Jacqueline Arkush (SBN 365861)
jarkush@publicjustice.net
Leslie Bailey (SBN 232690)
lbailey@publicjustice.net
PUBLIC JUSTICE
475 14th St., Suite 610
Oakland, CA 94612
Telephone: (510) 622-8150

Counsel for Proposed Intervenors
Inland Coalition for Immigrant Justice,
First Amendment Coalition,
Los Angeles Public Press, and
The Southlander

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 UNSEAL COURT RECORDS

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

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

CASES **PAGE(S)**

INTRODUCTION

Proposed Intervenors seek to unseal records of significant public interest that document alleged misconduct and mismanagement of Adelanto ICE Processing Center ("Adelanto") by GEO Group, Inc. ("GEO"). GEO continues to insist that vague arguments about "safety" and "security" justify sealing over 900 pages of documents and dozens of videos in their entirety. They seek to distract from this fundamental error by making unsupported legal claims, mischaracterizing Proposed Intervenors' arguments, misrepresenting what is contained in the records that Proposed Intervenors are seeking to unseal, and attempting to minimize the significance of the public's interest in the court records at issue. Ultimately, GEO has not met their burden. Accordingly, Proposed Intervenors' motion to unseal (Dkt. 122-1) should be granted.

ARGUMENT

I. GEO STILL HAS NOT ESTABLISHED THAT ANY COMPELLING REASON OUTWEIGHS THE PUBLIC'S RIGHT OF ACCESS.

A. GEO Cannot Rely on the Court's Previous Orders Granting the Requests to Seal.

GEO argues that Proposed Intervenors "have not and cannot meet their burden to disturb the Court's prior sealing orders." Dkt. 125 at 3, 5. GEO apparently reasons that, because the Court granted the previous sealing applications, the burden now shifts to Proposed Intervenors to demonstrate a compelling reason to *un*seal. *Id.* at 1–5. But the Ninth Circuit has rejected this "upside down" approach, explaining in *Kamakana v. City & County of Honolulu*, that the burden of justifying secrecy belongs to the proponent alone. 447 F.3d 1172, 1182 (9th Cir. 2006). The burden of establishing compelling reasons for sealing remains with GEO. *See* Dkt. 122-1.

In any event, this Court's sealing orders do not demonstrate that GEO previously met their burden of providing compelling reasons for sealing that outweigh the public's interest. First, as Proposed Intervenors previously explained (Dkt. 122-1 at 20–21, 24), this Court's sealing orders fail "to articulate the factual basis for [the] ruling," as is required by well-established law that GEO itself cites. Dkt. 125 at 4 (citing *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 679 (9th Cir. 2010)); *see Pintos*, 605 F.3d at 679 ("An order that fails to articulate its reasoning must be vacated and remanded because 'meaningful appellate review is impossible.'"); *accord Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011). Here, the Court's sealing orders are just like those vacated by the Ninth Circuit in *Pintos* for lack of factual support and legal reasoning. 605 F.3d at 678–80. In one instance, Dkt. 61, the Court's conclusion that sealing was warranted is also wrong because the Court applied "good cause" rather than the correct[1] "compelling reason" standard. Dkt. 122-1 at 11 (explaining why the "compelling reason" standard" applies); *see Pintos*, 605 F.3d at 678–79 (remanding with instructions to apply higher "compelling reasons" standard). Because the Court's orders granting the sealing motions are plainly deficient, GEO's reliance on them is unreasonable.

[1] GEO has not and does not argue that "good cause" applies to any of the materials, thus conceding that compelling reason is the standard for sealing related to summary judgment and class certification. Dkt. 60 at 2–3; Dkt. 71 at 2–3; Dkt. 125 at 4–5.

Second, even if GEO had previously met their burden to seal, even well-supported sealing orders are routinely revisited. *See United States v. Seugasala*, 670 F. App'x 641–42 (9th Cir. 2016) ("[d]istrict courts have inherent discretionary power to seal or unseal record items."); L.R. 79-7.2 (recognizing process for nonparties to request unsealing). "[A]ny purported reliance . . . on the continued sealing of the [documents] is unreasonable given well-established principles of open access to the court." *Greer v. Cty. of San Diego*, No. 19-CV-378-JO-DEB, 2023 WL 4479234, at *4 (S.D. Cal. July 10, 2023), reversed on other grounds. Therefore, GEO "should have been aware that," even after motions to seal have been granted by the court, "a third party may seek to intervene to unseal litigation documents." *Id.*

B. GEO's Alleged "Compelling Reasons" Do Not Justify Such Broad Sealing

GEO offers only two justifications for sealing, abandoning a prior argument that protecting their competitive advantage was a compelling reason to seal.[2] First, they argue that documents that implicate "security and safety risks" should remain sealed. Dkt. 125 at 6–11. Second, they argue that documents that implicate employees' or detained people's privacy rights should remain sealed. *Id.* at 11–14. As explained below, GEO cannot justify their sweeping approach because neither of GEO's reasons is sufficiently compelling to overcome the public's interest in access to the records. *See Kamakana*, 447 F.3d at 1183–84; *Oregonian Pub. Co. v. U.S. Dist. Ct. for Dist. of Oregon*, 920 F.2d 1462, 1467 (9th Cir. 1990) (holding that

[2] In a footnote, GEO argues in passing that "revealing sensitive business information, including the internal operations of the Facility, would also harm GEO's competitive standing." Dkt. 125 at 6–7 n.3. GEO has not developed that argument or presented a factual basis in support of it. Dkt. 122-1 at 16–19.

the First Amendment right of access places the burden on the proponent of secrecy to "demonstrat[e] that any available alternatives will not protect [their] interests.")

1. GEO Has Not Established that Unsealing Will Harm Anyone's Safety or Security.

GEO has submitted a ten-page declaration in support of their opposition. Because much of it is redacted, Proposed Intervenors cannot determine whether GEO has met their burden. *Kamakana*, 447 F.3d at 1184 ("[s]imply mentioning a general category of privilege, without . . . specific linkage with the documents, does not satisfy the burden.") But based on the argument presented in their brief, GEO continues to rely on hypothetical harms and conjecture. *Id.* at 1179 (sealing cannot "rely[] on hypothesis or conjecture"). For example, they repeat the mantra that every group of documents "would provide insight into [Adelanto's] security measures and protocol, compromise the safety . . . and frustrate" their ability to safely manage Adelanto. Dkt. 125 at 7–10. The lack of differentiation between the disparate materials demonstrates they have not and cannot meet their burden. *Kamakana*, 447 F.3d at 1182 ("conclusory offerings do not rise to the level of "compelling reasons"). For Document No. 60, all GEO argues is that disclosing water temperature tests "would come entirely without context, doing little more than gratify [sic] public spite and promote [sic] public scandal." Dkt. 125 at 10. The lawsuit provides the context and GEO's vague fear about how the information may be received by the public is not a compelling reason to seal. *See United States v. Gen. Motors Corp.*, 99 F.R.D. 610, 612 (D.D.C. 1983) (proponent's claimed inability to "contradict or explain what it believes [are] misleading inferences" prior to disclosure does not "justify concealing" presumptively public court records).

GEO relies on three main cases, all are unpersuasive or distinguishable Dkt. 125 at 6. In *Fernandez*, defendants sought to seal information relating to an institutional policy restricting correspondence between incarcerated people with known gang affiliations, and to security risks that were unique to the plaintiff. *Fernandez v. Duarte*, No. 3:22-CV-00446-BAS-VET, 2025 WL 77056, at *1 (S.D. Cal. Jan. 10, 2025). The court concluded, without analysis, that the information could, if disclosed, create a significant security threat or jeopardize institutional security. *Id.* at *2. *Fernandez* is no more than an example of a court determining that protecting institutional safety can be a compelling interest that outweighs the presumption of access. *Id.* Nothing in it demands the broad sealing GEO asks for here. In fact, it undermines their broad requests; the *Fernandez* court noted that defendants "reasonably limited the request" to small portions "that may implicate safety concerns." *Id.* at *2.

In *Ramirez*, the parties jointly moved to seal certain of GEO's policies and procedures, which the parties argued "directly impact[ed]" safety. *Ramirez v. GEO Group*, No. 18CV2136-LAB (MSB), 2019 WL 6782920 at *3 (S.D. Cal. Dec. 11, 2019). Without engaging in any factual analysis, the court concluded that there was good cause to seal the documents. *Id.* Further, the *Ramirez* court's analysis was incomplete because it did not weigh the interest in sealing against the public's interest in the materials. *See id*. Notably, the documents at issue were not central to the adjudication of the plaintiff's claims. *See id.* at *1, 3. Thus, *Ramirez* offers this Court very little guidance. Finally, *ACLU* is inapposite. There, the court declined to disclose a single page of records because it was protected by a Freedom of Information Act exemption, which is not a basis for sealing in the Ninth Circuit.

Compare ACLU v. DHS, 738 F. Supp. 2d 93, 119 (D.D.C. 2010) *with Kamakana*, 447 F.3d at 1185 ("[n]either will it suffice to show . . . that a document merits sealing because it would be exempt from disclosure under the Freedom of Information Act.")

It is also worth noting that GEO misrepresents the contents of some records. Because of their accidental public filing of certain exhibits at Dkt. 60-4, Proposed Intervenors can compare GEO's description of the records with their actual contents. GEO claims that the CERT plan (Doc. No. 22) describes emergency action plans, officer movements, the number of officers that will respond, and "exit and entry controls." Dkt. 125 at 9. But upon review, the plan only provides options for what management and supervisors can do in certain scenarios. There is no set number for how many CERT team members should respond, and there is no mention of controlling exits and entries. Rather than a rigid and predictable "security protocol," the plan gives discretion to the responders on the scene.[3] *Id.* Because the document does not "reveal[] the location of agents such that certain areas . . . would be susceptible to security breaches if the information was disclosed," sealing is not warranted. *Al Otro Lado, Inc. v. McAleenan*, No. 17-CV-02366-BAS-KSC, 2019 WL 6220898, at *3 (S.D. Cal. Nov. 21, 2019).

GEO's description of the Shift Summaries (Doc. No. 34) as "showing when detention officers check rooms" is similarly misleading. Dkt. 125 at 9. The summaries merely break down the inspections by first, second, and third shift. Even

---

[3] The discretion is highlighted by GEO in their motion for summary judgment. Dkt. 63 at 3–4 ("Once activated, the CERT commander has independent authority to determine the team's tactics as well as the level and amount of force used, if any, in response to the circumstances.")

if specifics were given, it is hard to see how disclosing the time that a daily inspection took place nearly six years ago "would pose a security risk to detainees, officers, and [Adelanto] itself." *Id.* Indeed, GEO's lack of urgency in removing the documents from the public docket, including the entire roster of people detained, shows that GEO's stated concerns are rhetorical.

GEO also claims that "[t]he sealed records reflect information not otherwise available on the public docket and not disclosed publicly." Dkt. 125 at 2. However, GEO itself has described many operational procedures in detail, including "the timing and frequency of counts" and "the protocols and techniques used by detention officers during the June 12, 2020 incident" (Dkt. 125 at 7–8). Dkt. 63 at 5–11. In their summary judgment briefs, GEO disclosed the number of CERT officers present, multiple detention officers' names, the techniques and weapons they employed, and the strategy behind their progression through the dorms. *E.g.*, Dkt. 63 at 9–13; Dkt. 63-1 ¶¶ 91–114. The accompanying exhibits include depositions and GEO's count policy itself, which both provide a significant amount of detail. *E.g.*, Dkt. 63-2, Ex. 29 (GEO Detainee Count Procedures Policy). Given these discrepancies in GEO's representations, Proposed Intervenors respectfully request that this Court carefully scrutinize whether the documents contain the information that GEO alleges they do.

2. None of GEO's Arguments About Purported Privacy Interests is Persuasive

GEO argues that sealing is warranted to protect Plaintiffs' and detention officers' privacy interests. Dkt. 125 at 11–14. Generally, the "right to privacy 'encompass[es] the individual's control of information concerning his or her person.'" *In re Facebook, Inc. Internet Tracking Litig.*, 956 F.3d 589, 598 (9th

Cir. 2020) (quoting *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 763 (1989)); *United States v. Schlette*, 842 F.2d 1574, 1581 (9th Cir.), *amended,* 854 F.2d 359 (9th Cir. 1988) ("privacy interests are personal to the [person whose records are at issue].") When a party whose privacy interests are implicated either seeks or does not oppose disclosure, their interest is waived. *Perez v. City of Fresno*, 482 F. Supp. 3d 1037, 1044 (E.D. Cal. 2020).

Plaintiffs' Privacy Interests. This Court need not consider whether disclosure of any document Proposed Intervenors seek to unseal would infringe on Plaintiffs' privacy rights because Plaintiffs have waived those rights explicitly: Plaintiffs actively opposed GEO's broad invocation of their privacy for most of the materials that Proposed Intervenors now seek to unseal. Dkt. 60 at 2, 4; Dkt. 70 at 1; Dkt. 71-1, Ex. A at 1.[4] Plaintiffs have also waived their privacy rights by choosing to not oppose Proposed Intervenors' request. *See Perez*, 482 F. Supp. 3d at 1044.

It is worth noting that GEO repeatedly claims that Proposed Intervenors are attempting to release the personal identifying information of people that were detained at Adelanto in June 2020. *E.g.*, Dkt. 125 at 11. As was made clear in the motion to unseal, that is simply not true. Dkt. 122-1 at 7. Proposed Intervenors are explicitly *not* seeking to unseal the few exhibits for which Plaintiffs asserted their own right to privacy. Dkt. 122-3; Ex. A, Approximated Chart.

Detention officers' privacy interests. GEO asserts their employees' privacy interests with regard to two categories of information: videos and documents

---

[4] Plaintiffs' counsel stated via email that they "opposed the blanket sealing" and believed only a few lines within the hundreds of pages warranted redaction because they contained private information about people detained. *Id.*

presumably containing the names of individual officers. Without citing any authority, GEO claims that their detention officers' "interest in privacy would be frustrated" by the disclosure of video showing "their faces and actions." Dkt. 125 at 12. This Court should consider this alleged privacy interest in the same way as the court in *Perez v. City of Fresno* did. *See* 482 F. Supp. 3d at 1044–48. In *Perez*, the surviving family members of a person killed by police sought to disclose body-camera footage of his death to "educate the public" about police brutality. *Id.* at 1045. The faces of police officers and nonparty private employees of a defendant—the "exclusive provider of ambulance services" for the county—were visible, but no names or "typically-protected private information" was disclosed in the footage. *Id.* at 1041, 1044. First, the court found a weak privacy interest because "far from being private, disconnected bystanders," the private employees were "included in this video because of their professional assistance of public officers, and their direct involvement in restraining Mr. Perez." *Id.* at 1044–45. Then, the court found that plaintiffs' "desire to educate the public about issues involving public officers" supported disclosure, where the video went to "issues are at the forefront of public discourse at this time in this country." *Id.* at 1045. Finally, because "recent public discussion . . . has shown that video footage facilitates public discourse in a way that print descriptions do not," the public interest in disclosure triumphed. *Id.* at 1048. Here, where the conduct of government contractors is at issue, the public interest should similarly prevail.

GEO also seeks to protect employees' names and email addresses, claiming that disclosure "may subject them to violence, public humiliation, and other harms." Dkt. 125 at 11. GEO provides no factual basis for this argument, and thus has not met their burden of demonstrating that sealing employees' names or email addresses is justified. Further, GEO has also not explained why redaction of names and emails is insufficient to protect any privacy interests at stake, as the courts did in both cases GEO relies on. *See Hernandez v. Cnty. of Monterey*, 2023 WL 5418753, at *3 (N.D. Cal. 2023) (allowing redaction of several nonparty staff names); *Al Otro Lado, Inc.*, 2019 WL 6220898, at *4 (allowing redaction of Customs and Borden Patrol officers' phone numbers, but not of their names or email addresses). As the proponent of secrecy, GEO must provide this Court with proposed orders "narrowly tailored to seal only the sealable material." L.R. 79-5.2.2(a)(ii). Anything less is unjustifiable under the First Amendment. *See Courthouse News Service v. Planet*, 947 F.3d 581, 594–96 (9th Cir. 2020) (holding that restrictions on the First Amendment right of access to civil court records must be narrowly tailored).

C. GEO Minimizes the Public's Interest, Which is Significant and Growing.

GEO attempts to diminish the public's interest in access to strengthen their weak arguments by comparison. They contradict themselves in the process. In their opposition to the motion to intervene, GEO claims "[g]eneralized curiosity or interest in detention-related oversight" does not outweigh their reliance on the orders and the resulting prejudice they will suffer as a party "in a private civil action." Dkt. 124 at 4–5. Meanwhile, in their opposition to the motion to unseal, they heavily invoke "the federal government's interest" to justify sealing records. Dkt. 125 at 7–10. GEO even claims, without support, that national security is at stake. Dkt. 125 at 4. Proposed Intervenors' motions thoroughly discuss the significance and extent of GEO's relationship to the federal government and will not rehash it here. Dkt. 121-1 at 1–2; Dkt. 122-1 at 21–24. GEO cannot have their cake and eat it too; they can't be a private litigant in one context and a public contractor in another. The public's right of access applies in any event. *See TML Recovery, LLC v. Cigna Corp.*, 714 F. Supp. 3d 1214, 1222 (C.D. Cal. 2024) ("[p]ublic scrutiny is a cost that private litigants routinely must bear in exchange for access to public courts")

Further, they wrongly equate public scandal with public scrutiny. Dkt. 125 at 5. GEO asserts that their involvement with the federal government makes the possibility of "public scandal . . . especially true in this context," and sufficient to outweigh the public's interest. *Id*. But there is a difference between unwarranted scandal and genuine public concern. Here, Proposed Intervenors seek to "to enable free and informed discussion about important issues of the day and governmental affair." *Courthouse News Serv.*, 947 F.3d at 589. And public access ultimately benefits "the administration of justice." *Id.* (quoting *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 492 (1975)). Facilitating critical analysis of the judicial system and public officials is not a byproduct of the right of access, but its central purpose. That is why "[t]he mere fact that the production of records may lead to a litigant's embarrassment, incrimination, or exposure to further litigation" is not a compelling reason to seal, *Kamakana*, 447 F.3d at 1179, and why GEO's argument that transparency will cause public scandal carries no weight.

The well-established reason for the right of access also makes GEO's claim that disclosure "may further undermine trust between immigrant communities and law enforcement" specious. Dkt. 125 at 11–12. It is the lack of transparency that "may undermine public confidence [because when the process is] concealed from public view an unexpected [legal] outcome can cause a reaction that the system at best has failed and at worst has been corrupted." *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 571–72 (1980). The consistent attempts of elected government officials to improve oversight of Adelanto demonstrate that there is strong desire for transparency from GEO.[5] The continued deaths of people detained at Adelanto, including one since GEO filed their opposition,[6] demonstrate that "the system at best has failed." *Id.*

CONCLUSION

GEO has failed to prove that compelling reasons for sealing exist, or that those alleged reasons outweigh the public's well-established right to access the court records at issue here, which are of significant public interest. Accordingly, Proposed Intervenors request that the Court (1) unseal records for which there are no compelling reasons for secrecy, and (2) issue orders that articulate the factual basis for sealing any information that is to remain under seal.

Dated: March 9, 2026

Submitted,

PUBLIC JUSTICE

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

Counsel for Proposed Intervenors

---

[5] Ruben Vives, *33 People Died in ICE Custody Last Year, Lawmaker Wants to Make California Detention Centers Accountable*, LA Times (March 6, 2026), https://www.latimes.com/california/story/2026-03-06/lawmaker-proposes-fines-for-noncompliant-immigration-detention-centers.

[6] Izzy Ramirez, *Los Angeles Father Dies Under ICE Custody – 9th Death This Year*, L.A. Taco (Feb. 28, 2026), https://lataco.com/los-angeles-father-dies-ice-9th-death.