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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 HUGO GONZALEZ, et al., on behalf of
13 themselves and all others similarly
situated,

14 Plaintiffs,

15 v.

16 The GEO Group, Inc., et al.

17 Defendant.
18
19

Case No.: 2:22-cv-04014-JGB-ACCV

**NOTICE OF MOTION AND
MOTION TO UNSEAL COURT
RECORDS**

Date: March 2, 2026

Time: 9:00 a.m.

Courtroom: 1 (Riverside)

Judge: Hon. Jesus G. Bernal

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TABLE OF CONTENTS

TABLE OF CONTENTS i

MEMORANDUM OF POINTS AND AUTHORITIES..... 1

INTRODUCTION 1

BACKGROUND 1

PROCEDURAL HISTORY 6

ARGUMENT..... 7

 I. GEO Has Failed to Demonstrate Compelling Reasons to Seal Any of
 the Sealed Records. 9

 A. The Compelling Reason Standard Applies Because The Sealed
 Materials Are Directly Related to The Merits of This Case. 10

 B. GEO Has Failed to Establish that Maintaining the “Safety and
 Security” of Adelanto Is a Compelling Reason for Sealing..... 11

 C. GEO Has Failed to Demonstrate that Protecting its “Trade
 Secrets” or Other Business Information Is a Compelling
 Reason for Sealing..... 16

 D. GEO Has Largely Failed To Provide Evidence Demonstrating
 the Factual Basis for Any of Its Arguments..... 19

 II. The Public’s Significant Interest in The Performance of Public Functions is
 Not Outweighed By GEO’s Desire for Secrecy..... 21

 III. This Court Should Reissue Orders Explaining The Compelling Reason That
 Outweighs The Public’s Interest For Each Document or Video That Remains
 Sealed..... 24

CONCLUSION..... 25

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Am. C.L. Union Found. of S. Cal. v. U.S. Immigr. & Customs Enft</i> , 739 F. Supp. 3d 805 (C.D. Cal.), <i>reconsideration denied</i> , 347 F.R.D. 518 (C.D. Cal. 2024).....	22
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<i>Beaulieu Grp., LLC v. Bates</i> , No. EDCV151090JGBKKX, 2016 WL 11811633 (C.D. Cal. Sept. 13, 2016) (Bernal, J., presiding).....	19
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2

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 No. 2:24-CV-02924-DAD-CSK, 2025 WL 1285728 (E.D. Cal. May 2,
 2025) 2

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 No. 118CV00774NODJEPGPC, 2024 WL 583685 (E.D. Cal. Feb. 13,
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 No. 13-CV-02354-BLF, 2023 WL 5418753 (N.D. Cal. Aug. 21, 2023)..... 21

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 438 U.S. 1 (1978)..... 24

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 No. 6:19-CV-01883-AA, 2023 WL 3994287 (D. Or. June 14, 2023)..... 19

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 No. 21-12929, 2023 WL 3309828 (E.D. Mich. May 8, 2023) 15

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 575 F. Supp. 3d 1212 (N.D. Cal. 2021) 13

24

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 5:23-cv-00481, Dkt. 491 (C.D. Cal. Dec. 16, 2025)..... 4

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 No. 5:18-cv-01125, Dkt. 205 4

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 222 F. Supp. 3d 782 (C.D. Cal. 2015) 13

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 No. 2:11-CV-1240 JAM AC, 2014 WL 1671589 (E.D. Cal. Apr. 28,
 2014) 15

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 No. 19-4163, 2021 WL 1327795 (10th Cir. Apr. 9, 2021)..... 15

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13

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 No. EDCV 20-00768 TJH, 2020 WL 5797918 (C.D. Cal. Sept. 29, 2020) 4

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 No. EDCV200768, 2020 WL 6588399 (C.D. Cal. July 16, 2020)..... 18

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 No. CV1200428DDPSHX, 2023 WL 7429105 (C.D. Cal. Nov. 8, 2023) 14

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 No. 3:24-CV-05392-TMC, 2025 WL 2697140 (W.D. Wash. Sept. 22,
 2025) 21

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 714 F. Supp. 3d 1214 (C.D. Cal. 2024) 16, 23

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 870 F.3d 1086 (9th Cir. 2017)..... 22

24

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Term 28–30 (2026)..... 23

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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Adelanto ICE Processing Center (“Adelanto”) has been stuck in a cycle of inhumane conditions, protests, and retaliation for over a decade. The 2020 COVID-19 pandemic brought the facility to a breaking point. Community organizations, press, and elected officials refused to let Defendant GEO Group’s (“GEO”) treatment of people detained at Adelanto go unnoticed by the public and the courts. As Plaintiffs allege, when protests occurred inside and outside the facility, GEO used lockdowns and physical force to try to silence the calls for accountability. The facility stood nearly empty after a court functionally closed it in 2020. GEO’s efforts to hide what occurred in Adelanto that summer continues today as

GEO capitalizes on the “unprecedented growth opportunity” presented by the ongoing campaign of unlawful federal immigration enforcement. Adelanto is once again at capacity, full of people swept up by masked agents terrorizing communities across Southern California. Again, reports of protests and retaliation are emerging. The public has a right to know what has happened inside Adelanto and evaluate GEO’s conduct—and the system that enables their continued operation—for themselves.

BACKGROUND

Since 2011, when GEO began to manage Adelanto, there have been dozens of lawsuits filed against GEO and its employees alleging violations of civil rights, labor, and tort law. Mere days ago, another lawsuit was filed against Immigration and Customs Enforcement (“ICE”) alleging “dangerous conditions and pervasive abuses” inside Adelanto. *L.T. et al. v. U.S. Immigr. & Customs Enf’t*, No. 5:26-cv-00322, Dkt.

1 ¶ 1 (C.D. Cal. Jan. 26, 2026). Meanwhile, GEO has previously and is currently
2 actively working to fight government oversight.¹

3 The allegations in *L.T.* mirror what oversight bodies have documented over
4 the past fifteen years. Inspectors from DHS oversight bodies like the Office for Civil
5 Rights and Civil Liberties (CRCL) visited numerous times in 2015 and 2017 and
6 found that dozens of detention standards being violated.² These visits were
7 prompted by alarming complaints from inside Adelanto, including ones related to
8 the treatment of hunger strikers at the facility. In the 2015 CRCL report, one
9 investigator stated that Adelanto’s “seriously deficient” medical care likely
10 contributed to the death of a person detained there but felt that the “most egregious
11 failure to provide care” involved the management of two groups of hunger strikers.³
12 The report provided dozens of recommendations for corrective action to be
13 undertaken within 90 days. Ultimately, one of the investigators concluded that if

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17 ¹ GEO has filed multiple cases challenging state laws that provide private detention
18 oversight power to state officials. *See Geo Grp., Inc. v. Inslee*, 151 F.4th 1107 (9th
19 Cir. 2025); *Geo Grp., Inc. v. Newsom*, No. 2:24-CV-02924-DAD-CSK, 2025 WL
20 1285728 (E.D. Cal. May 2, 2025).

21 ² “ICE continues to utilize facilities that demonstrate a pattern of violating [their]
22 own detention standards. Adelanto is a perfect example.” Staff of H.R. Comm. on
23 Homeland Sec., 116th Cong., *ICE Detention Facilities: Failing to Meet Basic
24 Standards of Care* 11-12 (Sept. 21, 2020), <https://bit.ly/4c4CY6K> (summarizing
oversight bodies’ previous findings).

³ *See Subject-Matter Experts’ Report on Adelanto Correctional Facility*, Dep’t of
Homeland Sec. Off. for C.R. & C.L., 41–43 (Mar. 1, 2016),
[https://www.documentcloud.org/documents/23873555-17-adelanto-detention-
facility/#document/p51/a2364425](https://www.documentcloud.org/documents/23873555-17-adelanto-detention-facility/#document/p51/a2364425) (reporting on December 2015 onsite
investigation).

1 the timeline could not be met, “[they] would recommend that ICE pull [detained
2 people] from this facility.”⁴

3 Almost none of the 2015 recommendations were implemented, and people
4 inside continued to protest, be retaliated against, and in some cases, die.⁵ Between
5 the two CRCL visits in December 2015 and November 2017, there were four deaths
6 and seven suicide attempts.⁶ Again, the 2017 report describes hunger strikers
7 protesting the inhumane conditions and their mistreatment by Adelanto staff.⁷ The
8 protestors were met with force and sprayed with pepper spray. They were given no
9 way to properly decontaminate themselves because the facility lacked cold water—
10 a “significant issue with the decontamination process.” The 2017 report bears
11 disturbing similarities to the previous report—something pointed out by the
12 investigators themselves—and included a notable additional recommendation that
13 Adelanto “must provide access to a cold-water shower” in both buildings for future
14

15 ⁴ *Id.* at 44.

16 ⁵ In total, ten people have died at Adelanto—two in the last few months alone.
17 Anthony Victoria, *As ICE Arrests Continue, Advocates Warn Adelanto Detention*
18 *Facility Conditions Put Immigrants at Risk*, KVCR News (Aug. 15, 2025),
19 <https://perma.cc/2DAH-UNL8>; Memo Torres, *Tear Gas, Censorship, and Medical*
20 *Neglect At The GEO Owned Adelanto ICE Processing Center*, L.A. Taco (Dec. 19,
21 2025), <https://perma.cc/UV2J-TDUD>.

22 ⁶ Paloma Esquivel, *‘We don’t feel OK here’: Detainee deaths, suicide attempts and*
23 *hunger strikes plague California immigration facility*, L.A. Times (Aug. 8, 2017),
24 <https://perma.cc/ZX9N-JY88>; Off. Inspector Gen., U.S. Dep’t of Homeland Sec.,
Report 18-86, *Management Alert - Issues Requiring Action at the Adelanto ICE*
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<https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>
(summarizing suicide attempts).

⁷ *Subject-Matter Experts’ Report on Adelanto Correctional Facility*, Dep’t of
Homeland Sec. Off. for C.R. & C.L., 15 (Nov. 16, 2017),
<https://www.documentcloud.org/documents/6278922-HQ-Part2-Copy/>

1 decontamination processes.⁸ Eight of the 2017 hunger strikers filed a lawsuit against
2 GEO and other people and entities responsible for Adelanto.⁹

3 Inhumane conditions continued to plague people detained at Adelanto and
4 took on new dimensions with the arrival of the COVID-19 pandemic. In addition to
5 this action, at least three other lawsuits have been filed based on GEO’s alleged
6 mistreatment of people in its custody. One case challenged the facility’s response
7 to COVID-19, which was so inadequate that a judge ordered the release of nearly
8 half of the people detained.¹⁰ Another case challenged GEO’s practice of near-
9 constant spraying of the highly toxic chemical HDQ Neutral. As this Court noted
10 in that case, the undisputed facts showed that people inside Adelanto knew they
11 were being injured by the spray, told GEO staff, and begged them to stop, but “GEO
12 officers continued to spray, [causing] harm and injury without consent.” *Ligaya*
13 *Ronduen, et al. v. Geo Group, Inc., et al.*, 5:23-cv-00481, Dkt. 491 at 10 (C.D. Cal.
14 Dec. 16, 2025).

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18 ⁸ *Id.* at 19, 25, 41. These issues allegedly persist in January of 2026, a guard
19 “threatened to pepper spray” a person for requesting medical attention and there are
20 still “showers that only have scalding hot water.” *L.T. et al.*, No. 5:26-cv-00322,
21 Dkt. 1 ¶¶ 55, 105.

22 ⁹ The case settled four days before trial and all claims were dismissed with
23 prejudice. *Martinez et al. v. GEO Group, Inc., et al.*, No. 5:18-cv-01125, Dkt. 205.

24 ¹⁰ *Roman v. Wolf*, No. EDCV 20-00768 TJH (PVCX), 2020 WL 5797918 (C.D. Cal.
Sept. 29, 2020) (incorporating Ninth Circuit memorandum ruling later published as
Roman v. Wolf, 977 F. 3d 935 (9th Cir. 2020)); Andrea Castillo, *Once on the brink*
of closure, Adelanto facility will resume detaining immigrants, L.A. Times (Jan. 29,
2025), <https://perma.cc/5YDV-LQ22> (reporting the population at Adelanto in
January 2025 was only two people).

1 In response to these conditions, community groups and loved ones repeatedly
2 rallied and pushed for closure of the facility.¹¹ They sent complaints to ICE,
3 contacted their congressional representatives, and started an online petition that
4 garnered over a quarter million signatures.¹² Members of the community also
5 protested at Adelanto on numerous occasions and, as social unrest grew across the
6 country, so did the protests.¹³ By June 7, 2020, there were hundreds of people
7 rallying outside of Adelanto.¹⁴ The external protests prompted GEO to issue internal
8 lockdowns, with people locked in their cells for upwards of 23.5 hours a day for
9 multiple days in a row. Dkt. 1 at 2.

10 As alleged by Plaintiffs, on June 12, 2020, a mere forty-eight hours after
11 having been released from the prior three-day long lockdown, incarcerated people
12 received orders to return to their cells due to another rally outside the facility.¹⁵ A
13 group of people decided to protest the lockdown order by remaining in place and
14 refusing to return to their cells. Despite the calm and orderly demeanor of the group,
15 GEO officers “indicated an intent to hurt and punish [them] in retaliation for their
16 peaceful protest,” just as officers had done “[e]xactly three years prior.” Dkt. 1 ¶ 5.

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19 ¹¹ Benjamin Purper, *Activists Rally Outside Adelanto ICE Processing Center*,
KVCR News (May 29, 2020), <https://perma.cc/L739-WRD9>.

20 ¹² Chantal Da Silva, *Thousands Sign Bid to Stop ICE Alleged Use of Damaging*
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21 *Immigrants, Advocates, Members of Congress Decry Chemical Use at ICE Facility*
in Adelanto, The Desert Sun (June 27, 2020), <https://perma.cc/79MB-HBM6>.

22 ¹³ Elly Yu, *Immigrant Detainees at Adelanto Say Officers Pepper-Sprayed Them for*
Peacefully Protesting, LAIST (June 22, 2020), <https://perma.cc/3GQ6-MFBS>.

23 ¹⁴ *Id.* (collecting sources about June 7, 2020 protest).

24 ¹⁵ *Id.*

1 GEO’s Correctional Emergency Response Team (“CERT”) stormed the unit and
2 blanketed everyone—protestor or otherwise—with pepper bullets and spray. *Id.* ¶
3 4. “After the incident, Plaintiffs were kept locked in their cells for over a month. . .
4 . Their showers were limited as well as their phone calls.” Dkt. 1 ¶ 36.

5 **PROCEDURAL HISTORY**

6 Five people formerly detained at Adelanto brought this action in June 2022
7 on behalf of themselves and all others similarly situated (collectively “Plaintiffs”).
8 They alleged violations of the First, Fourth, Fifth, and Fourteenth Amendments, and
9 state tort law. Dkt. 1 ¶¶ 50–51. The Court entered a Stipulated Protective Order that
10 instructed the parties to comply with Civil Local Rule 79-5 when seeking to seal
11 any materials. Dkt. 29 at 1. To date, the Parties have filed six applications to seal,
12 five of which are relevant to this Motion. *See* Exhibit B, Table.

13 Plaintiffs filed three applications, seeking to seal over twenty exhibits. Dkts.
14 56, 87, and 90. As grounds for sealing, Plaintiffs explained that, with the exception
15 of a few exhibits, only GEO maintained that sealing was appropriate. Dkt. 56 at 3;
16 Dkt. 87 at 2; *See* Dkt. 90 at 1. In turn, GEO, as the designating party, was required
17 to file responsive declarations establishing that the materials warranted sealing.
18 Local Rule 79-5.2.2(b)(i). GEO did not do so in response to Plaintiffs’ first and
19 second applications. *See* Dkts. 56, 87. Plaintiffs’ applications were granted and all
20 exhibits, including the nineteen for which no reason to seal had been identified by
21 GEO, were sealed. Dkt. 113.

22 GEO applied to seal documents twice, seeking to seal over forty exhibits.
23 Dkt. 60, 71. The Court granted the application to seal without the benefit of the
24 Parties’ briefing on the need for secrecy. Dkt. 61; *see* Dkts. 70, 83. GEO’s second

1 application sought to seal three exhibits and Plaintiffs did not file an opposition.
2 Dkt. 71.

3 All applications for sealing materials relate to class certification or summary
4 judgment. *See* Ex. B. In a single minute order, the Court denied summary judgment,
5 granted class certification in part, and granted the then-pending applications to file
6 exhibits under seal, namely docket entries 56, 71, 85, 87, and 90. Dkt. 113. Proposed
7 Intervenor now seek disclosure of fifty-six court records that were sealed by this
8 Court. Dkt. 61, 113. The records are located at docket entries 55, 57, 60, 64, 72, 73,
9 74, 88, and 91. Proposed Intervenor seek to unseal everything that has been sealed
10 with the exception of documents that Plaintiffs maintain should be sealed to protect
11 the privacy interests of Plaintiffs and class members. *See* Dkts. 56 at 1, 60 at 2, 76
12 at 1, 87 at 1; *see also* Ex. B.

13 ARGUMENT

14 Intervenor are media and advocacy organizations that seek to protect one of
15 the most fundamental elements of the American legal system: open access to
16 judicial records and court proceedings. *See generally Richmond Newspapers, Inc.*
17 *v. Virginia*, 448 U.S. 555, 569–73 (1980) (discussing the historical evidence of
18 openness in criminal trials); *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597–
19 99 (1978) (discussing the common law right of access to judicial records);
20 *Courthouse News Serv. v. Planet*, 947 F.3d 581, 591 (9th Cir. 2020) (internal
21 quotation omitted) (the “right of access to civil proceedings and documents fits
22 squarely within the First Amendment’s protections.”) Rooted in both common law
23 and the First Amendment, the right of access “is justified by the interest of citizens
24 in ‘keep[ing] a watchful eye on the workings of public agencies.’” *Kamakana v.*

1 *City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Nixon*, 435
2 U.S. at 598). Such access is “often important to a full understanding of the way in
3 which ‘the judicial process and the government as a whole’ are functioning.”
4 *Associated Press v. U.S. Dist. Ct. for Cent. Dist. of Calif.*, 705 F.2d 1143, 1145 (9th
5 Cir. 1983). In short, court records are presumptively public. And the right of public
6 access is heightened where, as here, the records at issue involve potential
7 misconduct by government contractors. *Richmond Newspapers*, 448 U.S. at 572
8 (“People in an open society do not demand infallibility from their institutions, but
9 it is difficult for them to accept what they are prohibited from observing.”)

10 The burden of demonstrating the sealing is warranted lies with the proponent
11 of secrecy, here, GEO. *Forbes Media LLC v. United States*, 61 F.4th 1072, 1081
12 (9th Cir. 2023). To meet that burden, GEO was required to demonstrate that
13 “compelling reasons” for secrecy exist—and that those reasons are sufficient to
14 overcome the presumption of public access. *Kamakana*, 447 F.3d at 1178. The
15 Ninth Circuit has been clear that meeting the compelling reason standard requires
16 an argument be based in “articulable facts” and exclude “unsupported hypothesis
17 or conjecture.” *Id.* at 1179; *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,
18 1136-38 (9th Cir. 2003) (requiring courts and proponents “specify sufficiently
19 compelling reasons for maintaining a seal over particular documents”). Even if a
20 proponent adequately articulates a compelling reason, the court must
21 “conscientiously balance[] the competing interests” of the public and the party
22 before sealing can occur. *Kamakana*, 447 F.3d at 1179.

23 In this case, the Court sealed over fifty presumptively public court records,
24 including (1) GEO’s brief opposing Plaintiffs’ motion for class certification, (2)

1 exhibits relating to Plaintiffs’ motion for class certification, and (3) exhibits relating
2 to GEO’s motion for summary judgment. Dkts. 61, 113. For many of these records,
3 GEO failed to assert *any reason at all*—let alone compelling reasons. For others,
4 GEO failed to provide the factually specific analysis required for sealing each
5 individual record (or portion of a record), relying instead on conclusory statements
6 naming categories of sealable information or unsupported hypotheticals. Much
7 more is needed to rebut the presumption of access. *See Kamakana*, 447 F.3d at 1182.
8 GEO has failed to establish compelling reasons to seal these records. And even if
9 GEO could show compelling reasons supported by specific facts, any such reasons
10 are insufficient to overcome the strong presumption of public access. *Id.*
11 Accordingly, the Court should unseal the records. If any records are to remain
12 sealed, the Court should make individual findings explaining why the presumption
13 of access is outweighed by compelling reasons in secrecy.

14 **I. GEO Has Failed to Demonstrate Compelling Reasons to Seal Any of**
15 **the Sealed Records.**

16 Proposed Intervenors challenge the sealing of court records found at docket
17 numbers 57, 64, 72, 73, 74, and 88. These records are presumptively public under
18 both common law and the First Amendment. *See Kamakana*, 447 F.3d at 1178
19 (recognizing that the right of access attaches to all judicial documents except those
20 “traditionally kept secret”); *Forbes Media*, 61 F.4th at 1077 (recognizing that, under
21 the First Amendment, “the public generally has presumptive access to judicial
22 opinions, hearings, and court filings”). Because the public right of access attaches
23 to these records, GEO must demonstrate that sealing is justified.

24 The Ninth Circuit has firmly held that “[s]imply mentioning a general
category of privilege, without any further elaboration or any specific linkage with

1 the documents, does not satisfy the burden” for sealing. *Kamakana*, 447 F.3d at
2 1184. In other words, vague, conclusory claims about unspecified risk of harm are
3 not sufficient to show compelling reasons for denying public access. Yet this is
4 exactly what GEO does—repeatedly. For example, GEO claims that disclosure of
5 everything from already publicly filed exhibits to video of common areas in
6 dormitories would undermine the “safety and security” of Adelanto. Dkt. 92, 60.
7 Similarly, GEO asserts that thirty-nine sealed exhibits to their motion for summary
8 judgment, which mainly consist of videos and an after-incident report, contain trade
9 secret information the disclosure of which “could adversely affect GEO’s ability to
10 compete in the jail and prison management industry.” Dkt. 60 at 5.

11 As discussed below, none of GEO’s arguments are unsupported by the factual
12 record, and thus GEO has failed to establish that there are compelling reasons
13 justifying sealing. Their “failure to meet that burden means that the default posture
14 of public access prevails,” *Kamakana*, 447 F.3d at 1182, and the records should be
15 unsealed.

16 **A. The Compelling Reason Standard Applies Because The Sealed**
17 **Materials Are Directly Related to The Merits of This Case.**

18 The public’s right of access to court records is grounded in both common law
19 and the First Amendment. “The First Amendment is generally understood to
20 provide a stronger right of access than the common law.” *Forbes Media*, 61 F.4th
21 at 1081 (internal quotation omitted). If the First Amendment applies, the
22 presumption of public access can only be “overcome by a compelling governmental
23 interest.” *In re Copley Press, Inc.*, 518 F.3d 1022, 1026 (9th Cir. 2008). To
24 overcome the common law presumption of access, the proponent of secrecy “must
point to ‘compelling reasons’ supporting sealing, supported by specific factual

1 findings.” *Forbes Media*, 61 F.4th at 1081 (citing *Kamakana*, 447 F.3d at 1178).
2 Here, the distinction between these two tests is immaterial. As discussed below,
3 GEO cannot carry even the lesser burden under common law, so they necessarily
4 cannot meet the higher constitutional standard.

5 Accordingly, GEO must, at a minimum, “demonstrate compelling reasons”
6 to keep under seal any documents that are “more than tangentially related to the
7 merits,” regardless of whether the underlying legal issues are technically
8 dispositive. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1103 (9th
9 Cir. 2006). Here, the sealed exhibits were submitted in support of summary
10 judgment and class certification briefing—both squarely related to the merits of the
11 case. *See e.g., id.* at 1098 (using summary judgment as the example of a dispositive
12 motion to which the “compelling reasons” standard applies); *Canchola v. Allstate*
13 *Ins. Co.*, No. 8:23-CV-00734-FWS-ADS, 2024 WL 5275024 at *2 (C.D. Cal. Oct.
14 8, 2024) (collecting cases finding that class certification motions are “more than
15 tangentially related to the merits”). In its applications to seal, GEO has conceded
16 that the “compelling reasons” standard applies. Dkt. 60 at 2–3; Dkt. 71 at 2–3.

17 **B. GEO Has Failed to Establish that Maintaining the “Safety and**
18 **Security” of Adelanto Is a Compelling Reason for Sealing.**

19 GEO repeatedly argues that certain categories of materials, including videos
20 and dorm logs, should be sealed because disclosure would compromise the safety
21 and security of the facility. Dkt. 60, 71. To establish this as a compelling reason to
22 seal, GEO must connect the dots between the specific materials it seeks to seal and
23 the alleged resulting harm. *See Kamakana*, 447 F.3d at 1178 (requiring that
24 “compelling reasons [be] supported by specific factual findings”). But GEO does
not explain *how* safety or security would be compromised; merely repeating the

1 “blanket claim” that disclosure could compromise the facility’s safety and security
2 is not enough. *Id.* at 1185. Nor can GEO rely solely on vague hypothetical scenarios
3 that are unsupported by logic or fact. *See e.g. Ctr. for Auto Safety*, 809 F.3d at 1097–
4 98. Such claims, “will not, without more, suffice to exempt a document from the
5 public’s right of access.” *Kamakana*, 447 F. 3d at 1185.

6 Here, it is unlikely that GEO can demonstrate that disclosure of any of the
7 materials it seeks to seal for safety and security reasons would result in harm. As
8 Stephen Sinclair, a correctional expert with over three decades in corrections
9 explains, “what must remain confidential to ensure [correctional] safety is very
10 narrow.” Exhibit C, Decl. of Stephen Sinclair in Supp. of Mot. to Unseal, dated
11 January 31, 2026. (“Sinclair Decl.”) ¶¶ 3, 14.¹⁶ The term “safety and security” is
12 “nearly a mantra,” and it is commonly used by corrections officials to justify
13 shielding information from the public. *Id.* ¶ 11. In Mr. Sinclair’s experience, there
14 is very little information that, if revealed to the public, could threaten the safety and
15 security of a correctional institution. *Id.* ¶ 18. Whether disclosure of information
16 would result in harm requires considering what people can learn through “their
17 observations and constant interactions with the system’s rules and staff that confine
18 them” and by searching for information in the public domain. *Id.*

19 Under this commonsense approach, GEO’s safety and security arguments
20 quickly apart. For example, GEO argues that the “use of force packet, dorm logs,
21 [and] shift summaries” should be sealed because these materials describe the

22 _____
23 ¹⁶ “[A]lthough immigration detention is technically outside of the ‘corrections’
24 industry because it involves non-criminal confinement, correctional practices
relating to safety and security are equally applicable. . .” *Id.* at ¶ 12.

1 “procedures for responding to emergencies,” and “may also provide an insight into
2 how the facility operates, which could compromise its safety and security.” Dkt. 60
3 at 4–5, 71 at 4. These arguments ignore the obvious: the dorm logs “primarily
4 memorialize the unit’s daily activities, which all incarcerated people can and do
5 observe.” Sinclair Decl. ¶ 45. “There is no harm in revealing what incarcerated
6 people already know,” particularly because if they know it, the public knows it too
7 “because communication goes both ways.” *Id.* ¶¶ 18, 21. And there is no security
8 justification for sealing information that is already widely known. *See Lemoon v.*
9 *Cal. Forensic Med. Grp., Inc.*, 575 F. Supp. 3d 1212, 1230 (N.D. Cal. 2021)
10 (finding “defendants’ fear that the disclosure” of “obvious” materials “will lead to
11 security issues is unsubstantiated”).

12 Regarding use of force and emergency response policies, Dkt. 64 at 4, it is
13 worth noting that policies and procedures are typically broad and reiterate the
14 relevant agency standards. Sinclair Decl. ¶ 36, 42. These documents rarely have
15 information that is specific enough to jeopardize safety and security because they
16 focus on general performance expectations. *Id.* ¶ 36. The policies include basic
17 logistical details but the “tactics used to resolve a situation are defined at the time
18 of the incident [by officer judgment], not the policy.” *Id.* ¶ 37–39. To the extent
19 portions of the policies include facility-specific tactical details not known to the
20 incarcerated population, narrowly tailored redactions may be appropriate. *Id.* ¶ 23.

21 GEO makes similar, factually unsupported arguments to justify sealing video
22 footage. Dkts. 60 at 5, 71 at 3–4. Fixed camera and body camera video is routinely
23 disclosed in cases involving use of force. Sinclair Decl. ¶ 32; *see e.g. Mendez v.*
24 *City of Gardena*, 222 F. Supp. 3d 782, 785 (C.D. Cal. 2015) (unsealing video

1 footage of a police shooting taken by police officers' car cameras); *Rosas v. Baca*,
2 No. CV1200428DDPSHX, 2023 WL 7429105, at *3 (C.D. Cal. Nov. 8, 2023)
3 (unsealing video depicting use of force incidents in Los Angeles County jails).
4 Common arguments for sealing video include that the footage will reveal the
5 camera's location or blind spots or specific tactics used to maintain control. Sinclair
6 Decl. ¶ 29-31. But, again, most of this information is already accessible to
7 incarcerated people, who can see where cameras are placed and may personally
8 witness the tactics being used. *Id.* ¶ 29, 31. Incarcerated individuals regularly
9 observe staff responding to incidents, and many specific tactics are already
10 viewable in videos, including ones from Adelanto.¹⁷ *Id.* ¶ 31. To the extent that any
11 blind spots are revealed by the footage, agencies should immediately remedy known
12 blind spots.¹⁸ *Id.* ¶ 30. Together, the videos and logs provide the most valuable
13 information about what actually occurred. *Id.* ¶ 46. Comparing the two forms of
14 documentation can reveal misconduct, which “can be embarrassing and even lead
15 to [] liability, but it does not follow that disclosing such information would threaten
16 the safety and security of [the] institution.” *Id.* ¶ 17.

17 In fact, GEO does not identify a single specific harm or danger to the facility
18 that would be likely to occur as a result of unsealing. This Court should join other
19

20

21 ¹⁷ Tom Dreisbach, *Video Shows Controversial Use of Force Inside Adelanto ICE*
Detention Center, NPR (Feb. 6, 2020), <https://perma.cc/G9QM-D49K>.

22 ¹⁸ To prevent sexual abuse, GEO is required to annually review the adequacy of
23 their video monitoring, “tak[ing] into consideration generally accepted detention
24 [practices and] the physical layout of [Adelanto]” and updates should factor in the
“effects on blind spots.” Dkt. 63-2 at 561–62 (GEO’s copy of Performance-Based
National Detention Standards).

1 district courts within the Ninth Circuit rejecting alarmist “safety and security”
2 arguments where defendants have failed to establish a specific harm. *See, e.g.,*
3 *Hepner v. Cnty. of Tulare*, No. 118CV00774NODJEPGPC, 2024 WL 583685, at
4 *2 (E.D. Cal. Feb. 13, 2024) (ruling that “without . . . specific articulation of the
5 security risks,” speculation that materials “could be used by detainees to threaten
6 the safety and security of the staff in the future,” was insufficient); *Garcia v.*
7 *Willhite*, No. 321CV00356MMDCSD, 2023 WL 7133262, at *3 (D. Nev. Oct. 30,
8 2023) (citing generalized safety and security concerns “without explaining *what*
9 safety and security concerns are implicated” does not carry proponent’s burden);
10 *Mitchell v. Cate*, No. 2:11-CV-1240 JAM AC, 2014 WL 1671589, at *5 (E.D. Cal.
11 Apr. 28, 2014) (defendants’ safety and security argument was insufficient basis to
12 seal information already disclosed elsewhere in the record); *Fekrat v. United States*,
13 No. CV1300594MMMPJWX, 2013 WL 12133643, at *2 (C.D. Cal. July 9, 2013)
14 (denying sealing of materials alleged to display the “inner-workings of the subject
15 facility” due to inadequate explanation of how the “facility might suffer harm”).
16 These cases are in line with courts across the country that have similarly reasoned
17 that vague and unsupported safety and security concerns are insufficient to
18 overcome the public’s right of access. *See e.g., Ortiz v. Torgenson*, No. 19-4163,
19 2021 WL 1327795 (10th Cir. Apr. 9, 2021) (proponents’ unexplained safety
20 concerns about releasing “contemporaneous institutional reports” about an incident
21 did not outweigh the public’s “strong interest in seeing for itself what prison
22 officials produce”); *Lambert v. City of Saginaw*, No. 21-12929, 2023 WL 3309828,
23 at *2 (E.D. Mich. May 8, 2023) (“[V]aguely phrased fears of compromising police
24 operations” and “perfunctory assertions that disclosure . . . would result in dangers

1 to officers are insufficient to carry Defendants’ burden of establishing a compelling
2 reason.”); *Bornstein v. Cnty. of Monmouth*, No. CIV. 11-5336, 2014 WL 6386804,
3 at *4 (D.N.J. Nov. 14, 2014) (sealing not warranted where “areas depicted in the
4 videos appear to be in the plain view of inmates” and videos did not reveal blind
5 spots because proponents “have not asserted that the camera locations are concealed
6 from prisoners or that their positions and angles are fixed and cannot be
7 repositioned”).

8 **C. GEO Has Failed to Demonstrate that Protecting its “Trade**
9 **Secrets” or Other Business Information Is a Compelling Reason**
10 **for Sealing.**

11 GEO argues that most of the documents and files should be sealed because they
12 contain “trade secrets,” and accordingly, there is a compelling reason to keep the
13 materials from being disclosed. Courts have found that protecting “sources of
14 business information that might harm a litigant’s competitive standing” can be a
15 compelling interest justifying sealing. *Ctr. for Auto Safety*, 809 F.3d at 1097 (citing
16 *Nixon*, 435 U.S. at 598). When considering these types of arguments, courts examine
17 whether the contested materials “derive[] value from the continued confidentiality”
18 and “disclosure would hurt [their] competitive standing.” *Primus Grp., Inc. v. Inst.*
19 *for Env't Health, Inc.*, 395 F. Supp. 3d 1243, 1268 (N.D. Cal. 2019). Only specific
20 and limited portions of materials that exhibit those protectable characteristics may be
21 sealed. *See TML Recovery, LLC v. Cigna Corp.*, 714 F. Supp. 3d 1214, 1220–22 (C.D.
22 Cal. 2024) (declining to weigh interests in materials when protectable business
23 information designation was improperly “generalized”).

24 Here, GEO has failed to explain both (1) which specific portions of which
specific records contain confidential business information, and (2) how disclosure of

1 that information would harm their competitive standing. *Fekrat v. United States*, a
2 case implicating the public disclosure of internal GEO documents, is instructive. 2013
3 WL 12133643 (C.D. Cal. July 9, 2013). In *Fekrat*, the government applied to seal its
4 contracts with GEO that governed the operation of a federal prison. *Id.* at *1. The
5 government sought “to prevent the disclosure of confidential information relating to
6 the contract-procurement and bidding process, the contracts’ pricing terms and
7 general provisions, as well as GEO’s . . . business models and financial data.” This
8 Court rightly noted that defendants had the burden to “provide a specific, articulated
9 explanation” for sealing and must do so for “each exhibit that is the subject of its
10 application.” *Id.* at *2 (citing *Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th
11 Cir. 2011) and *Foltz*, 331 F.3d at 1131). The Court explained that some of the
12 information defendants claimed was contained in the documents was not in fact there,
13 and to the extent that it was, defendants had not adequately specified what information
14 was not already publicly available. *Id.* at n. 7; *Id.* at *2. Further, there was no
15 articulation of how disclosure of either contract “would unfairly benefit competitors
16 of the GEO Group,” especially because one was outdated. *Id.* The Court concluded
17 that the government had failed to show the existence of a compelling reason to seal.
18 *See id.* at *2-3.

19 This Court should engage in a similar analysis here. As in *Fekrat*, GEO has
20 provided nothing but “conclusory, blanket assertions” that it will suffer competitive
21 harm. *Id.* at *2. GEO does not explain what makes their materials confidential, what
22 value is derived, or what harm would come from disclosure—just that “GEO’s
23 competitors could make use of the information to compete with GEO.” Dkts. 60 at 5,
24 71 at 4. At most, GEO argues that “the dorm logs and videos provide an insight into

1 how GEO staffs its facilities.” Dkt. 71 at 4–5. But GEO does not explain what the
2 insight is or how their staffing system is not “well known in the industry.”
3 *Krommenhock v. Post Foods, LLC*, 334 F.R.D. 552, 586–87 (N.D. Cal. 2020)
4 (refusing to seal industry standard information because neither “truly confidential
5 [nor] not generally known”). Without more details explaining or distinguishing their
6 operations from industry standards, GEO cannot establish that disclosure would result
7 in a competitive disadvantage.

8 Additionally, GEO has not established that the information it seeks to seal is
9 generally unknown to the public. For example, this Court was previously unconvinced
10 that depictions of Adelanto’s interior were “trade secrets [or] similar confidential
11 information” because “both guards and detainees have access to the areas” shown and
12 various “other groups have also been granted tours of the facility.” *Roman v. Wolf*,
13 No. EDCV200768, 2020 WL 6588399, at *3–4 (C.D. Cal. July 16, 2020). As in
14 *Roman*, most of the information GEO seeks to seal is known to people present at the
15 facility. *Id.* The dorm logs and videos document the experiences of Plaintiffs in this
16 case and contain information already possessed by both Plaintiffs and bystanders.
17 Further, the contents of the logs and videos have already been thoroughly described
18 in the pleadings, including details about staffing. *See e.g.* Dkts. 63-1, 86 (parties’
19 statements of undisputed and disputed facts); *Fekrat*, 2013 WL 12133643 at *2 (“most
20 of the material . . . is central to the case and is described in the parties’ publicly-filed
21 pleadings and evidence.”) In sum, this information is too widely known to qualify as
22 protectable business information.

23 Lastly, GEO has not explained the value they derive from the business
24 information remaining allegedly unknown—they have not made any showing of how

1 it could be used to undercut their competitive position. *Johnson v. Coos Cnty.*, No.
2 6:19-CV-01883-AA, 2023 WL 3994287, at *3 (D. Or. June 14, 2023) (“bare
3 assertion” by private correctional company that exhibits “contain proprietary
4 information” does not show that “any specific harm or prejudice will result from
5 disclosure”). For years, there have been publicly available photos and videos of units
6 at Adelanto. Yet GEO’s competitive position—leader of the detention industry—
7 remains unharmed. As for any insights, the amount of reverse engineering required
8 to derive pricing or profit margins from dorm logs and videos is likely impossible.
9 Indeed, materials actually containing “bed-day rates, unit prices, or staffing plans”
10 have been found too distant from competitively useful information to qualify for
11 protection under the similar competitive harm exemption in the Freedom of
12 Information Act. *Det. Watch Network v. U.S. Immigr. & Customs Enf’t*, 215 F. Supp.
13 3d 256, 264 (S.D.N.Y. 2016). Because GEO has not established what competitive
14 harm would result from disclosure, it cannot establish a compelling reason for sealing.

15 **D. GEO Has Largely Failed To Provide Evidence Demonstrating the**
16 **Factual Basis for Any of Its Arguments.**

17 In many instances, GEO has not established a compelling reason for sealing
18 because they have not filed declarations to support the sealing applications
19 submitted at their request, as required by the Local Rules. *See* Dkts. 56, 87; Ex. B.
20 “Failure to file a declaration . . . may be deemed sufficient grounds for denying the
21 Application.” L.R. 79-5.2.2(b)(i). Indeed, this Court has previously recognized that
22 the failure of one party to file a declaration following another party’s application on
23 their behalf was grounds for denying the request. *Beaulieu Grp., LLC v. Bates*, No.
24 EDCV151090JGBKKX, 2016 WL 11811633 (C.D. Cal. Sept. 13, 2016) (Bernal,

1 J., presiding) (discussing lack of compliance with Local Rule 79-5.2.2(b)(i) as
2 reason for denial).

3 Here, Plaintiffs applied to seal information designated as confidential by
4 GEO three times. Dkts. 56, 87, 90. GEO only filed a declaration to request sealing
5 of “Pepper Ball” training materials that GEO themselves had already publicly
6 filed. *Compare* Dkt. 92 ¶ 3 with Dkt. 63-2 at 20 ¶ 22. But for everything else, GEO
7 took no further action. Dkts. 56, 87. As a result, there are no declarations or
8 justification given for the nineteen exhibits filed under seal (Dkts. 55, 57, 88) which
9 include: “videos of the incident, incident reports by the officers, count logs and
10 officer logs for the unit in question, and emails sent on the day of the incident.” Dkt.
11 56 at 4; Dkt. 87 at 2.

12 Without a factual basis for sealing from GEO, this Court was unable to issue
13 orders for sealing that properly explain why sealing is warranted. Unless fulsome
14 arguments are made and specific evidence is offered by the proponent, a court can
15 neither “find a compelling reason and articulate the factual basis for its ruling” nor
16 “conscientiously balance the competing interests of the public and the [proponent].”
17 *Ctr. for Auto Safety*, 809 F.3d at 1096–97 (cleaned up). Lack of analysis in sealing
18 orders is sufficient cause for overturning the decisions. *Apple Inc.*, 658 F.3d at 1162
19 (“[W]here the district court fails to articulate the rationale underlying its decision to
20 seal, we are unable to review the decision. We have therefore reversed an order
21 that without explanation sealed court documents.”).

22 The first application granted by the Court requested sealing of thirty-eight
23 exhibits filed in support of GEO’s motion for summary judgment. Dkt. 60.
24 However, the order that purports to grant GEO’s application does not contain any

1 reasoning, and only mentions “good cause,” which relates to a simultaneous request
2 for a deadline extension. Dkt. 61. Regardless, the Court approved all exhibits to be
3 manually filed under seal. The Court’s second grant of the parties’ applications to
4 seal is based on similarly lean language and simply states “that both parties have
5 articulated compelling reasons to seal.” Dkt. 113 at 3. At a minimum, this Court
6 should order GEO to comply with the Local Rules and file responsive declarations
7 to docket entries 56 and 87 if they still seeks to keep that material sealed.

8 **II. The Public’s Significant Interest in The Performance of Public**
9 **Functions is Not Outweighed By GEO’s Desire for Secrecy.**

10 In determining whether there are compelling reasons to seal court records, a
11 court must “conscientiously balance[] the competing interests of the public and the
12 party who seeks to keep certain judicial records secret.” *Ctr. for Auto Safety*, 809 F.3d
13 at 1097. As a general matter, the public has a significant interest in matters relating to
14 carceral institutions because they are funded by and meant to serve the public. *See,*
15 *e.g., Deveroux v. Cnty. of Kern*, No. 1:23-CV-00239-CDB, 2025 WL 3220892, at *2
16 (E.D. Cal. Oct. 3, 2025) (finding public interest in investigative report detailing jail
17 staff’s adherence to official “policies and procedures in the hours leading up to
18 Decedent’s death”); *Singleton v. Clark Cnty.*, No. 3:24-CV-05392-TMC, 2025 WL
19 2697140, at *4 (W.D. Wash. Sept. 22, 2025) (holding the public’s interest is
20 “especially strong when the underlying litigation concerns the exercise of state
21 power,” by a private correctional company); *Hernandez v. Cnty. of Monterey*, No. 13-
22 CV-02354-BLF, 2023 WL 5418753, at *4 (N.D. Cal. Aug. 21, 2023) (acknowledging
23 that, with regard to jail operations, “the public has a strong interest in knowing how
24 their tax dollars are spent, and in evaluating the performance of public officials and
contractors”); *Kelly v. Wengler*, 979 F. Supp. 2d 1243, 1246 (D. Idaho 2013) (“Idaho

1 taxpayers pay [a private prison company] to operate one of their prisons. With public
2 money comes a public concern about how that money is spent.”).

3 As the Ninth Circuit has consistently held in analogous Freedom of
4 Information (FOIA) cases involving weighing the public interest, the public has an
5 interest in knowing how DHS and its contractors operate. *See Tuffly v. U.S. Dep’t*
6 *of Homeland Sec.*, 870 F.3d 1086, 1096-97 (9th Cir. 2017) (describing “public
7 interest in evaluating the effects” of DHS policy decisions as “significant”); *Am.*
8 *C.L. Union Found. of S. Cal. v. U.S. Immigr. & Customs Enft*, 739 F. Supp. 3d 805
9 (C.D. Cal.), *reconsideration denied*, 347 F.R.D. 518 (C.D. Cal. 2024) (finding
10 public interest in knowing whether ICE willfully neglects people in custody and in
11 understanding how DHS makes related oversight decisions). That interest has only
12 increased given GEO’s significant involvement in the Trump administration’s
13 immigration enforcement operations. The public deserves to know what actions and
14 policies DHS effectively condones by agreeing to continue paying GEO millions of
15 taxpayer dollars: In October 2024, DHS renewed GEO’s contract to run Adelanto
16 through 2029 despite the well-documented mistreatment of incarcerated people.¹⁹
17 Meanwhile, publicly available information about conditions has dwindled as
18 congressional representatives are denied access to the facility and DHS oversight
19 bodies are functionally eliminated.²⁰ The most recent lawsuit alleges that nothing

20

21 ¹⁹ Press Release, Rep. Judy Chu, Rep. Chu Denounces ICE Decision to Keep
22 Adelanto Processing Center Open (Oct. 4, 2024), <https://bit.ly/4tkcKn9>.

23 ²⁰ A recent report thoroughly summarizes how detention oversight has been
24 seriously limited in the past year. “Legal service providers, attorneys, and the people
(footnote continued)

1 has changed since 2020, with “hunger strikers [taken] to solitary confinement in
2 retaliation for their protest” and collective punishment still being imposed. *L.T. et*
3 *al.*, No. 5:26-cv-00322, Dkt. 1 ¶¶ 123, 129.

4 In addition to public interest in “keeping a watchful eye” on DHS and
5 government contractors, the public is entitled to know how their courts operate.
6 *Courthouse News*, 947 F.3d at 592 (“Courts are funded by the public, judges are
7 evaluated by the public, officials who appoint and approve judges are voted on by
8 the public, and the laws under which parties sue may be refined, rescinded, or
9 strengthened based on the public's views of the ways in which they play out in
10 court.”). In ruling on the motions for summary judgment and class certification, this
11 Court relied heavily on sealed information. The more relevant the information is to
12 a court’s ruling on dispositive motions, the higher the public’s interest. *TML*
13 *Recovery*, 714 F. Supp. 3d at 1221. If the sealed information is “essential” to a
14 court’s decision, then it is “necessary background for any member of the public
15 seeking to read and understand the Court’s orders.” *Id.* Accordingly, the more than
16 fifty sealed documents and videos in the case are vital to the public’s understanding
17 of whether and how GEO has retaliated—and may still be retaliating—against those
18 who engage in protected activity, both inside and outside of their facilities. *See L.T.*
19 *et al.*, No. 5:26-cv-00322, Dkt. 1 ¶¶ 8, 129.

20 Finally, Intervenors—as members of the news media and advocacy groups—
21 have a special interest in unsealing the requested court records. For years, they have
22

23

24

conditions inside detention.” Am. Immigr. Council, *Immigration Detention*
Expansion in Trump’s Second Term 28–30 (2026).

1 committed themselves to ensuring that incarcerated people, including those in
2 immigration detention facilities, do not disappear from the public consciousness.
3 The Supreme Court long ago observed that the media, “acting as the ‘eyes and ears’
4 of the public, . . . can be a powerful and constructive force, contributing to remedial
5 action in the conduct of public business.” *Houchins v. KQED, Inc.*, 438 U.S. 1, 8
6 (1978). “Transparency assures that the government’s response is carried out ‘fairly
7 to all concerned,’ and public access discourages ‘misconduct of participants, and
8 decisions based on secret bias or partiality.’” *Index Newspapers LLC v. U.S.*
9 *Marshals Serv.*, 977 F.3d 817, 831 (9th Cir. 2020) (quoting *Richmond Newspapers*,
10 448 U.S. at 569). After “conscientiously balanc[ing]” the public’s significant
11 interest in the records with GEOs’ unsupported desire for secrecy, the Court should
12 unseal the requested records. *Kamakana*, 447 F.3d at 1179.

13 **III. This Court Should Reissue Orders Explaining The Compelling Reason**
14 **That Outweighs The Public’s Interest For Each Document or Video**
15 **That Remains Sealed.**

16 As previously discussed, this Court has granted multiple motions to seal
17 without articulating the factual bases for sealing. *Supra* Section I.D. It is well
18 established that “if the court decides to seal certain judicial records, it must ‘base
19 its decision on a compelling reason and articulate the factual basis for its ruling,
20 without relying on hypothesis or conjecture.’” *Kamakana*, 447 F.3d at 1179. That
21 explanation allows for meaningful “appellate review of whether relevant factors
22 were considered and given appropriate weight.” *Foltz*, 331 F.3d at 1135 (quoting
23 *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir.1995)). Therefore, for any
24 materials this Court intends to maintain under seal, it must issue written decisions
explaining its reasoning. Proposed Intervenors reserve the right to challenge

1 additional grounds for sealing once they have had an opportunity to review the
2 Court's findings.

3 **CONCLUSION**

4 The public has well-established right to access the court records at issue here,
5 which are of significant public interest. GEO cannot prove there is any compelling
6 reason to seal materials that bear directly on consequential issues of public interest.
7 Accordingly, Proposed Intervenors request that the Court (1) unseal records for
8 which there are no compelling reasons for secrecy, and (2) issue orders that
9 articulate the factual basis for sealing any information that is to remain under seal.

10 Dated: February 2, 2026.

Submitted,

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PUBLIC JUSTICE

12

/s/ Jacqueline Arkush
Jacqueline Arkush (SBN 365861)
Leslie Bailey (SBN 232690)

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Counsel for Proposed Intervenors

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