The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

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

PLAINTIFF STATE OF WASHINGTON'S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW

NOTE ON MOTION CALENDAR:
July 30, 2021

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I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 50(b), Washington respectfully renews its Rule 50(a) motion for judgment as matter of law on Defendant The GEO Group, Inc. (GEO)'s intergovernmental immunity (IGI) defense. ECF No. 481 at 7–11. The Court functionally granted in part Washington's Rule 50(a) motion by declining to submit the majority of GEO's defenses to the jury, including the direct regulation prong of GEO's IGI defense. *See* Declaration of Andrea Brenneke in Support of Plaintiff's Renewed Motion for Judgement as a Matter of Law (Brenneke Decl.) ¶ 3, Ex. A (June 14 Trial Tr. at 67:11–14). The Court did submit to the jury the question of whether GEO is entitled to IGI because the Minimum Wage Act's (MWA) exemption for individuals detained in government facilities "discriminates" against GEO.[1]

After a two-week trial that resulted in a hung jury, Washington now renews its Rule 50(a) motion with respect to the discrimination prong of GEO's IGI defense. As a matter of law, the MWA does not discriminate against GEO. The MWA, on its face, is a neutral law that does not treat private contractors differently depending on whether they deal with the federal government as opposed to state government, a threshold requirement for IGI's discrimination prong to apply. Even if the Court looked beyond MWA's plain language, which it need not do, GEO failed to present evidence that the MWA is being applied in a discriminatory manner. Despite calling a parade of state agency witnesses at trial, GEO failed to identify a single private contractor doing business with the state—much less one similarly situated to GEO and its NWDC work program—that pays employees less than the minimum wage. As such, GEO's IGI discrimination defense serves only to waste the Court's time and cause substantial jury confusion while GEO examines witnesses peripheral to the NWDC work program at issue in this case. The Court

[1] GEO also asserted its IGI defense regarding Washington's unjust enrichment claim. Since Washington's unjust enrichment claim has not yet been fully heard at trial, there is no Rule 50(a) motion to renew. However, all of the arguments for why GEO cannot be immune from Washington's MWA claim under IGI equally apply with respect to Washington's unjust enrichment claim. Moreover, unlike the MWA, there is no "exception" to a common law unjust enrichment claim that could somehow be viewed as treating the State or its contractors more favorably than GEO and the federal government.

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should dismiss GEO's IGI defense and decline to submit the IGI defense to a new jury.

II. PROCEDURAL HISTORY

In earlier orders in this case and the Private Class Action, the Court denied GEO's repeated motions for summary judgment based on its IGI defense. ECF Nos. 162, 165, 322; *Nwauzor* ECF No. 280. On GEO's first motion for summary judgment, the Court correctly and succinctly held, "there is no showing that the MWA is imposed against Defendant on any basis related to its status as a Federal Government contractor." ECF No. 162 at 7. While in its second motion GEO added references to the Special Commitment Center (SCC) and other state facilities that do not pay the minimum wage, the Court specifically found that "[n]either the state's civil detainees . . . nor the State's Commitment Center . . . are shown to be 'similarly-situated' by the record." ECF No. 322 at 1. Even after giving GEO an opportunity to conduct extensive discovery of Washington's institutions, the Court still denied GEO's third motion for summary judgment, reasoning that GEO did not show the MWA is enforced against GEO any differently than it is enforced against similar private contractors for the State. *See also Nwauzor* ECF No. 280 at 18 (noting that GEO proposed several government-run facilities as comparators, but observing that "[c]ontractor involvement [at these facilities], if any, appears, on the record, to be limited").

GEO nevertheless pressed the same evidence with respect to its IGI defense at trial. *See* Pretrial Order, ECF No. 388 at 5–6. Again, the only evidence GEO presented at trial regarding allegedly similarly-situated work programs related to State government-owned and –operated prisons, rehabilitation centers, and civil commitment centers. After GEO directly examined at length four different state agency witnesses from both the Department of Corrections (DOC) and the Department of Social Health Services (DSHS), however, what was clear before became indisputable: none of the State Government-owned and –operated facilities rely on contractors to run their work programs and none of the programs are similarly situated in any event. *See* Brenneke Decl. ¶¶ 4, 10, Exs. B, G (testimony of Sytsma, Eisen, Eagle, and Wells).

Washington timely filed a Rule 50(a) motion for judgment as matter of law on all of GEO's defenses, including IGI, derivative sovereign immunity, and the resident exception to the MWA. ECF No. 481 at 7–11. The Court orally ruled that "the defendant is not entitled to instructions on derivative sovereign immunity or direct regulation intergovernmental immunity or the resident exception to the Minimum Wage Act." Brenneke Decl. ¶ 3, Ex. A (June 14 Trial Tr. at 67:11–14). However, the Court denied Washington's Rule 50(b) motion with respect to GEO's IGI discrimination defense and issued Instruction No. 17 to the jury. ECF No. 492 at 19 (Court's Instruction No. 17). *See also id.* at 25 (Verdict Form).

Instruction No. 17 set forth GEO's IGI discrimination defense and represented a stark departure from the Court's reasoning in prior summary judgment orders. Instead of instructing the jury to consider whether there is a private contractor that contracts with the State that is similarly-situated to GEO and treated more favorably under the MWA, Instruction No. 17 directed the jury to compare GEO, a private contractor, directly to the Government-owned and Government-operated facilities themselves. *Id.* at 19.

Washington timely objected to Instruction No. 17, as well as related Verdict Form Question No. 2, for its failure to accurately set forth the law or frame the relevant question of "whether the law treats a similarly situated entity better than GEO because GEO is a federal contractor," and because it instead "makes that fact determination for the jury by instructing them that the State and GEO are to be compared directly against each other." Brenneke Decl. ¶ 3, Ex. A (June 14 Trial Tr. at 91:19–92:25). After a two-week trial, and three days of deliberation with no verdict, the Court declared a mistrial.

III. ARGUMENT

The IGI defense applies to a state regulation "only if it regulates the United States directly or discriminates against the Federal Government or those with whom it deals." *North Dakota v. United States*, 495 U.S. 423, 435 (1990) (citing *South Carolina v. Baker*, 485 U.S. 505, 523 (1988)) (emphasis added). At trial, the Court determined that the MWA does not directly regulate

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the federal government and properly declined to put the direct regulation prong of the IGI defense to the jury. However, the Court submitted to the jury the question of whether IGI's discrimination prong shields GEO from liability. Although the MWA is a neutral, generally-applicable law and GEO failed to present any evidence that the MWA is being enforced against GEO *because* it is a federal contractor, the jury appeared confused by the lengthy testimony regarding State-owned and State-operated work programs and could not reach a unanimous verdict. Washington now renews its Rule 50(a) motion for a directed verdict on GEO's IGI discrimination defense. *See* Fed. R. Civ. P. 50(b).

A. Standards for Renewed Motion for Judgment as a Matter of Law

"[T]he standard for granting summary judgment 'mirrors' the standard for judgment as a matter of law, such that 'the inquiry under each is the same.'" *Reeves v. Sanderson Plumbing Prods., Inc*., 530 U.S. 133, 150 (2000) (citation omitted). However, as the Ninth Circuit has observed, some of the prudential reluctance to grant summary judgment—a complete deprivation of a trial—may be relaxed in the directed verdict context because the parties have had their day in court. *See Santa Clara Valley Distrib. Co. v. Pabst Brewing Co*., 556 F.2d 942, 944 n.1 (9th Cir. 1977).

Additionally, a "jury's inability to reach a verdict does not necessarily preclude a judgment as a matter of law." *Headwaters Forest Def. v. County of Humboldt*, 240 F.3d 1185, 1197 (9th Cir. 2000), *vacated on other grounds sub nom. County of Humboldt v. Headwaters Forest Def.*, 534 U.S. 801 (2001); *Shum v. Intel Corp*., 633 F.3d 1067, 1076 (Fed. Cir. 2010). "Notwithstanding the jury's failure to reach a verdict, if the standard for granting a motion for judgment as a matter of law is met, a renewed motion for judgment as a matter of law under Rule 50(b) is appropriate and may be granted." *Elliott v. Versa CIC, L.P*., No. 16-CV-0288-BAS-AGS, 2019 WL 414499, at *6 (S.D. Cal. Feb. 1, 2019) (quoting 9B Charles Alan Wright & Arthur R. Miller , *Fed. Prac. & Proc. Civ.* § 2537 (3d ed.)). That standard is met here.

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B. The Court Should Dismiss GEO's IGI Discrimination Defense as a Matter of Law

GEO is not immune from MWA liability as a matter of law. The IGI discrimination defense does not apply where state regulation "is imposed on some basis unrelated to the object's status as a federal Government contractor" and is "imposed equally on other similarly situated constituents of the State." *North Dakota*, 495 U.S. at 438. IGI "prevents states from . . . singling out for regulation those who deal with the government," but does not prohibit enforcement of neutral state laws against federal contractors. *In re Nat'l Sec. Agency Telecomms. Recs. Litig.*, 633 F. Supp. 2d 892, 904 (N.D. Cal. 2007) (rejecting IGI defense where laws "regulate equally all public utilities, making no distinction based on the government's involvement").

In *North Dakota,* for example, the Supreme Court upheld state laws that regulated federal government suppliers (as well as all other liquor retailers in the state) as part of a statewide regulatory regime that served legitimate state interests. *Id.* at 438-39. The state laws placed no discriminatory burdens upon the federal government by requiring its out-of-state suppliers to comply with the labeling requirements. *Id*. Other courts have similarly rejected overbroad IGI defenses that sought exemptions for private companies based on their relationship with the federal government rather than the discriminatory nature of the regulatory regime. *See, e.g., Washington v. United States*, 460 U.S. 536, 545 (1983) (upholding state tax law where "[t]he tax on federal contractors is part of the same structure, and imposed at the same rate, as the tax on the transactions of private landowners and contractors"); *U.S. Postal Serv. v. City of Berkeley*, No. C16-04815 WHA, 2018 WL 2188853, at *3 (N.D. Cal. May 14, 2018) (finding no discriminatory treatment of the federal government or those with whom it dealt (potential buyers of a post office building) where city's historic district designation, which was "imposed equally on other similarly situated constituents of the State," limited government's options for selling or renovating an old post office).

In fact, a generally applicable state law does not implicate IGI even if it may "make it more costly for the Government to do its business." *North Dakota,* 495 U.S. at 434 (describing

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that theory as "thoroughly repudiated") (citing cases). State laws may impose burdens on federal contractors (and, indirectly, on the federal government) without raising constitutional concerns as long as they regulate federal contractors in a non-discriminatory manner. *See, e.g.*, *Washington*, 460 U.S. at 545 (allowing Washington to circumvent the fact that it could not impose a tax directly on the United States and upholding a state tax against federal contractors); *U.S. Postal Serv.*, 2018 WL 2188853, at *3 (upholding city land-use restriction even though it dampened the sale (or lease) value of federal government property).

Here, as in *North Dakota, Washington*, and *U.S. Postal Service,* the MWA is a neutral, generally-applicable state law that nowhere singles out for regulation those who deal with the federal government—let alone GEO, specifically. Although the MWA exempts Government-owned and –operated facilities, it does not exempt *any* private detention operators regardless of who they do business with—i.e., the MWA does not treat private employers any worse because they hold a contract with the federal government. Indeed, this Court already recognized the MWA is a facially-neutral state law when it first denied GEO's motion for summary judgment. *See* ECF No. 162 at 6 ("At its core, and by design, the MWA protects employees and prospective employees in Washington generally, placing private firms that contract with the federal government on equal footing with all other private entities."). Though the MWA may indirectly economically burden the federal government (if the federal government accepts any cost burden GEO passes on), the MWA does not single out or discriminate against GEO (or any other contractor) based on its status as a federal contractor. *Id.* ("[T]he MWA is imposed equally on other similarly situated constituents of the State."). Applying the MWA to detainee workers at the NWDC does not mean that it discriminates against the federal government or GEO. It simply means that GEO is subject to the same law as other private employers.

C. GEO Failed to Carry Its Burden that the MWA Is Discriminatory as Applied

Even if GEO argues the facially neutral MWA is discriminatory because it is only being enforced against GEO, a federal contractor, GEO failed to put forth any evidence at trial that

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shows that it is being treated differently than similarly-situated state contractors. *See Washington*, 460 U.S. at 544-45 ("The State does not discriminate against the Federal Government and those with whom it deals unless it treats someone else better than it treats them.") Indeed, GEO failed to identify any similarly-situated state contractors at all.

Although GEO presented evidence that the MWA exempts Washington's prisons, rehabilitation centers, and the SCC from its requirements, none of these entities are private contractors similarly-situated to GEO. GEO is a private corporation that *contracts* with the federal government. GEO's proper comparator is a private corporation that *contracts* with the state—not the *state government itself*. *See North Dakota*, 495 U.S. at 434. Only were GEO the federal government—which it is not—would state-run facilities be proper comparators. *Id.*

To the extent GEO argues in response that the Supreme Court's decision in *Dawson v. Steager*, suggests otherwise, GEO's argument should not be persuasive. In *Dawson*, a state exempted some of its constituents—retirees who received state retirement benefits—from certain state income taxation on those benefits, but did not exempt from taxation similarly situated retirees who received federal retirement benefits. 139 S. Ct. 698, 703-04 (2019). The treatment of retirees differed depending on whether they collected benefits from the federal or state government—the "similarly situated" entity to Mr. Dawson, a former U.S. Marshal, was another retiree who had performed the same or similar job for the state government. *Id*. In other words, the proper comparison was between an individual who dealt with the federal government and an individual who dealt with the state government. Nowhere did the *Dawson* court suggest that the proper comparison is between the individual retiree and *the state government itself*.

Dawson's focus on the scope of any legislative exemption further supports Washington here. In analyzing the tax exemption at issue in that case, the Supreme Court recognized that the "breadth or narrowness of a state tax exemption" is relevant to determining the scope of any corresponding immunity. 139 S. Ct. at 704. The Court explained that "if a State exempts from taxation all state employees, it must likewise exempt all federal employees. Conversely, if the

State decides to exempt only a narrow subset of [state employees, i.e.,] retirees, the State can comply with [IGI principles] by exempting only the comparable class of federal retirees." *Id.* Thus, under *Dawson's* straightforward analysis, there is no IGI problem here—private contractors dealing with the state government are not exempt under Washington's MWA; therefore, they need not be exempt when they deal with the federal government. The scope of the exemption corresponds to any potential immunity here—and there is no basis to extend the scope of immunity beyond the scope of the MWA's exemption for government institutions.

In fact, the Court already cast doubt on GEO's efforts to utilize State-run institutions, such as the SCC, as comparators for purposes of its IGI analysis. In denying GEO's motion for summary judgment in the Private Class Action, the Court observed that the SCC and other Pierce County facilities were Government-owned and Government-operated, and that contractor involvement in those facilities, if any, appeared to be limited. *Nwauzor* ECF No. 280 at 18. The Court further suggested GEO would need to identify a contractor to succeed in asserting its IGI defense. *Id.* ("There are sufficient questions as to whether GEO points to a *contractor* that was sufficiently similar to it in [the SCC or Pierce County facility].") (emphasis added). In other words, both the Supreme Court and this Court made clear that the proper, legal comparators are set forth in the following chart showing to whom the Washington MWA applies:

Does the Washington State Minimum Wage Apply?

	Government Institution	**Private Contract Facility**
Federal Detainees	No	Yes
State Detainees	No	Yes

As the chart illustrates, the treatment under the MWA is the same for the federal and state governments (MWA does not apply); and for private contractors regardless of with whom they deal (MWA does apply). *See* Brenneke Decl. ¶ 4, Ex. B (June 11 Trial Tr. at 150:23–151:3) (L&I representative testifying that the MWA does not apply to federal facilities). There is no difference based on the employer's status as a federal contractor. And, this is exactly what the

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Court has repeatedly recognized when it denied GEO's IGI summary judgment motions. *See, e.g.,* ECF No. 162 at 6 (noting that "private entities" like GEO are not covered under Wash. Rev. Code § 49.46.010(3)(k) and remain on "equal footing" regardless of whether they are dealing with the federal or state governments).

In sum, the MWA cannot be enforced against GEO in a discriminatory manner. There is no similarly-situated private company doing business with the State that escapes MWA liability. Again, there is no similarly-situated private company doing business with the State at all.

D. Even if GEO Could Be Compared to State-owned and -operated Facilities, GEO Failed to Put Forth Sufficient Evidence that State-owned and -operated Facilities Are Similarly-situated

Assuming arguendo that GEO could be compared to the state government itself, the trial testimony made clear that Government-run facilities are not similarly-situated.

Sarah Sytsma, the Executive Director of Correctional Industries (CI), a subdivision of Washington's DOC, testified that CI provides work to those convicted of committing a crime, who are near the end of their prison sentence, as part of vocational and reentry training. *See* Brenneke Decl. ¶ 4, Ex. B (June 11 Trial Tr. at 12:19–23) ("We train our incarcerated with job skills and we promote positive work ethic, meaning we provide training programs, not only in technical skills but soft skills training as well."). Similarly, Christina Wells, a DSHS representative, testified that its Developmental Disabilities Administration's owned and operated facilities for individuals diagnosed with intellectual disabilities use work programs to train residents to be "as independent as possible[.]" *See id.* at 108:20–109:7, 110:20–111:11.

In contrast, the unrebutted testimony of present and former GEO witnesses who oversee and operate the NWDC work program is that the mission of the NWDC work program is to fulfill the core operational needs of GEO's NWDC facility itself – in food service, laundry, janitorial, and barbershop services. For example, GEO executive Dan Ragsdale testified that detainees "perform work," not "chores," and "it is not supposed to be made-up work,. . . the work is supposed to be meaningful." Brenneke Decl. ¶ 3, Ex. A (June 14 Trial Tr. at 30:8–24).

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If detainee workers did not do the work GEO compensates them to do, including helping to prepare and serve thousands of meals, doing the facility laundry, and keeping the facility clean, "the functions would have to get done" some other way by GEO. *Id.* at 31:3–32:9.

Bertha Henderson, the Food Service Administrator, determined the number of detainees that would be assigned to the food service department, per shift, based upon the *actual needs* of the department. Brenneke Decl. ¶ 6, Ex. D (June 3 Trial Tr. at 159:8–160:15). When detainee worker staffing fell below the set quota of twenty-five to thirty per meal shift, the use of overtime for GEO staff to get the work done was available option. *Id.* at 194:23–197:11. Former Assistant Manager Griffin testified that twenty detainee workers were the "bare minimum" necessary for a meal shift and that when there were fewer, the detainees worked longer shifts, kitchen officers worked overtime, and other GEO officers were recruited to help in the kitchen. *Id.* at 65:3-67:5.

To support the NWDC laundry services, detainee workers load and unload washers and driers, clean lint traps, help make bed rolls for incoming detainees, collect soiled laundry from the pods, and fold clean laundry. Brenneke Decl.¶ 7, Ex. E (June 4 Trial Tr. 129:2–12, 131:12–14, 133:16–134:2, 139:16–21) (testimony of Iolani Menza). Detainee workers clean the floors, take out the trash, clean showers and toilets, and do all of the janitorial work throughout the secure portions of the facility. *See, e.g.*, *id.* ¶ 5, Ex. C (June 7 Trial Tr. at 11:13–12:22) (testimony of David Tracy); *id.* ¶ 8, Ex. F (June 8 Trial Transcript at 107:22–108:1, 108:19–109:9) (testimony of Ryan Kimble). There was no evidence at trial that NWDC's work program includes any vocational rehabilitation, reentry training, or education for the benefit of the detainees themselves.

Even the most similar State-owned and –operated facility, the SCC is not similarly-situated. As Byron Eagle testified, SCC is run by DSHS and serves as "a civil commitment program for sexually violent predators who have been deemed too violent to be released into the community," some of whom have special needs because of developmental disabilities. Brenneke Decl. ¶ 4, Ex. B (June 11 Trial Tr. at 95:19–97:3). DSHS offers residents clinical sexual offender

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treatment, and work as part of a vocational rehabilitation program, and part of individualized treatment programs; "each resident has a treatment plan that is specific to their needs, their risk and then there are components within the treatment plan around their sex offender specific treatment, vocational, religious and release planning." *Id.* at 99:5–100:2. "The goal is to give them, you know, necessary skills and coping mechanisms that will help them if they were to be released into the community." *Id.* at 99:5–9. SCC offers residents work as part of "a vocational program as a component of their treatment." *Id.* at 50:23–24. Work done by residents in treatment at the SCC has the involvement of clinical case managers, includes training not just in job skills but also in how to apply for, interview, and keep a job, "because some of the residents, you know, based on their history may not have held an actual job or they have been incarcerated for so long that some of those skills have been lost." *Id.* at 100:11–102:10.

In light of the obvious differences between the state programs and the NWDC, GEO argued its own expired contract with the DOC suggests the MWA is being applied in a discriminatory manner. But the GEO-DOC contract was never used by DOC and only authorized the detention of state inmates *outside* the State of Washington, where the MWA could never have applied. Brenneke Decl ¶ 9, Ex. G (June 10 Trial Tr. at 72:4–73:11, 83:10–12, 89:15–18, 104:11–22 (testimony of Debra Eisen); ECF No. 312, ¶¶ 5–8 (Eisen Decl.). *See also Nwazour*, ECF No. 280 at 18 (denying GEO's Motion for Summary Judgment based on contract that was never finalized/used, for services out-of-state, and not "sufficiently similar" for IGI purposes).

Unable to find any evidence of a private employer that contracts with the State and is treated better than private employers that contract with the federal government, and unable to establish *itself* as a legal comparator, GEO made a last ditch effort at trial to rely on recent updates to the Department of Labor and Industries' (L&I) administrative policy guidance, ES.A.1, on the applicability of the MWA to create a façade of discrimination. *See* ECF No. 480 at 2-8; ECF No. 480-1; Brenneke Decl. ¶ 10, Ex. H (Defense Exhibit A-321). ES.A.1 is L&I's non-binding guidance that suggests inmates and residents assigned to work on the premises of

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the state-owned facilities where they are incarcerated or detained, but for a private corporation, at rates established and paid for by public funds "are not employees of the private corporation and would not be subject to the MWA." ECF No. 480-1 at 7. *See also* Brenneke Decl. ¶ 10, Ex. H (including a specific disclaimer that ES.A.1 is meant to "provide general information," "may not be applicable to all situations," and "does not replace applicable RCW or WAC standards").

GEO's repeated reference to ES.A.1, which is not law, created the false appearance that there are private companies that contract with the state to run work programs.[2] *See White v. Salvation Army*, 75 P.3d 990, 992 (Wash. Ct. App. 2003) ("[I]t is and always has been for the courts, not administrative agencies, to declare the law and interpret statutes") (quoting *Othello Cmty. Hosp. v. Emp. Sec. Dep't*, 762 P.2d 1149, 1151 (Wash. Ct. App. 1988)). Yet, GEO never produced evidence that any state inmate or resident had ever worked in any state-owned facility for a private corporation, much less that they were paid less than the minimum wage. Even if GEO had, such an arrangement would still not be comparable to the NWDC, in which GEO, a private contractor, operates its own work program within its own *private, corporate* facility.

Beyond creating confusion successful in avoiding a unanimous verdict, GEO produced no evidence that would allow a jury to find in its favor on its IGI defense. Judgment should be entered as a matter of law and the new jury should not receive instruction on this defense.

IV. CONCLUSION

The Court should dismiss GEO's IGI discrimination defense. Whether IGI shields GEO from immunity is a question of law—not fact—and it is clear that it does not apply to GEO as a matter of law. The MWA is a facially neutral law that does not single out private employers who contract with the federal government. Since GEO also failed to present evidence that the MWA is being enforced against GEO in a discriminatory manner, the Court should enter a directed verdict and dismiss GEO's IGI discrimination defense.

[2] The jury confirmed that GEO's references to ESA.1 caused confusion during its deliberations. The only exhibit the jury cited in its questions to the Court was Defense Exhibit A-321, i.e., ES.A.1, a guidance that is not the law nor part of the Court's jury instructions. ECF No. 491 at 2.

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DATED this 15th day of July 2021.

Respectfully submitted,

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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 15th day of July 2021.

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The Honorable Robert J. Bryan

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

[PROPOSED] ORDER GRANTING PLAINTIFF STATE OF WASHINGTON'S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW

NOTE ON MOTION CALENDAR:
July 30, 2021

Having considered all legal authority, briefing, and argument submitted to the Court on this matter, it is hereby ORDERED, ADJUDGED AND DECREED that Plaintiff State of Washington's Renewed Motion for Judgment as a Matter of Law on GEO's Intergovernmental Immunity (IGI) Discrimination Defense is GRANTED.

The Court hereby ENTERS JUDGMENT AS A MATTER OF LAW against Defendant The GEO Group, Inc. on the defense of Intergovernmental Immunity.

IT IS SO ORDERED.

DATED this _____day of _____ 2021.

_____
ROBERT J. BRYAN
United States District Judge

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