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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

The GEO Group, Inc., et al.

Defendant.

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

PROPOSED INTERVENORS' REPLY IN SUPPORT OF MOTION TO INTERVENE FOR THE LIMITED PURPOSE OF UNSEALING COURT RECORDS

Date: March 30, 2026
Time: 9:00 a.m.
Courtroom: 1 (Riverside)
Judge: Hon. Jesus G. Bernal

TABLE OF CONTENTS

INTRODUCTION

Proposed Intervenors seek to vindicate the right of access to court records that belongs to every member of the public. *See* Dkt. 121-1. Permissive intervention is the proper avenue for doing so. Proposed Intervenors are expressly not seeking to engage with the merits of the class action dispute between Plaintiffs and GEO Group, Inc. ("GEO"). Because of the limited scope of the proposed intervention, GEO's arguments about timeliness, including supposed prejudice, are inapposite. *See* Dkt. 124. Proposed Intervenors' motion to intervene for the limited purpose of unsealing records is timely under every metric and should therefore be granted.

ARGUMENT

I. PROPOSED INTERVENOR'S MOTION TO INTERVENE IS TIMELY

Timeliness is determined by "three factors: "(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." *San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1101 (9th Cir. 1999). A delay is measured from when "the intervenor first became aware that its interests would no longer be adequately protected by the parties." *Id.*

GEO offers three main arguments for why intervention is untimely. Dkt. 124 at 3–5. None has merit.

First, GEO claims that because this Court has "substantially engaged with the merits of this case," neither "'public interest'" nor Proposed Intervenors' "generalized curiosity or interest in detention-related oversight . . . justify reopening settled sealing determinations." Dkt. 124 at 5. But decades of precedent establish the opposite: a court's engagement with the merits of a claim strengthens the

public's interest. *Kamakana v. City & Cnty. of Honolulu,* 447 F.3d 1172, 1179 (9th Cir. 2006) ("the resolution of a dispute on the merits [including by] summary judgment, is at the heart of the interest in ensuring the "public's understanding of the judicial process and of significant public event."); *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097–98 (9th Cir. 2016). And, no quantum of public interest is required for the right of access to apply—it is *presumed* to exist. *California ex rel. Lockyer v. Safeway, Inc.*, 355 F. Supp. 2d 1111, 1125 (C.D. Cal. 2005) ("[t]he public interest in access to the court records . . . does not turn on how titillating a story is . . . or how many members of the public come forward to express their personal interest in learning more details about it.") Because key records—heavily relied upon by the Court—remain sealed in this case, the public's interest is at its highest and most infringed upon.

Second, GEO claims it would be prejudiced because it has relied on the Court's sealing orders "in litigating this case." Dkt. 124 at 4. According to GEO, Proposed Intervenors should have sought to intervene *before* the Court had entered its sealing orders, while the Court was still considering the applications to seal. Dkt. 124 at 3. That way, argues GEO, they could have chosen "to not file unredacted versions" of the materials had their applications not been granted. *Id.*

This argument makes no sense. It is unclear how GEO could have relied on orders *before* the Court entered them in July of 2025. And, if GEO chose not to file unredacted versions of the exhibits currently under seal, there would be almost no evidence before the Court. At any rate, the public and Proposed Intervenors' injury did not occur until the orders were entered. Put another way, there was no reason to intervene until *after* the Court sealed the majority of GEO's exhibits.

If GEO's position were right, every intervention sought after the entry of an order sealing court records would be prejudicial and "untimely, stymying the public's right of access altogether." *San Jose Mercury News*, 187 F.3d at 1101. This is why the Ninth Circuit rejected this same argument in *San Jose Mercury News*. In that case, the proponent of secrecy was ordered to produce materials and agreed to do so only upon the entry of a protective order. *Id.* at 1098. A few months later, a newspaper sought to modify the protective order via permissive intervention. *Id.* at 1101. The proponent of secrecy argued the "delay was prejudicial because they would not have agreed" to the challenged order if they had known the materials could still become public; rather, they would have sought review of the court's order to produce. *Id.* The Ninth Circuit found that it was "only upon entry of the [challenged order] that the injury to the *public's* right of access became clear" and the parties "were in no position to bargain that right away." *Id.* Any "such reliance [to the contrary] was unreasonable." *Id.* Therefore, "the motion to intervene was timely." *Id.* The same is true here.

Third, GEO claims that "nothing has changed to justify overturning these sealing orders." Dkt. 124 at 2; Dkt. 125 at 5. But Proposed Intervenors are not required to show a change in circumstances. Rather, "the motion to intervene is timely as long as the documents remain under seal because sealing places the public's interest in open access in controversy." *F.T.C. v. AMG Servs., Inc.,* No. 2:12-CV-536-GMN-VCF, 2014 WL 6069821, at *4 (D. Nev. Nov. 13, 2014), *aff'd*, No. 2:12-CV-00536-GMN, 2015 WL 4073192 (D. Nev. July 2, 2015) (applying *Kamakana*, 447 F.3d at 1176). "[T]he press and other interested third parties retain their right to intervene and request that particular documents be unsealed," even

after the entry of a proper sealing order. *United States v. Gurolla*, 333 F.3d 944, 953 (9th Cir. 2003). Here, where the sealing orders do not explain what the reasons for sealing are, the injury to the public's right of access is definitively ongoing, making intervention timely.

Finally, Proposed Intervenors note that, in suggesting the Court should exercise its discretion to grant motions to intervene sparingly, GEO relies on out-of-context quotes from cases involving attempts to intervene as of right under Rule 24(a) for the purpose of litigating the underlying merits of a claim. *See* Dkt. 124 at 3–5 (citing *LULAC v. Wilson,* 131 F.3d 1297, 1308 (9th Cir. 1997); *Mountain Top Condo. Ass'n v. Stabbert Master Builder, Inc.*, 72 F.3d 361, 369 (3d Cir. 1995); *R&G Mortg. Corp. v. FHLMC*, 584 F.3d 1, 8 (1st Cir. 2009)). Contrary to GEO's assertion, this Court does not need to consider whether Proposed Intervenors "will significantly contribute to the full development of the underlying factual issues . . . and to the just and equitable adjudication of the legal questions presented." *Id.* at 9 (citing *Spangler v. Pasadena City Bd. of Educ.*, 552 F.2d 1326, 1329 (9th Cir. 1977). Ninth Circuit caselaw makes clear that, when a motion to intervene if filed under Rule 24(b) for the limited purpose of challenging a sealing order—a collateral, non-merits-related matter—the only relevant inquiry is timeliness. Dkt. 121-1 at 8–9; *see also Greer v. Cty. of San Diego*, No. 19-CV-378-JO-DEB, 2023 WL 4479234, at *3 (S.D. Cal. July 10, 2023) (summarizing *Beckman Indus., Inc. v. Int'l Ins. Co*., 966 F.2d 470 (9th Cir. 1992) ("a party who seeks to intervene solely to unseal filed documents only needs to show timeliness"), reversed on other grounds. This "generous interpretation[ ] of Rule 24(b)" arises from the longstanding tradition of public access to court records." *Id.* Accordingly, because

the Proposed Intervenors' motion to intervene is for a limited purpose and timely, i the Court should exercise its discretion favorably and grant it.

CONCLUSION

It is well-established that the proper avenue for vindicating the public's right of access to court records is permissive intervention. The nature of the public's right of access and the significance of the sealed records in this case make Proposed Intervenors' request timely and necessary. Therefore, Proposed Intervenors request that the Court grant the motion to intervene and, ultimately, the motion to unseal court records.

Dated: March 9, 2026

Submitted,

PUBLIC JUSTICE

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