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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

HUGO GONZALEZ, JOSE BACA, ERICK LOPEZ, MARIO MANJARREZ, and RICARDO SANDOVAL GUADARRAMA, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

THE GEO GROUP, INC., et al.,

Defendants.

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

[CLASS ACTION]

Honorable Jesus G. Bernal

THE GEO GROUP, INC.'S OPPOSITION TO MOTION TO INTERVENE FOR THE LIMITED PURPOSE OF UNSEALING COURT RECORDS

Date: March 2, 2026
Time: 9:00 a.m.
Ctrm: 1

Complaint Filed: 06/10/2022
Trial Date: 04/14/2026

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I. INTRODUCTION

Proposed Intervenors' Motion to Intervene is a belated attempt by a non-party to relitigate sealing determinations that the Court made long ago. The Court specifically found both "good cause" and "compelling reasons" to allow the parties to file under seal at least 66 exhibits that implicate the safety of those who live and work at the Adelanto Facility, the privacy of those same people, and unique national security interests. *See* Dkt. Nos. 61, 80 & 113. Now, more than fifteen months after the Plaintiffs filed the most recent Application to File Under Seal, (Dkt. No. 90), the Proposed Intervenors seek to intervene for the limited purpose of "enforce[ing] GEO's existing obligation to demonstrate why records should be sealed." Dkt. No. 121-1 at 10:2–3. And as noted in the Defendant's concurrently filed Opposition to the Proposed Intervenor's Motion to Unseal, the Proposed Intervenors failed to meet their burden to show why the Court should reverse its prior sealing orders, making the present motion blatantly futile. Thus, the motion is untimely and unnecessary. The Court should therefore exercise its substantial discretion to deny the Proposed Intervenors' Motion to Intervene.

II. FACTUAL BACKGROUND

GEO Group Inc. ("Defendant" or "GEO") is a publicly traded company contracted by governments around the world to provide correctional and community reentry services. It is contracted by the U.S. Immigration and Customs Enforcement ("ICE") agency to provide detention and processing services at the Adelanto Facility. Under its contract with the U.S. Government, GEO operates the Adelanto Facility in a highly controlled environment governed by ICE's Performance-Based National Detention Standards ("PBNDS") as well as site-specific Standard Operating Procedures designed to maintain the safety of detainees, staff, and the public. GEO has operated the Adelanto Facility under its contract with the federal government since 2011.

In June 2022, Plaintiffs filed this class action lawsuit alleging state law tort and statutory claims against GEO arising out of an incident that took place at the Facility on June 12, 2020. Discovery required disclosure of sensitive documents, including private medical records, personally identifying information of detainees, and GEO's sensitive security protocols. As a result, the Court granted the parties' Stipulated Protective Order ("Protective Order"), which prohibited either party's attorneys from publicly disclosing "confidential" documents. Dkt. No. 29.

The parties submitted some of these confidential documents to the Court in support of different motions. *See, e.g.*, Dkt. Nos. 55, 57, 60, 64, 73, 76, 85, 88 & 91. To maintain their confidentiality pursuant to the Protective Order, the parties filed six Applications to File Documents Under Seal (collectively, "Sealing Applications") pursuant to Local Rule 79-5.2.2. *See* Dkt. Nos. 56, 60, 71, 76, 85, 87 & 90.[1] This Court found "good cause" or "compelling reasons" to grant each request. Dkt. Nos. 61, 80 & 113. Since then, the parties have relied on the sealing orders in continuing to litigate this case. Nothing has changed to justify overturning these sealing orders.

Now, months after the Court ruled on the motions attaching the records at issue and just months before trial (currently set for April 2026), the Proposed Intervenors seek to intervene for the limited purpose of unsealing over 60 records.

III. ARGUMENT

A. The Court Should Deny the Proposed Intervenors Motion to Intervene Because It Is Untimely.

The Proposed Intervenor's motion is untimely and should be denied on that basis alone. The district court can grant permissive intervention only "[o]n timely motion." Fed. R. Civ. P. 24(b)(1); *see also Empire Blue Cross & Blue Shield v. Janet Greeson's a Place for Us, Inc.*, 62 F.3d 1217, 1219 (9th Cir. 1995) (holding

[1] The Application filed at Dkt. No. 85 is identical that filed at Dkt. No. 87.

motions to intervene to disclose sealed records must be timely). "In the context of permissive intervention . . . [the court] analyze[s] the timeliness element more strictly than [it] do[es] with intervention as of right." *LULAC v. Wilson*, 131 F.3d 1297, 1308 (9th Cir. 1997). The timeliness requirement is directed to the sound discretion of the district court. *See NAACP v. New York*, 413 U.S. 345, 366 (1973).

A court properly denies a motion to intervene when, based on the totality of the circumstances, the motion is not timely. *See Smith v. L.A. Unified Sch. Dist.*, 830 F.3d 843, 854 (9th Cir. 2016). In analyzing this issue, the district court should consider "(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay." *Id.* (quoting *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004)); *see also Mountain Top Condo. Ass'n v. Stabbert Master Builder, Inc.*, 72 F.3d 361, 369 (3d Cir. 1995) ("[Regarding the first prong, the] critical inquiry is: what proceedings of substance on the merits have occurred?").

The Proposed Intervenors give no compelling justification for bringing their Motion to Intervene well over a year after the parties initially filed the Sealing Applications at issue here. *Cf. Estate of Nunez v. County of San Diego*, 386 F. Supp. 3d 1334, 1338 (S.D. Cal. 2019) (noting non-party may move *ex parte* to intervene for the specific purpose of opposing applications to seal). They merely state that this Court's Local Rules do not limit the time for a non-party to unseal a document. *See* Dkt. No. 121 at 9:21–23. This does not explain or justify their delay.

The Sealing Applications were, in some cases, pending for nine months before the Court ruled upon them, yet the Proposed Intervenors waited until *after* these rulings to seek intervention. Had they intervened earlier and the Court concluded no good cause or compelling reasons justified sealing certain records, then GEO would have exercised its right to not file unredacted versions on the public docket. *See* C.D. Cal. L.R. 79-5.2.2(a) para. 4 ("If the Application is denied . . . the document(s) proposed to be filed under seal will not be considered by

the Court . . . unless the Filing Party files an unredacted version . . . ."); *see also R&G Mortg. Corp. v. FHLMC*, 584 F.3d 1, 35 (1st Cir. 2017) ("[T]he timeliness inquiry centers on how diligently the putative intervenor has acted once he has received actual or constructive notice of *the impending* threat." (emphasis added)). Instead, GEO has relied on the Court's rulings on the Sealing Applications in litigating this case throughout discovery, motion practice, and settlement strategy.

Therefore, Proposed Intervenors' claim that granting the Motion to Intervene will not prejudice GEO because they "seek only to enforce GEO's existing obligation to demonstrate why records should be sealed" is far from true. Dkt. No. 121-1 at 10:2–3. GEO already met its burden to warrant sealing. And the Court appropriately issued sealing orders to that effect. GEO then reasonably relied on the Court's sealing orders. Allowing intervention would substantially frustrate that reliance and prejudice GEO at this stage of the proceedings.

The Proposed Intervenors contend that their Motion to Intervene comes "just five months after this Court granted the applications to seal most of the documents." Dkt. No. 121-1 at 9:16–17. Although it is true that this Court found, in July 2025, "compelling reasons to seal" 37 of the 66 exhibits at issue here, (Dkt. No. 113, at 3), the Proposed Intervenors give no explanation for waiting sixteen months after the Court found "good cause" to seal the first set of confidential exhibits, (Dkt. No. 61), and fifteen months after the Plaintiff filed the most recent Application to File Documents Under Seal, (Dkt. No. 90), to intervene.

Proposed Intervenors cite *San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096 (9th Cir. 1999) for the proposition that "delays measured in years have been tolerated where an intervenor is pressing the public's right of access to judicial records." *Id.* at 1101 (dictum) (citing *Beckman Indus., Inc. v. Int'l Ins. Co*, 966 F.2d 470, 471 (9th Cir. 1992) and *Pub. Citizen v. Liggett Grp., Inc.*, 858 F.2d 775, 785 (1st Cir. 1988)). *Beckman* involved intervenors seeking to modify a "blanket protective order" issued by the district court. *Beckman*, 966 F.2d at 471. There, the

intervenors sought to discover deposition transcripts from a resolved action in federal court that were relevant to a related state court case. *Id.* at 472. As the court in *Beckman* explained, such blanket orders are inherently subject to challenge and modification, as the party resisting disclosure generally has not made a particularized showing of good cause with respect to any individual document. *Id.* at 476. Unlike in *Beckman*, the Proposed Intervenors here seek to overturn the Court's six prior rulings that the parties' Sealing Applications were supported by "good cause" and "compelling reasons" as to the 66 documents that were sealed.

Proposed Intervenors' invocation of the public's right of access does not cure this prejudice. Generalized curiosity or interest in detention-related oversight does not justify reopening settled sealing determinations in a private civil action, especially where the Proposed Intervenors' had ample opportunity to seek access earlier. Nor does "public interest" permit a non-party to use intervention as an end-run around the procedural safeguards that govern access to sensitive and confidential information—including materials concerning security, safety, and privacy—and whose disclosure carries real-world consequences.

The Proposed Intervenors waited to file their Motion to Intervene until after this Court substantially engaged with the merits of this case. And because Proposed Intervenors do not seek to challenge a blanket protective order sealing certain documents (*cf. Beckman Indus.*, 966 F.2d at 471; *Pub. Citizen*, 858 F.2d at 785), the cases they rely upon are inapposite. Instead, they seek to intervene to challenge this Court's several well-considered sealing orders granting the parties' Sealing Applications. *See* Dkt. Nos. 61, 80 & 113. The Motion to Intervene should be denied.

B. Even If the Court Finds the Proposed Intervenors' Motion Is Timely, It Should Deny the Motion as a Matter of Discretion.

"Even if an applicant satisfies th[e] threshold requirements [of permissive intervention], the district court has discretion to deny" the motion. *Donnelly v.*

Glickman, 159 F.3d 405, 412 (9th Cir. 1998); *see also Orange v. Air Cal.*, 799 F.2d 535, 539 (9th Cir. 1986) ("Permissive intervention is committed to the broad discretion of the district court."). In ruling on a motion to intervene, the court should consider "whether parties seeking intervention will significantly contribute to the full development of the underlying factual issues . . . and to the just and equitable adjudication of the legal questions presented." *Spangler v. Pasadena City Bd. of Educ.*, 552 F.2d 1326, 1329 (9th Cir. 1977).

As discussed in the Defendant's concurrently filed Opposition to the Intervenor's Motion to unseal, the Proposed Intervenor's arguments are without merit, and their intervention in this case would be futile. None of the Proposed Intervenors explain how their involvement will contribute to the full development of the facts or the just adjudication of the legal questions presented. Indeed, the Proposed Intervenors' Motion to Intervene and Motion to Unseal, (Dkt. Nos. 121 & 122), only serve to distract the parties from the merits of this case at a time when they are exploring resolution and simultaneously preparing for upcoming trial. The Court should exercise its substantial discretion to deny the Motion to Intervene.

IV. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that this Court deny the Proposed Intervenors' Motion to Intervene.

Dated: February 16, 2026

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant The Geo Group, Inc., certifies that this brief contains 1,898 words (excluding the caption, the table of contents, the table of authorities and the signature block) which complies with the word limit of L.R. 11-6.1.

Dated: February 16, 2026

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