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

11 LIGAYA RONDUEN, et al., on behalf of
12 themselves and all others similarly
13 situated,

14 Plaintiffs,

15 v.

16 THE GEO GROUP, INC., a Florida
17 corporation, and SPARTAN CHEMICAL
18 COMPANY, INC., an Ohio corporation,

19 Defendants.

Case No.: 23-cv-00481-JGB-ACCV

**NOTICE OF MOTION AND
MOTION TO INTERVENE FOR
THE LIMITED PURPOSE OF
UNSEALING COURT RECORDS;
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT THEREOF**

Date: December 7, 2026

Time: 9:00 am

Courtroom: 1 (Riverside)

Judge: Hon. Jesus G. Bernal

1 **NOTICE OF MOTION**

2 TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR
3 ATTORNEYS OF RECORD:

4 Please take notice that on December 7, 2026, at 9:00 am, or as soon thereafter
5 as the matter may be heard, in Courtroom 1 of the United States District Court,
6 Central District of California, 3470 Twelfth Street, Riverside, CA 92501, the Inland
7 Coalition for Immigrant Justice (“Proposed Intervenor”) will and hereby does move
8 to intervene for the limited purposes of unsealing court records.

9 This Motion is based on (1) the accompanying Memorandum of Points and
10 Authorities, (2) the declaration of Proposed Intervenor filed in support of this
11 Motion, and (3) the entire record in this action.

12 On September 1, 2026, consistent with Local Rule 7-3, counsel for Proposed
13 Intervenor notified counsel for all Parties of its intent to move to intervene. *See*
14 Decl. of Jacqueline Arkush ¶ 4. Plaintiffs do not oppose intervention. *Id.* ¶ 6.
15 Despite multiple requests from ICIJ, neither Defendant provided a position on
16 intervention. *Id.* ¶¶ 4, 9, 11, 13, 15, 16. A declaration setting forth more detail
17 regarding the Parties’ meet and conferral efforts is attached. *See* Arkush Decl.

18 Dated: October 5, 2026

Submitted,

19 PUBLIC JUSTICE

20 /s/ Jacqueline Arkush

21 Jacqueline Arkush (SBN 365861)

22 *Counsel for Proposed Intervenor*
23 *Inland Coalition for Immigrant Justice*
24

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

TABLE OF AUTHORITIESiii

MEMORANDUM OF POINTS AND AUTHORITIES..... 1

INTRODUCTION 1

BACKGROUND2

PROCEDURAL HISTORY6

ARGUMENT.....8

CONCLUSION..... 12

TABLE OF AUTHORITIES

		Page(s)
1		
2		
3	Cases	
4	<i>Beckman Indus., Inc. v. Int’l Ins. Co.</i> ,	
5	966 F.2d 470 (9th Cir. 1992)	8, 9
6	<i>Binh Hoa Le v. Exeter Fin. Corp.</i> ,	
7	990 F.3d 410 (5th Cir. 2021)	1
8	<i>Blum v. Merrill Lynch Pierce Fenner & Smith Inc.</i> ,	
9	712 F.3d 1349 (9th Cir. 2013)	10
10	<i>Cosgrove v. Nat’l Fire & Marine Ins. Co.</i> ,	
11	770 F. App’x 793 (9th Cir. 2019)	9
12	<i>F.T.C. v. AMG Servs., Inc.</i> ,	
13	No. 2:12-CV-536-GMN-VCF, 2014 WL 6069821 (D. Nev. Nov. 13,	
14	2014), <i>aff’d</i> , 2015 WL 4073192 (D. Nev. July 2, 2015)	10
15	<i>Foltz v. State Farm Mut. Auto. Ins. Co.</i> ,	
16	331 F.3d 1122 (9th Cir. 2003)	11
17	<i>Greer v. County of San Diego</i> ,	
18	No. 19CV378-JO-DEB, 2023 WL 4479234 (S.D. Cal. July 10,	
19	2023), <i>rev’d in-part on other grounds</i> , 127 F.4th 1216 (9th Cir.	
20	2025)	9
21	<i>Hernandez v. County of Monterey</i> ,	
22	No. 13-CV-02354-BLF, 2023 WL 5418753 (N.D. Cal. Aug. 21,	
23	2023)	9
24	<i>Kamakana v. City & County of Honolulu</i> ,	
	447 F.3d 1172 (9th Cir. 2006),	11
	<i>L.T. v. U.S. Immigr. Customs & Enf’t</i> ,	
	No. 26-cv-00322-SSS-SP, 2026 WL 2131142 (C.D. Cal. July 16,	
	2026)	5
	<i>Muhaymin v. City of Phoenix</i> ,	
	No. CV-1704565-PHX-DLR, 2021 WL 5173767 (D. Ariz. Nov. 3,	
	2021)	11

1	<i>Roman v. Wolf</i> ,	
2	977 F.3d 935 (9th Cir. 2020)	5
3	<i>Roman v. Wolf</i> ,	
4	No. EDCV 20-00768, TJH (PVCx), 2020 WL 5797918 (C.D. Cal. Sept. 29, 2020).....	5
5	<i>San Jose Mercury News, Inc. v. U.S. Dist. Ct.</i> ,	
6	187 F.3d 1096 (9th Cir. 1999)	8, 9, 10, 11
7	Court Rules	
8	C.D. Cal. L.R. 79-7.2.....	10
9	Fed. R. Civ. P. 24(b)	9, 10
10	Other Authorities	
11	Bryan Gallion, <i>WATCH: House panel examines Delaney Hall ICE</i>	
12	<i>detention center conditions and protests</i> , PBS (Jul. 22, 2026), https://www.pbs.org/newshour/politics/watch-live-house-panel- examines-delaney-hall-ice-detention-center-conditions-and-protests	6
13	Dale Chappell, <i>EPA Slams GEO Over Disinfectant Use at Private</i>	
14	<i>Prison, Federal Court Issues Preliminary Injunction to Stop It</i> ,	
15	Prison Legal News (Sept. 1, 2021), https://www.prisonlegalnews.org/news/2021/sep/1/epa-slams-geo- over-disinfectant-use-private-prison-federal-court-issues- preliminary-injunction-stop-it/	2
16	Dell Cameron, <i>ICE’s New Detention Center Contracts Declare State</i>	
17	<i>Laws ‘Shall Not Apply’</i> , WIRED (July 29, 2026), https://www.wired.com/story/ices-new-detention-contracts-declare- state-law-shall-not-apply/	6
18	John Ingold, <i>Colorado sues operator of Aurora immigrant detention</i>	
19	<i>center to enforce tuberculosis order</i> , Colo. Sun (Aug. 19, 2026), https://coloradosun.com/2026/08/19/geo-group-lawsuit- tuberculosis/	6
20	Kyla Pearce, <i>Report claims poor living, health, food conditions at</i>	
21	<i>Aurora ICE detention center</i> , Denver Gazette (Mar. 3, 2026), https://www.denvergazette.com/2026/03/03/report-claims-poor- living-health-food-conditions-at-aurora-ice-detention-center/	5
22		
23		
24		

1	Letter from Freedom for Immigrants and Inland Coal. for Immigrant	
2	Justice to ICE and DHS (May 21, 2020),	
3	https://embed.documentcloud.org/documents/6923000-Adelanto-	
	CRCL-Complaint-052120/	2
4	Letter from Reps. Mark Takano and Juan Vargas, Members of	
5	Congress, to James Janecka, Warden, Adelanto ICE Detention	
6	Center (July 29, 2020)	
	https://takano.house.gov/imo/media/doc/7.29.2020%20Adelanto%20	
	0Follow%20Up%20.pdf	2
7	<i>NJ attorney general opens civil rights investigation into Delaney Hall</i>	
8	<i>amid detainee deaths</i> , ABC7NY.com, Aug. 7, 2026,	
9	https://abc7ny.com/post/delaney-hall-deaths-nj-attorney-general-	
	launches-investigation-ice-detention-facilitys-practices/19642748/	6
10	Notice of Warning from the United States EPA to George Zoley	
11	(Mar. 2, 2021), https://earthjustice.org/wp-	
	content/uploads/nw_geo_final_1.pdf	4
12	<i>Oversight Of ICE Detention Facilities: Examining ICE Contractors'</i>	
13	<i>Response to Covid-19, Hearing Before the Subcomm. on Border</i>	
14	<i>Sec., Facilitation, and Operations of the H.R. Comm. on Homeland</i>	
	<i>Sec.</i> , 116th Cong. 83 (2020) (statement of George C. Zoley, CEO,	
	GEO Group) (“July 13, 2020 Hearing”)	3
15	Press Release, Shut Down Adelanto Coalition, Immigrants in Detention	
16	Facilities At Risk of Toxic Chemical Exposure, According to Newly	
17	Compiled Research (Aug. 13, 2020)	
18	https://earthjustice.org/press/2020/immigrants-in-detention-	
	facilities-at-risk-of-toxic-chemical-exposure-according-to-newly-	
	compiled-research	2
19	Richard Luscombe, <i>Tuberculosis outbreak at Colorado ICE jail sickens</i>	
20	<i>at least 12 detainees</i> , The Guardian (Jul. 14, 2026),	
21	https://www.theguardian.com/us-news/2026/jul/14/tuberculosis-	
	outbreak-colorado-ice-jail	5
22	Staff of H.R. Comm. on Homeland Sec., 116th Cong., <i>ICE Detention</i>	
23	<i>Facilities: Failing to Meet Basic Standards of Care</i> 11-12 (Sept. 21,	
24	2020), https://bit.ly/4c4CY6K	2

1 United States EPA, Inspection Report: Adelanto ICE Processing Center
2 (2020), [https://earthjustice.org/wp-](https://earthjustice.org/wp-content/uploads/final_inspection_report_1.pdf)
3 [content/uploads/final_inspection_report_1.pdf](https://earthjustice.org/wp-content/uploads/final_inspection_report_1.pdf).....3, 4
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

The public has a right to observe their government and its actions, whether in the streets or the courthouse. When that right is overlooked or ignored, the public loses faith in the administration of our laws. It is particularly “easy to overlook” when the parties appear to agree to do so, “the busy district court accommodates, and nobody is left in the courtroom to question whether the decision [to exclude the public] satisfied the substantive requirements.” *See Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417 (5th Cir. 2021). This Court should allow intervention here so the public and impacted community members may access courthouse records about a government contractor’s harmful actions at Adelanto Immigration and Customs Enforcement Processing Center. The Inland Coalition for Immigrant Justice (“ICIJ”) is a group of over thirty-five organizations that serve the immigrant community in the Inland Empire through policy advocacy, community organizing and education, and community responses to ICE and border patrol operations. Decl. of Javier Hernandez ¶¶ 2, 4. ICIJ seeks to intervene to unseal court-filed records detailing how GEO Group Inc., the contractor operating Adelanto, and Spartan Chemical Company, an industrial chemical supplier, decided that essentially fumigating Adelanto—and the people trapped inside—with a toxic pesticide was an appropriate response to COVID-19. ICIJ seeks access to the records, which include important briefs and exhibits, because they are relevant to ICIJ’s mission. *See id.* ¶¶ 6–8. Because this motion to intervene is timely, would not cause delay, and would not prejudice the parties, this Court should grant it and consider ICIJ’s motion to unseal, which follows by separate motion.

BACKGROUND

The COVID-19 pandemic exacerbated GEO's existing failures to meet basic standards of care at Adelanto.¹ In response to COVID-19, GEO created a literally toxic atmosphere at the detention center by almost constantly spraying a dangerous pesticide called HDQ Neutral, manufactured by Spartan, throughout Adelanto. Dkt. 152 ¶¶ 1–2. GEO had used diluted HDQ Neutral in a cleaning solution for years. *Id.* ¶¶ 50, 64. Then, at the onset of the pandemic, GEO's purchases of the pesticide went up by 500% as it wantonly attempted to fight COVID-19 by using highly concentrated HDQ Neutral to saturate the air and coat every surface inside Adelanto. *Id.* ¶¶ 53, 57, 59, 146. Because of these conditions, along with fear of the deadly virus itself, community groups and loved ones repeatedly rallied and pushed for closure of the facility.² They sent complaints to ICE, contacted their congressional representatives, and started an online petition that garnered over a quarter million signatures.³ Hernandez Decl. ¶ 7. Members of the community also protested at Adelanto on numerous occasions. *Id.* ¶ 8.

¹ “ICE continues to utilize facilities that demonstrate a pattern of violating [their] own detention standards. Adelanto is a perfect example.” Staff of H.R. Comm. on Homeland Sec., 116th Cong., *ICE Detention Facilities: Failing to Meet Basic Standards of Care* 11-12 (Sept. 21, 2020), <https://bit.ly/4c4CY6K> (summarizing oversight bodies' previous findings).

² Press Release, Shut Down Adelanto Coalition, Immigrants in Detention Facilities At Risk of Toxic Chemical Exposure, According to Newly Compiled Research (Aug. 13, 2020) <https://earthjustice.org/press/2020/immigrants-in-detention-facilities-at-risk-of-toxic-chemical-exposure-according-to-newly-compiled-research>.

³ Letter from Freedom for Immigrants and Inland Coal. for Immigrant Justice to ICE and DHS (May 21, 2020), <https://embed.documentcloud.org/documents/6923000-> (footnote continued)

1 As this Court has acknowledged, people detained in Adelanto “knew in 2020
2 that GEO’s officers were intentionally spraying HDQ Neutral in a matter that
3 resulted in harmful conduct to them, and that they were injured by the spraying.”
4 *See* Order Granting-in-Part, Denying-in-Part, Deferring-In-Part Defs.’ Mot. Summ.
5 J., Dkt. No. 491 at 10. People inside Adelanto “repeatedly asked GEO officers to
6 stop spraying them, or to change the manner of their spraying, so as to reduce
7 exposure and harm.” *Id.* Plaintiffs allege that, rather than address those concerns,
8 “Adelanto’s medical staff ignored commonalities of consistent complaints” and
9 “disregarded” or even “mocked” those who “sought out medical treatment.” Dkt.
10 152 ¶¶ 16, 110–12. All while GEO officers continued to spray HDQ Neutral at a
11 concentration that those in charge knew—or should have known—was only EPA-
12 approved for empty livestock pens.⁴

13 The rampant misuse of HDQ Neutral led to two government investigations.
14 On July 13, 2020, the CEO of GEO testified in front of the Homeland Security
15 Oversight Committee.⁵ He claimed that GEO was following the strict safety

17 [Adelanto-CRCL-Complaint-052120/](#); Letter from Reps. Mark Takano and Juan
18 Vargas, Members of Congress, to James Janecka, Warden, Adelanto ICE Detention
19 Center (July 29, 2020) <https://takano.house.gov/imo/media/doc/7.29.2020%20Adelanto%20Follow%20Up%20.pdf>;
20 Dale Chappell, *EPA Slams GEO Over Disinfectant Use at Private Prison*, *Federal Court Issues Preliminary Injunction to Stop It*, Prison Legal News (Sept. 1,
21 2021), <https://www.prisonlegalnews.org/news/2021/sep/1/epa-slams-geo-over-disinfectant-use-private-prison-federal-court-issues-preliminary-injunction-stop-it/>.

22 ⁴ United States EPA, Inspection Report: Adelanto ICE Processing Center 7 (2020),
23 https://earthjustice.org/wp-content/uploads/final_inspection_report_1.pdf.

24 ⁵ *Oversight Of ICE Detention Facilities: Examining ICE Contractors' Response to*
(footnote continued)

1 guidelines for HDQ Neutral and that no adverse effects had been reported.⁶ Later
2 that month, the EPA inspected Adelanto by video conference after receiving reports
3 about misuse of HDQ Neutral and numerous associated illnesses.⁷ The EPA
4 informed Adelanto's Facility Administrator that GEO was using double the
5 EPA-approved concentration of HDQ Neutral.⁸ When asked about reports of
6 adverse health effects from the detained people in his care, the Facility
7 Administrator declined to answer.⁹ Meanwhile, GEO, with the help of Spartan, was
8 continuing to spray highly concentrated HDQ Neutral despite receiving multiple
9 complaints from people detained about "negative and serious health
10 consequences."¹⁰ See Dkt. 318 at 14–16. On March 2, 2021, almost a year after the
11 release of the report, the EPA issued GEO a Notice of Warning advising GEO that
12 it was violating the law by using HDQ Neutral in a manner inconsistent with its
13 labeling and that GEO needed to make changes or be subject to further enforcement
14 action.¹¹ By that point, Judge Terry J. Hatter, Jr. had already ordered that

15 _____
16 *Covid-19, Hearing Before the Subcomm. on Border Sec., Facilitation, and Operations*
17 *of the H.R. Comm. on Homeland Sec.*, 116th Cong. 83 (2020) (statement of George
18 C. Zoley, CEO, GEO Group) ("July 13, 2020 Hearing").

19 ⁶ See *id.* at 83.

20 ⁷ EPA Inspection Report, *supra* note 4, at 6–7.

21 ⁸ *Id.*

22 ⁹ *Id.* at 5.

23 ¹⁰ Letter from Freedom for Immigrants and Inland Coal. for Immigrant Justice, *supra*
24 note 3, at 1.

25 ¹¹ Notice of Warning ("Notice of Warning") from the United States EPA to George
Zoley 3 (Mar. 2, 2021), [https://earthjustice.org/wp-](https://earthjustice.org/wp-content/uploads/now_geo_final_1.pdf)
[content/uploads/now_geo_final_1.pdf](https://earthjustice.org/wp-content/uploads/now_geo_final_1.pdf).

1 “Adelanto’s use of HDQ Neutral must stop, immediately.” *Roman v. Wolf*, No.
2 EDCV 20-00768 TJH (PVCx), 2020 WL 5797918, at *6 (C.D. Cal. Sept. 29, 2020).

3 GEO continues to endanger the health and safety of people at Adelanto, both
4 through inhumane conditions and “systemic and well-documented healthcare
5 delivery failures.” Renewed Mot. for Prelim. Inj. at 9, 13, *L.T. v. U.S. Immigr.*
6 *Customs & Enf’t*, No. 26-cv-00322-SSS-SP, 2026 WL 2131142 (C.D. Cal. July 16,
7 2026), Dkt. 77 (referencing the findings in *Roman v. Wolf*, 977 F.3d 935, 943 (9th
8 Cir. 2020)). On July 16, 2026, Judge Sunshine S. Sykes issued a preliminary
9 injunction requiring federal immigration officials to provide people at Adelanto
10 with sanitary conditions, clean drinking water, and adequate medical care, among
11 other basic human needs. *See L.T. v. U.S. Immigr. Customs & Enf’t*, No. 26-cv-
12 00322-SSS-SP, 2026 WL 2131142, at *1 (C.D. Cal. July 16, 2026). Beyond
13 Adelanto, this pattern of GEO subjecting people to inhumane conditions stretches
14 across the country. At Aurora ICE Processing Center in Colorado, reports of
15 inadequate food and medical treatment have been compounded by the facility’s
16 second tuberculosis outbreak in eighteen months.¹² Last month, Colorado’s
17 Governor Jared Polis said that “GEO’s consistent lack of transparency” forced the

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21 ¹² Kyla Pearce, *Report claims poor living, health, food conditions at Aurora ICE*
22 *detention center*, Denver Gazette (Mar. 3, 2026),
23 [https://www.denvergazette.com/2026/03/03/report-claims-poor-living-health-food-](https://www.denvergazette.com/2026/03/03/report-claims-poor-living-health-food-conditions-at-aurora-ice-detention-center/)
24 [conditions-at-aurora-ice-detention-center/](https://www.denvergazette.com/2026/03/03/report-claims-poor-living-health-food-conditions-at-aurora-ice-detention-center/); Richard Luscombe, *Tuberculosis*
outbreak at Colorado ICE jail sickens at least 12 detainees, The Guardian (Jul. 14,
2026), [https://www.theguardian.com/us-news/2026/jul/14/tuberculosis-outbreak-](https://www.theguardian.com/us-news/2026/jul/14/tuberculosis-outbreak-colorado-ice-jail)
[colorado-ice-jail](https://www.theguardian.com/us-news/2026/jul/14/tuberculosis-outbreak-colorado-ice-jail).

1 state to file a lawsuit “in order to conduct a routine public health investigation.”¹³
2 At Delaney Hall in New Jersey,¹⁴ at least two people have died in less than nine
3 months, prompting an investigation by the state Attorney General.¹⁵ As minimum
4 standards are relaxed and oversight becomes increasingly difficult, the public
5 deserves to know how GEO and its partners, like Spartan, have treated and may
6 continue to treat the people they detain on the public’s behalf.¹⁶

7 **PROCEDURAL HISTORY**

8 Plaintiffs initiated this action against Defendant GEO in March 2023,
9 asserting six tortious causes of action arising from the continuous and hazardous
10 spraying of HDQ Neutral described above. Dkt. 1. In July 2023, GEO filed a third-
11 party complaint against third-party Defendant Spartan and Roes 1-10. Dkt. 35. In
12 January 2025, following discovery, Plaintiffs amended their complaint to add
13 Spartan as a defendant. Dkt. 152.

14
15
16 ¹³ John Ingold, *Colorado sues operator of Aurora immigrant detention center to*
17 *enforce tuberculosis order*, Colo. Sun (Aug. 19, 2026),
<https://coloradosun.com/2026/08/19/geo-group-lawsuit-tuberculosis/>.

18 ¹⁴ Bryan Gallion, *WATCH: House panel examines Delaney Hall ICE detention center*
19 *conditions and protests*, PBS (Jul. 22, 2026),
[https://www.pbs.org/newshour/politics/watch-live-house-panel-examines-delaney-](https://www.pbs.org/newshour/politics/watch-live-house-panel-examines-delaney-hall-ice-detention-center-conditions-and-protests)
[hall-ice-detention-center-conditions-and-protests](https://www.pbs.org/newshour/politics/watch-live-house-panel-examines-delaney-hall-ice-detention-center-conditions-and-protests).

20 ¹⁵ *NJ attorney general opens civil rights investigation into Delaney Hall amid*
21 *detainee deaths*, ABC7NY.com, Aug. 7, 2026, [https://abc7ny.com/post/delaney-hall-](https://abc7ny.com/post/delaney-hall-deaths-nj-attorney-general-launches-investigation-ice-detention-facilitys-practices/19642748/)
22 [deaths-nj-attorney-general-launches-investigation-ice-detention-facilitys-](https://abc7ny.com/post/delaney-hall-deaths-nj-attorney-general-launches-investigation-ice-detention-facilitys-practices/19642748/)
[practices/19642748/](https://abc7ny.com/post/delaney-hall-deaths-nj-attorney-general-launches-investigation-ice-detention-facilitys-practices/19642748/).

23 ¹⁶ Dell Cameron, *ICE’s New Detention Center Contracts Declare State Laws ‘Shall*
24 *Not Apply*’, WIRED (July 29, 2026), [https://www.wired.com/story/ices-new-](https://www.wired.com/story/ices-new-detention-contracts-declare-state-law-shall-not-apply/)
[detention-contracts-declare-state-law-shall-not-apply/](https://www.wired.com/story/ices-new-detention-contracts-declare-state-law-shall-not-apply/).

1 After the close of discovery, Plaintiffs moved for class certification. Dkt. 318.
2 Concurrently, Defendants each separately moved for summary judgment. Dkts.
3 317, 320. Both the class certification and summary judgment briefing contain
4 redacted sections and reference exhibits that one or more Parties sought to maintain
5 under seal. *See* Pls.’ Appls., Dkts. 314, 335. Plaintiffs followed required procedures
6 by submitting applications to seal when they filed documents in support of their
7 briefing that GEO and Spartan had designated as confidential or highly confidential
8 during discovery. *Id.* But, Defendants did not follow the procedure for supporting
9 Plaintiffs’ applications nor otherwise indicate that sealing the documents was
10 required. Despite the failure of any party to explain why the majority of the relevant
11 sealing was appropriate, Plaintiffs’ applications to seal Defendants’ documents
12 were granted in full by the same orders that resolved their related substantive
13 motions. *See* Dkt. 365 (granting Dkt. 314); Dkt. 491 (granting Dkt. 335).

14 In September 2025, the Court granted in-part Plaintiffs’ motion for class
15 certification, certifying “Plaintiffs’ proposed General Causation Issue Class . . . as
16 to what, if any, symptoms can result from exposure to specific levels to HDQ
17 Neutral.” Dkt. 365 at 12. Then, in December 2025, the Court granted in-part
18 Defendants’ motions for summary judgment, dismissing Plaintiffs’ battery claim
19 against GEO. Dkt. 491 at 10. A trial date was set to March 3, 2026. Dkt. 492; *see*
20 Dkt. 495 (continuing date to March 10, 2026). The Parties prepared for trial and
21 filed motions in limine. *E.g.* Dkts. 396–407. Alongside their motions in limine,
22 Plaintiffs filed an application to seal because their motions referenced materials
23 designated as confidential or highly confidential by either Plaintiffs or GEO.
24 Dkt. 444. Plaintiffs provided reasons to seal the documents Plaintiffs had designated

1 as confidential—that the documents contained personal identifying information—
2 but GEO did not offer any reasons why its documents should be sealed. *Id.* There
3 has been no ruling on this application. On February 13, 2026, the Court stayed all
4 deadlines and trial pending settlement negotiations. Dkt. 524.

5 Plaintiffs filed an unopposed motion for preliminary approval of general
6 causation issue class settlement on August 31, 2026. Dkt 537. The Court granted
7 Plaintiffs’ unopposed motion for preliminary approval of the general causation
8 issue class settlement on September 25, 2026. Dkt. 541.

9 ARGUMENT

10 The Court should permit ICIJ to intervene in this action for the limited
11 purpose of asserting its First Amendment and common law right of access to court
12 records filed in this case. Specifically, ICIJ seeks to obtain public access to
13 Defendants’ records contained in three of Plaintiffs’ applications to seal that neither
14 GEO nor Spartan ever argued required sealing. Dkts. 314, 335, 444; *see* Proposed
15 Intervenor’s Mot. Unseal, Dkt. 544. In this Circuit, it is well-established that
16 “[n]onparties seeking access to a judicial record in a civil case may do so by seeking
17 permissive intervention under Rule 24(b)(2).” *San Jose Mercury News, Inc. v. U.S.*
18 *Dist. Ct.*, 187 F.3d 1096, 1100 (9th Cir. 1999). Ordinarily, a court may grant
19 permissive intervention under Rule 24(b) if the movant presents “(1) an independent
20 ground for jurisdiction; (2) a timely motion; and (3) a common question of law and
21 fact between the movant’s claim or defense and the main action.” *Beckman Indus.,*
22 *Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 473 (9th Cir. 1992). Consistent with the
23 requirements of Rule 24(b), the court must also “consider whether the intervention
24

1 will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed.
2 R. Civ. P. 24(b)(3).

3 However, when a party seeks to intervene solely for the purpose of seeking
4 access to court records, the requirements for permissive intervention are relaxed.
5 First, “an independent jurisdictional basis is not required because intervenors do not
6 seek to litigate a claim on the merits.” *Beckman*, 966 F.2d at 473; *Cosgrove v. Nat’l*
7 *Fire & Marine Ins. Co.*, 770 F. App’x 793, 795 (9th Cir. 2019) (explaining that a
8 “third party seeking permissive intervention purely to unseal a court record does not
9 need to a demonstrate independent jurisdiction”); *Hernandez v. County of*
10 *Monterey*, No. 13-CV-02354-BLF, 2023 WL 5418753, at *2 (N.D. Cal. Aug. 21,
11 2023) (same). Second, “[t]here is no reason to require [] a strong nexus of fact or
12 law when a party seeks to intervene only for the purpose” of promoting court
13 transparency. *Beckman*, 966 F.2d at 474; *see also Cosgrove*, 770 F. App’x at 795
14 (explaining that a “third party seeking permissive intervention purely to unseal a
15 court record does not need to demonstrate . . . a common question of law or fact”);
16 *Hernandez*, 2023 WL 5418753, at *2 (same). Accordingly, “a party who seeks to
17 intervene solely to unseal filed documents only needs to show timeliness.” *Greer v.*
18 *County of San Diego*, No. 19CV378-JO-DEB, 2023 WL 4479234, at *3 (S.D. Cal.
19 July 10, 2023), *rev’d in-part on other grounds*, 127 F.4th 1216 (9th Cir. 2025).

20 To determine whether ICIJ’s Motion to Intervene is timely, the Court must
21 consider “(1) the stage of the proceeding at which [ICIJ] seeks to intervene; (2) the
22 prejudice to other parties; and (3) the reason for and length of [any] delay,” *San*
23 *Jose Mercury News*, 187 F.3d at 1101. These same considerations also satisfy Rule
24 24(b)(3)’s required undue delay and prejudice analysis. *See* Fed. R. Civ. P. 24(b)(3).

1 Rather than timeliness being tied to a specific procedural stage, ICIJ's Motion
2 to Intervene is "timely as long as the documents remain under seal because sealing
3 places the public's interest in open access in controversy." *F.T.C. v. AMG Servs.,*
4 *Inc.*, No. 2:12-CV-536-GMN-VCF, 2014 WL 6069821, at *4 (D. Nev. Nov. 13,
5 2014) (applying *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1176 (9th
6 Cir. 2006)), *aff'd*, 2015 WL 4073192 (D. Nev. July 2, 2015). Here, the Parties'
7 announcement that an issue class settlement agreement has been reached implies
8 that the sealing here will remain undisturbed unless ICIJ's intervention is allowed.
9 Indeed, the fact that a case will soon or has settled does not render a third-party
10 motion to intervene untimely; even where cases are closed, "delays measured in
11 years have been tolerated where an intervenor is pressing the public's right of access
12 to judicial records." *San Jose Mercury News*, 187 F.3d at 1101 (describing the two-
13 year gap between settlement and intervention in *Beckman*, 966 F.2d at 471). And
14 this Court's local rules do not limit the time by which "[a] nonparty seeking access
15 to a sealed document may intervene in a case for the purpose of" unsealing.
16 L.R. 79-7.2.

17 Further, allowing ICIJ to intervene will not unduly delay or prejudice the
18 adjudication of the original parties' rights. *See* Fed. R. Civ. P. 24(b)(3). Because the
19 Parties agree that the underlying action should be settled, permitting intervention at
20 this stage will not delay the litigation schedule or prejudice resolution of the merits.
21 *See Blum v. Merrill Lynch Pierce Fenner & Smith Inc.*, 712 F.3d 1349, 1354 (9th
22 Cir. 2013) ("The existing parties have settled their dispute, and thus we find that []
23 intervention has little effect on the original parties' underlying rights.") Nor would
24 the Parties, namely Defendants, be unduly prejudiced by needing to respond to

1 ICIJ’s proposed Motion to Unseal. As explained in that motion, parties seeking
2 continued secrecy have an already-existing burden to establish that there are
3 compelling reasons for keeping specific court records sealed. *See Foltz v. State*
4 *Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130–31, 1134–36 (9th Cir. 2003). For
5 that reason, being asked to “explain why the relevant records should remain sealed
6 is not, itself, unduly prejudicial.” *Muhaymin v. City of Phoenix*, No. CV-1704565-
7 PHX-DLR, 2021 WL 5173767, at *2 (D. Ariz. Nov. 3, 2021). Finding otherwise
8 would “stymy[] the public’s right of access altogether.” *San Jose Mercury News*,
9 187 F.3d at 1101. Because ICIJ’s Motion to Unseal simply asks the Defendants to
10 meet these well-established burdens, which they have not even tried to meet with
11 regard to the records ICIJ seeks to unseal, granting intervention would not cause
12 undue prejudice.

13 And, as courts have recognized, once an intervenor asserts “a legitimate,
14 presumptive right to open the court record . . . the potential burden or inequity to
15 the parties should affect not the right to intervene but, rather, the court’s evaluation
16 of the merits” of a motion to unseal. *San Jose Mercury News*, 187 F.3d at 1101
17 (quoting *Pub. Citizen v. Liggett Grp., Inc.*, 858 F.2d 775, 787 (1st Cir. 1988)).
18 Therefore, any concerns about potential prejudice caused by the unsealing itself can
19 be addressed when the Court balances the public’s interest in disclosure against
20 GEO’s and Spartan’s interest in secrecy—should they suddenly claim to have one.
21 *See Kamakana*, 447 F.3d at 1179 (quoting *Foltz*, 331 F.3d at 1135) (“[T]he court
22 must ‘conscientiously balance[] the competing interests’ of the public and the party
23 who seeks to keep certain judicial records secret.”).

1 **CONCLUSION**

2 Because ICIJ satisfies the requirements for permissive intervention under
3 Rule 24(b) to intervene to seek access to court records, the Court should grant its
4 Motion and allow them to do so.

5 Dated: October 5, 2026

Submitted,

6 PUBLIC JUSTICE

7 /s/ Jacqueline Arkush

8 Jacqueline Arkush (SBN 365861)

9 *Counsel for Proposed Intervenor*
10 *Inland Coalition for Immigrant Justice*
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