSWER:**

25
26 REQUEST FOR PRODUCTION NO. 2: Produce for inspection and copying any and all
27 documents pertaining to your answer to Interrogatory No. 2.

28 **RESPONSE:**

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
29
30
31

INTERROGATORY NO. 3: Describe all of the characteristics of what you did while detained at the NWDC that entitle you to claim GEO must pay you minimum wages. Include each and every factor that shows you had an employment relationship with GEO.

ANSWER:

REQUEST FOR PRODUCTION NO. 3: Produce for inspection and copying any and all documents pertaining to your answer to Interrogatory No. 3.

RESPONSE:

INTERROGATORY NO. 4: Describe all of the factors that show you did not have an employment relationship with GEO.

ANSWER:

REQUEST FOR PRODUCTION NO. 4: Produce for inspection and copying any and all documents pertaining to your answer to Interrogatory No. 4.

RESPONSE:

INTERROGATORY NO. 5: Itemize by date and time each and every hour you performed tasks that you claim entitled you to minimum wage payments. Include in your itemization a description of each task you performed. Provide a description or name for each person who supervised you performing these tasks.

ANSWER:

REQUEST FOR PRODUCTION NO. 5: Produce for inspection and copying any and all documents pertaining to your answer to Interrogatory No. 5.

1 **RESPONSE:**

2
3
4 INTERROGATORY NO. 6: Itemize by date and time each and every hour you performed
5 tasks while detained by ICE in a Bureau of Prisons facility. Include in your itemization a
6 description of each task you performed and the remuneration you received for performing each
7 task.

8 **ANSWER:**

9
10 REQUEST FOR PRODUCTION NO. 6: Produce for inspection and copying any and all
11 documents pertaining to your answer to Interrogatory No. 6.

12 **RESPONSE:**

13
14 INTERROGATORY NO. 7: Describe your entire employment history to date to include the
15 name of your employer, the name and contact information for each supervisor, your job title,
16 duration of employment, termination date, pay rate, and compensation received.

17 **ANSWER:**

18
19
20 REQUEST FOR PRODUCTION NO. 7: Produce for inspection and copying any and all
21 documents pertaining to your answer to Interrogatory No. 7.

22 **RESPONSE:**

23
24 INTERROGATORY NO. 8: Itemize all of your expenses while you were detained at the
25 NWDC. Expenses means any living expenses incurred and paid by you while detained.

26 **ANSWER:**

1 REQUEST FOR PRODUCTION NO. 8: Produce for inspection and copying any and all
2 documents pertaining to your answer to Interrogatory No. 8.

3 **RESPONSE:**
4

5
6 INTERROGATORY NO. 9: Describe all of you efforts to receive minimum wage payments
7 for your participation in the voluntary work program at the NWDC. Include in your
8 description the name of the person or agency to whom you made such a request, the date of
your request, the response provided, and any follow-up action taken by you.

9 **ANSWER:**
10

11
12 REQUEST FOR PRODUCTION NO. 9: Produce for inspection and copying any and all
13 documents pertaining to your answer to Interrogatory No. 9.

14 **RESPONSE:**
15

16
17 INTERROGATORY NO. 10: Identify each witness who may have information about this case
18 or whom you intend to call at trial, including the witness's name, address and telephone number,
and a summary of the witness's knowledge or testimony.

19 **ANSWER:**
20

21
22 REQUEST FOR PRODUCTION NO. 10: Produce for inspection and copying any and all
23 documents pertaining to your answer to Interrogatory No. 10.

24 **RESPONSE:**
25

26
27 INTERROGATORY NO. 11: With respect to expert witnesses you intend to call at the time of
28 trial, please identify each person, the subject matter on which the expert is expected to testify, state
29 the substance of the facts and opinions to which the expert is expected to testify, provide a
summary of the grounds for each opinion, and list each and every fact, document, or information
the expert intends to rely upon to support his or her opinions.

1
2 **ANSWER:**

3
4 REQUEST FOR PRODUCTION NO. 11: Produce all documents reviewed or relied upon by
5 any expert identified in Interrogatory No. 11. Produce the expert's file, resume or curriculum
6 vitae, any documents, treatises, or articles your expert relies upon to formulate testimony or
7 opinions in this matter, e-mails and correspondence prepared or received by the expert, billing
8 statements, contract for services, a list of cases wherein the expert has testified, and any
9 writings or prior deposition testimony from any cases the expert relies upon to establish his or
her qualifications.

10 **RESPONSE:**

11
12 INTERROGATORY NO. 12: Describe, identify and itemize all damages (both general and
13 special), losses, expenses and costs that Plaintiff claims were and/or will be will be incurred as
14 a result of the allegations described in the Complaint, including but not limited to, any loss of
15 past or future wages.

16 **ANSWER:**

17
18 REQUEST FOR PRODUCTION NO. 12: Produce for inspection and copying any and all
19 documents pertaining to your answer to Interrogatory No. 12.

20 **RESPONSE:**

21
22
23 INTERROGATORY NO. 13: Identify each and every conversation you had with anyone,
24 excluding your attorney, concerning any allegation in this lawsuit or claims concerning the
25 tasks you performed at NWDC, including the date, the name, address, and telephone number of
26 the individual, and the substance of the conversation.

27 **ANSWER:**

1 REQUEST FOR PRODUCTION NO. 13: Produce for inspection and copying any and all
2 documents pertaining to your answer to Interrogatory No. 13.

3 **RESPONSE:**
4

5
6 INTERROGATORY NO. 14: Describe the factual basis for your assertion that detainees who
7 participate in the voluntary work program are "employees" under RCW 49.46.010(3).

8 **ANSWER:**
9

10 REQUEST FOR PRODUCTION NO. 14: Produce for inspection and copying any and all
11 documents pertaining to your answer to Interrogatory No. 14.

12 **RESPONSE:**
13

14
15 INTERROGATORY NO. 15: Describe the factual basis for your assertion that The GEO
16 Group, Inc. was your "employer" under RCW 49.46.010(4).

17 **ANSWER:**
18

19
20 REQUEST FOR PRODUCTION NO. 15: Produce for inspection and copying any and all
21 documents pertaining to your answer to Interrogatory No. 15.

22 **RESPONSE:**
23

24
25 INTERROGATORY NO. 16: Describe all of your contacts with the Attorney General and any
26 representative from his office regarding the State's minimum wage lawsuit against GEO or this
27 lawsuit. Include in your answer the date and time of each contact, the name and title of the
28 person contacted, a description of your communications, and any witnesses to the
29 communications.

30 **ANSWER:**
31

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
29
30
31

REQUEST FOR PRODUCTION NO. 16: Produce for inspection and copying any and all documents pertaining to your answer to Interrogatory No. 16.

RESPONSE:

INTERROGATORY NO. 17: Have you ever been charged, convicted of or pled guilty to a felony? And, have you ever been charged, convicted or pled guilty to a misdemeanor? If so, state for each:

- (a) The name of the crime charged with and the crime convicted of;
- (b) The date of the charge and conviction;
- (c) The date and place of the conviction and sentence imposed; and,
- (d) The court and case number.

ANSWER:

REQUEST FOR PRODUCTION NO. 17: Produce for inspection and copying any and all documents pertaining to your answer to Interrogatory No. 17.

RESPONSE:

INTERROGATORY NO. 18: Have you made any claims to the Washington State Department of Labor and Industries (“L&I”) for benefits, Washington State Employment Security Department (“ESD”) for benefits, or to any state or federal program for disability or low income or other public benefits, or to any private insurance carrier for benefits? If so explain the nature of your claim, when you made it, and the disposition of your request or claim.

ANSWER:

1 REQUEST FOR PRODUCTION NO. 18: Produce for inspection and copying any and all
2 documents pertaining to your answer to Interrogatory No. 18.

3 **RESPONSE:**
4

5
6 INTERROGATORY NO. 19: Have you communicated orally or in writing with any current or
7 former detainee who expressed disagreement with the allegations asserted in the Complaint? If
8 so, identify each such detainee.

9 **ANSWER:**
10

11 REQUEST FOR PRODUCTION NO. 19: Produce for inspection and copying any and all
12 documents pertaining to your answer to Interrogatory No. 19.

13 **RESPONSE:**
14

15
16 INTERROGATORY NO. 20: Since your release from the NWDC, have you communicated
17 orally or in writing with any current or former GEO or ICE employee? If so, identify with as
18 much specificity as possible each communication, including the identity of the GEO or ICE
19 employee, the time and place of the communication, the purpose of the communication, what
20 you communicated, and what the GEO or ICE employee communicated.

21 **ANSWER:**
22

23 REQUEST FOR PRODUCTION NO. 20: Produce for inspection and copying any and all
24 documents pertaining to your answer to Interrogatory No. 20.

25 **RESPONSE:**
26

27 INTERROGATORY NO. 21: Identify the user name and email address for all blogs, online
28 forums, and social networking websites or applications the you have belonged to or had
29 membership for the past 10 years.

1 **ANSWER:**

2
3
4 REQUEST FOR PRODUCTION NO. 21: Produce for inspection and copying any and all
5 documents pertaining to your answer to Interrogatory No. 21.

6 **RESPONSE:**

7
8 INTERROGATORY NO. 22: Identify the user name, registration information, account detail,
9 login information, and any other identifying information for any job search websites for which
10 you are (or were) a member, including but not limited to: Hot Jobs, Career Building,
11 monsterjob.com, salesjobhunter.com, and indeed.com for the past 10 years.

12 **ANSWER:**

13
14 REQUEST FOR PRODUCTION NO. 22: Produce for inspection and copying any and all
15 documents pertaining to your answer to Interrogatory No. 22.

16 **RESPONSE:**

17
18
19 REQUEST FOR PRODUCTION NO. 23: Produce all documents that show GEO could
20 lawfully employ you while ICE detained you at the NWDC.

21 **RESPONSE:**

22
23
24 REQUEST FOR PRODUCTION NO. 24: Produce any Application for Employment
25 Authorization USCIS Form I-765 you have ever completed and submitted to the Department of
26 Homeland Security or to GEO.

27 **RESPONSE:**

1 REQUEST FOR PRODUCTION NO. 25: Any and all complaints, or grievances you or
2 anyone on your behalf have filed with GEO, L&I, ESD, or any other regulator regarding
3 payments to you by GEO that concern the amount you received.

4 **RESPONSE:**

5
6 REQUEST FOR PRODUCTION NO. 26: Any and all documentation that shows you
7 communicated to GEO your expectation that you were employed at GEO or that you thought
8 you were entitled to be paid minimum wages from GEO.

9 **RESPONSE:**

10
11
12 REQUEST FOR PRODUCTION NO. 27: Each and every one of your job applications
13 submitted to GEO.

14 **RESPONSE:**

15
16 REQUEST FOR PRODUCTION NO. 28: Any resume you submitted to GEO for
17 employment by GEO at the Northwest Detention Center ("NWDC").

18 **RESPONSE:**

19
20
21 REQUEST FOR PRODUCTION NO. 29: Any and all references you submitted to GEO to
22 be employed by GEO.

23 **RESPONSE:**

24
25
26 REQUEST FOR PRODUCTION NO. 30: Any and all performance evaluations of your
27 performance in any employment position you allege you held at NWDC.

28 **RESPONSE:**

1
2 REQUEST FOR PRODUCTION NO. 31: Any employee handbook(s) received by you from
3 GEO or from ICE.

4 **RESPONSE:**

5
6 REQUEST FOR PRODUCTION NO. 32: Copies of any welcome letter(s), letter(s) of
7 retention, or letter(s) documenting your alleged hiring by GEO.

8 **RESPONSE:**

9
10
11 REQUEST FOR PRODUCTION NO. 33: Copies of any IRS tax forms completed or other
12 tax designations you made when you were allegedly hired by GEO.

13 **RESPONSE:**

14
15
16 REQUEST FOR PRODUCTION NO. 34: All written and electronic communications
17 (including emails, voice messages, text messages, Facebook messages and any other messages
18 sent via social media or other messaging services) between you and any other current and
19 former detainee or GEO or ICE employee concerning the allegations in this lawsuit.

20 **RESPONSE:**

21
22 REQUEST FOR PRODUCTION NO. 35: Copies of all your social media postings and
23 communications that make reference to GEO.

24 **RESPONSE:**

25
26
27 REQUEST FOR PRODUCTION NO. 36: All of your tax returns and attachments filed with
28 the IRS in the past 10 years. Include all form W-2s.

29 **RESPONSE:**

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
29
30
31

REQUEST FOR PRODUCTION NO. 37: Any and all documents that reference or pertain to a request by you to be paid minimum wages by GEO. Include any kites or digital messages.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Any and all documents that show you received health insurance or other benefits from GEO or that indicate you are entitled to such benefits.

RESPONSE:

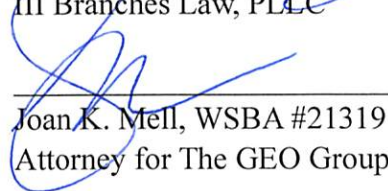
REQUEST FOR PRODUCTION NO. 39: All of the documents mentioned in Plaintiff's Initial Disclosures dated: December 20, 2017. These documents were described by Plaintiff as "commissary receipts, news clippings, work schedules, property receipts, and various ICE documents."

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Any document showing promises to you in exchange for acting as the named plaintiff in this lawsuit. Include any fee agreement you signed.

RESPONSE:

Dated this 29 day of Dec, 2017 at Fircrest, WA.
III Branches Law, PLLC


Joan K. Mell, WSBA #21319
Attorney for The GEO Group, Inc.

CERTIFICATION

The undersigned, counsel for Plaintiff, has read the above responses to GEO's First Set of Interrogatories and Requests for Production Propounded to Plaintiff and believes them to be in compliance with Fed. R. Civ. P. 26(g).

Dated this _____ day of _____, 2017.

Schroeter, Goldmark & Bender
Counsel for Plaintiff

BY: _____
Lindsay Halm, WSBA No. 37141
Adam Berger, WSBA No. 20714
Jamal Whitehead, WSBA No. 39818

STATE OF WASHINGTON)
) ss
COUNTY OF _____)

The undersigned, being first duly sworn, upon oath, deposes and says:

I am the _____(title) of _____(agency), for Defendants in the above-entitled action; that I have read the above and foregoing answers and responses to GEO's First Set of Interrogatories and Requests for Production Propounded to Plaintiff; know the contents thereof, and believe the same to be true and correct.

(Print Name): _____
(Title): _____

SIGNED AND SWORN to before me this _____ day of _____,
2017.

(Print Name): _____
NOTARY PUBLIC in and for the State of Washington
residing at _____.
My appointment expires: _____

CERTIFICATE OF SERVICE

I, Joseph A. Fonseca, certify that on December 29, 2017, I caused to be served a true and correct copy of the above GEO's First Set of Interrogatories and Requests For Production Propounded to Plaintiff, via Electronic Mail as follows:

Schroeter, Goldmark & Bender
Adam J. Berger, WSBA No. 20714
Lindsay L. Halm, wSBA No. 37141
Jamal N. Whitehead, WSBA No. 39818
810 Third Avenue, Suite 500
Seattle, WA 98104
berger@sgb-law.com
halm@sgb-law.com
whitehead@sgb-law.com

The Law Office of R. Andrew Free
Andrew Free
P.O. Box 90568
Nashville, TN 37209
andrew@immigrationcivilrights.com

Sunbird Law, PLLC
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154
devin@sunbird.law

I certify under penalty of perjury under the State of Washington that the above information is true and correct.

Dated this 29th day of December 2017, at Fircrest, WA



Joseph A. Fonseca, Paralegal