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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

CASE NO. 3:17-cv-05806-RJB

ORDER GRANTING IN PART AND
CONTINUING IN PART
DEFENDANT THE GEO GROUP,
INC.'S MOTION FOR
PROTECTIVE ORDER AND
INVITING PLAINTIFF TO FILE
SUPPLEMENTAL RESPONSE

THIS MATTER comes before the Court Defendant The GEO Group, Inc.'s Motion for Reconsideration. Dkt. 87. The Court has considered the motion and the remainder of the file herein, including the prior order for which Defendant requests reconsideration, the Order on (1) Defendant the GEO Group, Inc.'s Motion for Protective Order, (2) Plaintiff the State of Washington's Motion to Compel Production of Documents by Defendant, and (3) Plaintiff the State of Washington's Motion for Relief from Deadline. Dkt. 86. Because the relief Defendant

1 requests has changed since the filing of the motion, the motion should be granted in part and
2 continued in part to give Plaintiff the opportunity to file any supplemental briefing.

3 1. Agreed request to modify Protective Order.

4 The prior Order (Dkt. 86) added the following paragraph as ¶13 to the Protective Order
5 (Dkt. 70 at 3):

6 Detainees' identity and personally identifiable information covered by the letter and spirit
7 of the Privacy Act, 5 U.S.C. § 552a. Detainees shall be referred to by their initials only in
all exchange of discovery.

8 Dkt. 86 at 13. The parties are agreed that ¶13 should be amended to read:

9 Detainees' identity and personally identifiable information covered by the letter and spirit
10 of the Privacy Act, 5 U.S.C. § 552a. Detainees shall be referred to by their initials only in
all **pleadings absent further order by the Court.**

11 Dkt. 87-1 (emphasis added); Dkt. 92 at 3.

12 The proposed amendment to the Protective Order is agreeable to the Court. To that
13 extent, Defendant's motion is HEREBY GRANTED IN PART. The Protective Order (Dkt. 70) is
14 so amended.

15 2. Opposed request to modify Protective Order.

16 Defendant also seeks to add a paragraph that would modify ¶9 of the Protective Order,
17 which concerns the Washington Public Records Act. Dkt. 95-3 at 11. Defendant proposes the
18 following:

19 All records marked confidential by or from the U.S. Immigration and Custom's
20 Enforcement (specifically containing third party personally identifiable information) *or*
21 any records marked confidential by or from the GEO Group that contain personally
22 identifiable information of detainees shall be considered federal records and shall not be
23 subject to the provisions in paragraph 9 of the Protective Order in this matter entered by
the Court on June 26, 2018, referring to the Washington Public Records Act, as well as
24 any subsequent Protective Orders that may be entered that refer to the same Act. To the
extent that such records are responsive to a request received under that Act, those records
shall be referred in full to ICE to be processed in accordance with the Freedom of
Information Act, Privacy Act, as well as any other applicable Federal Laws.

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2 Defendant added this request in its Reply, based on a letter from ICE dated after the filing of
3 Defendant's motion. *See* Dkt. 95-1.

4 Anticipating that Defendant might seek to add the additional paragraph, Plaintiff
5 requested the opportunity to brief the issue, if raised. Dkt. 92 at FN 1.

6 Defendant's motion should be HEREBY CONTINUED IN PART as to the request to
7 modify the Protective Order to include the above paragraph, and to that extent, the motion is
8 RENOTED IN PART for consideration on **Friday, August 17, 2018**. Plaintiff may file a
9 Supplemental Response, if any, by Friday, August 17, 2018, not to exceed five (5) pages in
10 length.

11 3. Request for additional time for production of discovery.

12 The prior Order states: "All discovery submitted with GEO's first request for review by
13 ICE, but not part of the resubmission, shall be produced by Friday, July 27, 2018." Dkt. 86 at 13,
14 ¶4. Further, it was ordered that Defendant produce "all discovery resubmitted for review by ICE,
15 and thereafter approved by ICE for production," by Friday, August 31, 2018." *Id.* at ¶7.

16 Defendant represents that it has produced over 2,000 documents previously marked for
17 ICE review but not resubmitted. Dkt. 94 at 4. Defendant further represents that it has not yet
18 produced approximately 29,000 documents withheld because of the pending disagreement over
19 redaction. *Id.* at ln 15, 16 ("While many [documents that required redaction] . . . will be
20 produced subject to the proposed Amended Protective Order . . ."). *See above*. Defendant now
21 asks the Court to "clarify that all documents that were formerly designated for ICE review and
22 not resubmitted be produced by August 31, 2018." *Id.*

23 Plaintiff did not address Defendant's request for additional time. *See* Dkt. 92.

1 Defendant's motion is HEREBY GRANTED IN PART as to the request for additional
2 time. Defendant has until August 31, 2018 to produce documents previously submitted to ICE
3 but determined not to require ICE review.

4 IT IS SO ORDERED.

5 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
6 to any party appearing *pro se* at said party's last known address.

7 Dated this 13th day of August, 2018.

8 

9 ROBERT J. BRYAN
10 United States District Judge