

The Honorable Robert J. Bryan

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

STATE OF WASHINGTON,

 Plaintiff,

 v.

THE GEO GROUP, INC.,

 Defendant.

CIVIL ACTION NO. 3:17-cv-05806-RJB

REPLY IN SUPPORT OF STATE OF
WASHINGTON’S MOTION TO
COMPEL PARTIALLY
UNREDACTED LETTER AND
RELATED FINANCIAL
CALCULATIONS

NOTE ON MOTION CALENDAR:
September 4, 2020

Washington respectfully requests that the Court grant the motion filed by State of Washington (Washington), ECF No. 396, and enter an order compelling The GEO Group, Inc. (GEO) to produce corporate financial documents estimating the market value of work detainees perform in its Voluntary Work Program at the Northwest Detention Center (NWDC).

Washington’s Motion to Compel, ECF No. 396, was filed on August 20, 2020, and noted for Friday, September 4, 2020, as a third-Friday motion. *See* Local Rules W.D. Wash. LCR 7(b)(1); LCR 7(d)(3). Defendant GEO did not file a responsive brief by August 31, 2020, the Monday before the noting date, and the briefing window is now closed. *See* LCR 7(b)(2); LCR 7(d)(3). The Court should construe GEO’s failure to properly file papers in response to Washington’s Motion to Compel “as an admission that the motion has merit.” *Id.*

1 For all of the reasons set forth in Washington’s motion, the Court should compel GEO
 2 to produce: 1) GEO’s underlying spreadsheets and calculations of the cost of complying with
 3 Plaintiff’s detainee labor demands at the NWDC; and, 2) an un-redacted portion of GEO’s
 4 May 30, 2018 letter¹ in which GEO discloses that financial analysis to ICE. *See* ECF No. 362-1
 5 (GEO’s Letter to ICE) (“We have conducted an estimation of the costs necessary to achieve
 6 compliance with the Plaintiffs.”). Alternatively, if GEO submits a belated response, as it has
 7 done in the past, *see, e.g.*, ECF No. 337 (filed on Wednesday, instead of a Monday), Washington
 8 seeks an equivalent extension for its time to reply.

9 Dated this 1st day of September 2020.

10 Respectfully submitted,

11 ROBERT W. FERGUSON
 12 Attorney General of Washington

13 *s/ Marsha Chien*

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25 ¹ To reiterate, legal costs are not at issue and are excluded from evidence at trial. Washington is not seeking
 26 production of the portions of GEO’s Letter to ICE that include GEO’s request for an “equitable adjustment” from
 ICE for the legal costs of defending this and private plaintiffs’ Washington Minimum Wage Act and Unjust
 Enrichment lawsuits or the two similar detainee wage cases in other states. ECF No. 396 at 1.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated this 1st day of September 2020 in Seattle, Washington.



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Legal Assistant

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