

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 20-81063-CIV-SMITH

STEVE HARTEL, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

THE GEO GROUP, INC., GEORGE C. ZOLEY,
and BRIAN R. EVANS,

Defendants.

**UNOPPOSED OMNIBUS ORDER APPOINTING LEAD PLAINTIFFS, APPROVING
SELECTION OF COUNSEL, DISMISSING THE CURRENT COMPLAINT WITHOUT
PREJUDICE, SETTING DEADLINE FOR AMENDING THE COMPLAINT, AND
SETTING RELATED DEADLINES**

WHEREAS, in accordance with the provisions of Section 21D(a)(3)(A)(i) of the Securities Exchange Act, on July 8, 2020, notice of the Lead Plaintiff deadline was published in a widely circulated national business-oriented wire service, advising Class members of the pendency of the class action, the claims asserted therein, the purported Class Period, and their right to move this Court to be appointed Lead Plaintiff; and

WHEREAS, pursuant to Section 21D of the Exchange Act, any purported Class member desiring to be appointed Lead Plaintiff was required to have filed a motion for such appointment on or before September 8, 2020; and

WHEREAS, movants James Michael DeLoach (“DeLoach”) and Edward Oketola (“Oketola”) have timely filed motions for appointment as Lead Plaintiffs (*see* DE 22, 23); and

WHEREAS, Messrs. DeLoach and Oketola have requested appointment as Co-Lead Plaintiffs and the other movants have withdrawn their motions (*see* DE 26); and

WHEREAS, Messrs. DeLoach and Oketola otherwise satisfy the requirements of Section 21D of the Exchange Act and Rule 23 of the Federal Rules of Civil Procedure; and

WHEREAS, in accordance with Section 21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B)(v), Messrs. DeLoach and Oketola seek approval of their selection of counsel, Levi & Korsinsky, LLP and Roche Cyrulnik Freedman, LLP, to serve as Co-Lead Counsel for the Class;

WHEREAS, on August 12, 2020, The GEO Group, Inc., George C. Zoley, and Brian R. Evans (collectively, “Defendants”) filed a motion to dismiss [DE 6] the initial Complaint [DE 1] filed by Steve Hartel, who is not seeking appointment as lead plaintiff;

WHEREAS, once appointed, Co-Lead Plaintiffs will file an amended complaint; and

WHEREAS, Proposed Co-Lead Plaintiffs request relief to resolve the pending motions [DE 6, 19, 21, 22, 23, 24, 26], and Defendants do not oppose such request;

The Court having reviewed the motions for appointment as lead plaintiff [DE 19, 21, 22, 23, 24, 26], and being otherwise fully advised in the premises, hereby

ORDERS AND ADJUDGES that:

1. The Joint Motion for Omnibus Order Appointing Lead Plaintiffs, Approving Selection of Counsel, and Setting Deadlines [DE 26] is **GRANTED**;

2. The motions for appointment as lead plaintiff at DE 22 and 23 are **GRANTED IN PART**;

3. The motions for appointment as lead plaintiff at DE 19, 21, and 24 are **DENIED AS MOOT**;

4. Pursuant to Section 21D of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B), Messrs. DeLoach and Oketola are appointed as Co-Lead Plaintiffs for the Class in the Action.

5. Pursuant to Section 21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. §78u-

4(a)(3)(B)(v), the Court approves Messrs. DeLoach's and Oketola's selected and retained counsel, Levi & Korsinsky, LLP and Roche Cyrulnik Freedman, LLP, to serve as Co-Lead Counsel in the Action.

6. Co-Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Co-Lead Counsel shall designate:

- (a) to coordinate the briefing and argument of any and all motions;
- (b) to coordinate the conduct of any and all discovery proceedings;
- (c) to coordinate the examination of any and all witnesses in depositions;
- (d) to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
- (e) to coordinate all settlement negotiations with counsel for defendants;
- (f) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter, and to delegate work responsibilities to selected counsel as may be required;
- (g) to coordinate the preparation and filings of all pleadings; and
- (h) to supervise all other matters concerning this litigation.

7. Co-Lead Counsel shall have authority to speak for the Co-Lead Plaintiffs in matters regarding pre-trial and trial procedure and settlement negotiations and shall make all work assignments in such a manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort. No settlement negotiations shall be conducted without the approval of Co-Lead Counsel.

8. Co-Lead Counsel shall be responsible for the coordination of all activities and appearances on behalf of the Co-Lead Plaintiffs and for the dissemination of Court orders and notices. No motion, request for discovery or other pretrial proceedings shall be initiated or filed

by the Plaintiff except through Co-Lead Counsel.

9. Co-Lead Counsel shall be the contact between the class and Defendants' counsel and shall serve as spokespersons for the class. Co-Lead Counsel shall act as the liaison between the Court and the class.

10. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel or other duly authorized representatives of the Co-Lead Plaintiffs, and such agreements shall be binding on the Co-Lead Plaintiffs.


11. Defendants' Motion to Dismiss [DE 6] is **GRANTED IN PART AND DENIED IN PART**. The Complaint [DE 1] is **dismissed without prejudice**. Each party shall bear its own costs and fees only with respect to the initial complaint, without prejudice to any other entitlement or request for costs or fees. This dismissal is not an adjudication on the merits and the amended complaint to be filed pursuant to this Order shall relate back to the initial Complaint.

12. Co-Lead Plaintiffs shall file their Amended Complaint by **November 17, 2020**.

13. Defendants shall file their responsive motion or answer to the amended complaint by **December 18, 2020**.

14. If a motion to dismiss is filed, Co-Lead Plaintiffs shall file their response by **January 18, 2021**, and Defendants shall file their reply by **February 2, 2021**.

DONE AND ORDERED in Fort Lauderdale, Florida this 30th day of September, 2020.



RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: All counsel of record