

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,

Plaintiff,

v.

THE GEO GROUP, INC., a Florida  
corporation,

Defendant.

No. 3:17-cv-05769-RJB

STIPULATED MOTION AND  
[PROPOSED] ORDER  
MODIFYING SCHEDULING  
ORDER

NOTE ON MOTION CALENDAR:  
August 29, 2018

**STIPULATION**

Pursuant to Federal and Local Rule of Civil Procedure 16, the parties, by and through their respective counsel, respectfully and jointly move the Court for a 180-day continuance of the trial date and other case deadlines. Counsel for the parties have conferred and agree that good cause exists to modify the case schedule, with reference to the following:

1. On January 3, 2018, the Court issued a Minute Order Setting Jury Trial and Pretrial Dates, scheduling a 15-day jury trial to commence on March 4, 2019. Dkt. No. 35.
2. Since then, the parties have diligently advanced the litigation by engaging in extensive motion practice, including Plaintiff’s Motion to Dismiss for Failure to State a Claim

1 (Dkt. No. 37), Defendant’s Motion to Dismiss for Failure to Join a Required Party (Dkt. No.  
2 51), Defendant’s Motion to Deny Class Certification (Dkt. No. 69), Plaintiff’s Motion for Class  
3 Certification (Dkt. No. 86), and Defendant’s Motion to Dismiss for Lack of Subject Matter  
4 Jurisdiction (Dkt. No. 91).

5           3.       On August 6, 2018, the Court certified this matter as a class action, ordering the  
6 parties to jointly present a Class Notice and notice plan to the Court by September 5, 2018.  
7 (Dkt. No. 114).

8           4.       The parties held telephone conferences on August 23 and 27, 2018, to discuss  
9 upcoming scheduling deadlines and a class notice plan, among other things.

10           5.       Plaintiffs have requested a class list to contain, at a minimum, the names, A-  
11 numbers, last known addresses, nationality, and dates of detention at the Northwest Detention  
12 Center of each class member. Defendant is in the process of investigating the availability of  
13 such information and must also confer with U.S. Immigration and Customs Enforcement  
14 (“ICE”) before releasing responsive information. Defendant anticipates that this process will  
15 take some time. Most importantly, certain information may be subject to ICE’s additional  
16 review and approval, or may be available only from ICE (requiring third-party discovery). The  
17 parties’ experience to date suggests that the attendant delays inherent in ICE’s bureaucratic  
18 processes, are certain to slow down the exchange of information for reasons completely out of  
19 the parties’ control.<sup>1</sup>

20           6.       Under these circumstances, it is difficult for the parties to fully meet and confer  
21 to develop a notice plan to present to the Court. Further, once a notice plan is approved, it will  
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25 <sup>1</sup> As the Court is aware from the *State of Washington v. Geo* case, the ICE review process takes a significant  
26 amount of time because of ICE’s resource constraints and other obligations. These factors are outside the  
control of the parties.

1 take additional time to implement, as many members of the class have likely been repatriated  
2 or may be otherwise difficult to locate.

3 7. In light of the foregoing, the parties respectfully request a trial continuance of  
4 180 days.

5 8. The parties have not previously requested a continuance of the trial date.

6 9. The Parties bring this Stipulated Motion in good faith and without intent to  
7 cause undue delay, prejudice, or expense on any other party or this Court.  
8

9 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS  
10 FOLLOWS:

11 1. The following dates on the Court’s January 3, 2018, Minute Order Setting Jury  
12 Trial and Pretrial Dates shall be modified as shown below:

<u>EVENT</u>	<u>CURRENT DATE</u>	<u>NEW DATE</u>
TRIAL DATE	March 4, 2019	September 3, 2019
Expert Disclosure	September 5, 2018	March 4, 2019
Discovery Motions	October 15, 2018	April 15, 2019
Discovery Cutoff	November 5, 2018	May 6, 2019
Dispositive Motions	December 4, 2018	June 3, 2018

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21 2. The remaining dates on the Minute Order Setting Trial Date & Related Dates  
22 (*i.e.*, motions *in limine*, pretrial order, trial briefs, etc.), being largely dependent on the trial  
23 date, shall be set by the Court once the new trial date is set.

24 3. The deadline for submitting a proposed Class Notice and Notice Plan to the  
25 Court shall be extended from September 5 to October 8, 2018.

26 4. This Order shall not revive pretrial deadlines that have already expired.

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SO STIPULATED this 29th day of August, 2018.

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*s/ Jamal Whitehead*

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**ORDER**

IT IS SO ORDERED:

DATED this \_\_\_\_\_ day of August, 2018.

\_\_\_\_\_  
ROBERT J. BRYAN  
United States District Judge

Jointly Presented by:

SCHROETER GOLDMARK & BENDER

*s/ Jamal Whitehead*

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2018, 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 29<sup>th</sup> day of August, 2018.

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