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The Tenth Circuit Upholds Class Certification in Immigrant Detainees' Forced Labor Case against The GEO Group, Inc.

Today, the United States Court of Appeals for the Tenth Circuit upheld a decision of the lower court and will allow nine detainees held at GEO's Aurora, CO immigrant detention facility to represent a class of approximately 60,000 people. The detainees allege that GEO, one of the country's largest private prison providers, forced them to clean the facility without pay and under threat of solitary confinement in violation of federal forced labor statutes. The class also alleges that GEO's practice of paying some detainees \$1 per day to work at the facility unjustly enriched the company in violation of Colorado law. As the Tenth Circuit explained, the "class members reside in countries around the world, lack English proficiency, and have little knowledge of the legal system in the United States." With this ruling, they will nevertheless be able to see their day in court.

"Immigrant detainees are exactly the type of workers who need the class action mechanism to seek justice," explained Nina DiSalvo of Towards Justice, a non-profit legal group that represents the class. "I am humbled by the courage of our nine named plaintiffs for standing up to this huge corporation and insisting that tens of thousands of other detainees be able to vindicate their rights."

"This ruling shifts the power from a huge corporation to vulnerable detainees," said David Lopez of Outten & Golden, LLP, a law firm that represents the class. "With that power, detainees will be able to challenge long-standing practices that have allowed GEO to exploit detainee labor while pocketing taxpayer dollars."

Grisel Xahuentitla, one of the named plaintiffs, spoke to the power of the class action as a way to protect tens of thousands of others. "It was scary and hard to stand up to protect the rights I knew I had in America. I'm so proud that, after everything I've been through, I can represent all of the people who weren't able to come forward on their own whether because they were too scared or because they didn't understand that we had rights when we were detained by GEO."

The Case is *Menocal, et. al v. The GEO Group, Inc.*, Case No. 17-1125, United States Court of Appeals for the Tenth Circuit

The Class is represented by Outten & Golden, LLP, Towards Justice, The Kelman Buescher Firm, P.C., Meyer Law Office, Milstein Law Office, and the Law Office of R. Andrew Free