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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **EASTERN DIVISION**

13 **RAUL NOVOA**, individually and on
14 behalf of all others similarly situated,

15 *Plaintiff,*

16 v.

17 **THE GEO GROUP, INC.,**

18 *Defendant.*
19
20

Civil Action No. 5:17-cv-02514-JGB-SHKx

**PLAINTIFF'S NOTICE OF
SUPPLEMENTAL AUTHORITY**

Date: August 20, 2018
Time: 9:00 am
Courtroom: 1
Judge: The Honorable Jesus G. Bernal

21 **PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY**
22

23 As supplemental authority in support of his Opposition to GEO's Second Motion
24 to Dismiss, Plaintiff respectfully submits the attached opinion issued on August 6, 2018
25 in *Nwauzor et al. v. The GEO Group, Inc.*, 3:17-cv-05769-RJB (W.D. Wash.). *Nwauzor*,
26

1 formerly captioned *Chen v. The GEO Group, Inc.*, is a challenge to GEO’s failure to pay
2 the Washington minimum wage to civil immigration detainees at its facility in Tacoma.¹
3

4 In its opinion, the U.S. District Court for the Western District of Washington
5 denied GEO’s motion to dismiss on grounds of derivative sovereign immunity under
6 *Yearsley v. W.A. Ross Constr. Co.*, 309 U.S. 18 (1940). The *Nwauzor* Court concluded that:

7
8 Applied here, as to the first Yearsley prong, a relevant inquiry for
9 immunity to attach is whether the government must have authorized only
10 a \$1 per day wage rate for detainees participating in the Volunteer Worker
11 Program (VWP) at the Northwest Detention Center (NWDC), or if, in
12 addition, whether the government must have also authorized an exception
13 to the requirement that GEO must abide by the “most stringent” of
14 “applicable federal, state and local labor laws”; and if so, whether that
15 authority was validly conferred. Also relevant is whether the government
16 did, in fact, authorize the \$1 per day wage rate.

17 Resolving these issues, at least at this stage, appears to be intertwined with
18 the merits of the case. The record on these issues may not yet be fully
19 developed. The Court should refrain from reaching their merits at present.
20

21 *Id.* at 2.

22 The court also rejected GEO’s request for “fresh consideration” of arguments
23 the court had already considered and decided in prior orders. *Id.* at 3 (denying GEO’s
24 motion to dismiss based on preemption, the applicability of the Washington Minimum
25 Wage Act, and failure to join ICE and DHS).
26

¹ **Exhibit A:** Order on Defendant The GEO Group, Inc.’s Motion to Dismiss Plaintiff’s First Amended Complaint, *Nwauzor v. The GEO Group, Inc.*, 3:17-cv-05769-RJB (W.D. Wash. Aug. 6, 2018). *See also* **Exhibit B:** Transcript of the Oral Argument, *Nwauzor v. The GEO Group, Inc.*, 3:17-cv-05769-RJB (W.D. Wash. Aug. 2, 2018).

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Dated: August 7, 2018

/s/ Korey Nelson

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CERTIFICATE OF SERVICE

On August 7, 2018, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Central District of California, using the electronic case filing system. I hereby certify that I have provided copies to all counsel of record electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Korey Nelson

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