

The Honorable Robert J. Bryan

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UGOCHUKWU GOODLUCK  
NWAUZOR, FERNANDO AGUIRRE-  
URBINA, individually and on behalf of all  
those similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida  
corporation,

Defendant.

No. 17-cv-05769-RJB

FIRST AMENDED CLASS  
ACTION COMPLAINT FOR  
DAMAGES

**I. NATURE OF ACTION**

1.1. Plaintiffs bring this class action on behalf of all civil immigration detainees who performed work for The GEO Group, Inc. (“GEO”) at its Northwest Detention Center (“NWDC”) in Tacoma, Washington at any time during the three years prior to the filing of the initial complaint in this action and thereafter.

1.2. Plaintiffs seek to recover wages under the Washington Minimum Wage Act (“MWA”), RCW 49.46, *et seq.*, as well as other damages allowable under state law, for the wages that GEO denied them and the class they represent.

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**II. JURISDICTION AND VENUE**

2.1. This Court has jurisdiction of Plaintiffs' claims pursuant to 28 U.S.C. § 1332(d). The class that Plaintiffs propose to represent includes more than 100 members, one or more members of the putative class are citizens of a foreign state or a different State than Defendant, and the amount in controversy in the matter exceeds the sum of \$5,000,000.

2.2. Venue is proper in this district because all or a substantial part of the relevant acts and omissions alleged herein took place in Pierce County in the Western District of Washington.

**III. PARTIES**

3.1. Plaintiff Ugochukwu Goodluck Nwauzor resides in Kent, Washington, and was detained at NWDC in Tacoma, Washington, from approximately February 2016 until January 2017. Mr. Nwauzor is a citizen of Nigeria, but was granted asylum by the United States in approximately January 2017.

3.2. Plaintiff Fernando Aguirre-Urbina resides at NWDC in Tacoma, Washington, where he has been detained since around September 2012. Mr. Aguirre-Urbina is a citizen of Mexico.

3.3. Defendant GEO is a for-profit corporation incorporated under the laws of Florida and transacting business in Pierce County, Washington. GEO is an employer under the MWA.

**IV. FACTUAL ALLEGATIONS**

4.1. GEO is a for-profit corporation providing correctional, detention, and community reentry services. GEO's 2016 revenues were over \$2 billion, and its stock is

1 publicly traded on the New York Stock Exchange.

2 4.2. Since 2005, GEO has owned and operated NWDC, which is a 1,500 bed  
3 immigration detention facility in Tacoma, Washington.

4 4.3. GEO contracts with the U.S. Immigration and Customs Enforcement (“ICE”)  
5 for the detention of adult civil detainees, who are awaiting resolution of various immigration  
6 matters. GEO’s contract with ICE requires GEO to comply with state and local laws.

7 4.4. Rather than hire from the local workforce, GEO relies upon captive detainee  
8 workers to clean, maintain, and operate NWDC.

9 4.5. GEO’s NWDC Detainee Handbook describes detainee work assignments as  
10 including kitchen and laundry work, as well as recreation/library/barber and janitorial  
11 services. The Handbook refers to these various tasks as “work” and a “job,” and references  
12 “wages earned” by detainee “workers.”

13 4.6. The detainee workers are “employees,” and GEO is an “employer” under  
14 Washington’s minimum wage laws. GEO employed and continues to employ the detainee  
15 workers by engaging, suffering, or permitting them to work on its behalf.

16 4.7. For all of the labor they perform, GEO pays each detainee worker only \$1 per  
17 day, regardless of the number of hours they worked.

18 4.8. In some cases, GEO does not pay detainee workers at all, compensating them  
19 instead with more and better food than the facility’s standard fare.

20 4.9. GEO does not pay and has not paid detainee workers the state minimum wage  
21 for the hours they worked at NWDC.

22 4.10. Plaintiffs have performed work for GEO at NWDC and have not been paid the  
23 state minimum wage for the work they performed.

1 4.11. The current hourly minimum wage in Washington is \$11.50 per hour.

2 4.12. GEO's pay policies violate Washington minimum wage laws.

3 **V. CLASS ALLEGATIONS**

4 5.1. Plaintiffs seek to represent all civil immigration detainees who perform or  
5 have performed work for GEO at NWDC at any time during the three years prior to the filing  
6 of the initial complaint in this matter and thereafter.

7 5.2. This action is properly maintainable as a class action under Fed. R. Civ. P.  
8 23(a) and (b)(3).

9 5.3. Pursuant to Rule 23(a)(1), the class as described is so numerous it is  
10 impracticable to join all of the class members as named Plaintiffs.

11 5.4. Pursuant to Rule 23(a)(2), there are common questions of law and fact  
12 including, but not limited to, whether (a) GEO is an "employer" under the MWA, (b) the  
13 detainee workers are "employees" under the MWA, and (c) whether GEO violated the MWA  
14 by failing to pay detainee workers the statutory minimum wage.

15 5.5. Pursuant to Rule 23(a)(3), the named Plaintiffs' claims are typical of the  
16 claims of all class members and of GEO's anticipated defenses to their claims.

17 5.6. The named Plaintiffs will fairly and adequately protect the interests of the  
18 class as required by Rule 23(a)(4).

19 5.7. Pursuant to Rule 23(b)(3), class certification is appropriate here because  
20 questions of law or fact common to members of the class predominate over any questions  
21 affecting only individual members and because a class action is superior to other available  
22 methods for the fair and efficient adjudication of this controversy.

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1 **VI. LEGAL CLAIM**

2 **VIOLATION OF THE WASHINGTON MINIMUM WAGE ACT**

3 6.1. Plaintiffs and the proposed class members are “employees” under  
4 RCW 49.46.010(3).

5 6.2. Defendant is an “employer” within the meaning of RCW 49.46.010(4).

6 6.3. Defendant’s practice of paying subminimum wages to Plaintiffs and the  
7 proposed class members violates RCW 49.46.020.

8 6.4. Plaintiffs and the proposed class have been harmed by Defendant’s practice of  
9 paying subminimum wages, and they are entitled to damages in amounts to be proven at trial.

10 **VII. RELIEF REQUESTED**

11 In light of the above, Plaintiffs pray that the Court grant them the following relief:

- 12 1. Certify this case as a class action;
- 13 2. Damages for lost wages in amounts to be proven at trial;
- 14 3. Attorneys’ fees and costs pursuant to RCW 49.46.090 and RCW 49.48.030;
- 15 4. Prejudgment interest; and
- 16 5. Such other relief as is just and proper.

17 DATED this 13th day of June, 2018.

18 **SCHROETER GOLDMARK & BENDER**  
19 *s/ Jamal N. Whitehead*

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED at Seattle, Washington this 13th day of June, 2018.

*s/ Sheila Cronan*

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