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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 LIGAYA RONDUEN, et al.,

16 Plaintiffs,

17 vs.

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

21 Defendants.

22 THE GEO GROUP, INC., a Florida
23 corporation,

24 Third-Party Plaintiff,

25 vs.

26 SPARTAN CHEMICAL COMPANY,
27 INC. and ROES 1-10,

28 Third-Party Defendants.

Case No. 23-cv-00481-JGB(SHKx)

[CLASS ACTION]

**FIRST AMENDED CLASS ACTION
COMPLAINT FOR DAMAGES**

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This case seeks accountability from a multi-billion-dollar private-prison corporation and a global pesticide manufacturer that poisoned the people confined in their care. Six of those people bring this lawsuit for themselves and thousands of others held in civil immigration detention at Adelanto Detention Center, where Defendant The GEO Group (“Defendant GEO” or “GEO”) sprayed them 50 times per day, each day, with a toxic pesticide at concentration levels appropriate only to disinfect livestock pens—not to spray indiscriminately in places where human beings eat, sleep, and live without access to the outside world.

2. Plaintiffs’ exposure to a toxic chemical is only one half of the story. As detained people began reporting similar symptoms from the pink mist that clung to their food, clothes, beds, and bodies, GEO denied to government regulators that its misuse of the chemical had any role in the injuries. And rather than providing training, instructions, or an altogether different chemical, Defendant Spartan Chemical Company, Inc.—the manufacturer that serviced and monitored GEO’s use of the toxic chemical—continued to justify its use of a doubly concentrated dose as appropriate “given the nature of [GEO’s] business.”

3. GEO’s business is to detain immigrants awaiting the results of their immigration proceedings. In the process of administering, managing, and operating more than 30 Immigration and Customs Enforcement (“ICE”) detention facilities across the country, GEO makes its shareholders approximately two billion dollars per year. In its singular focus on maximizing its bottom line, however, GEO frequently falls short of minimum constitutional and state law standards, as evidenced by the numerous lawsuits, citations, and federal statutory violations issued against GEO for its poor operation of Adelanto.

4. On February 3, 2020, the United States Department of Health and Human Services declared the 2019 Novel Coronavirus (“COVID-19”) a public health crisis.

1 For people held inside the country's jails, prisons, and detention centers, this time was
2 fraught with panic, misinformation, and isolation.

3 5. GEO's handling of the COVID-19 pandemic within Adelanto evinced its
4 consistent practice of prioritizing profit over the health and safety of the people
5 detained within its walls.

6 6. As news of COVID-19 reached the people detained at Adelanto—through
7 their loved ones or their limited access to news sources—GEO placed the Facility in
8 full lockdown. Outside visitors (including attorneys) were banned, and movement
9 within the Facility was severely curtailed. Even though Plaintiffs and other people
10 detained at Adelanto were fully reliant on GEO for COVID-19 related updates, safety
11 measures, and care, GEO failed to provide any information to them.

12 7. In fact, virtually overnight, GEO staff began widely and indiscriminately
13 spraying an over-concentrated solution of a powerful chemical called HDQ Neutral
14 throughout the Facility. The chemical has a distinct red/pink color and noxious smell
15 that lingers long after it is used. While HDQ Neutral was used as a cleaning
16 disinfectant before the pandemic started, GEO recklessly changed the manner and
17 increased the frequency of its use beginning in February 2020.

18 8. Defendant GEO's chemical spraying was a near-constant and invasive
19 presence at Adelanto. GEO staff sprayed HDQ Neutral every 15 to 30 minutes from
20 vats strapped to their backs and from smaller spray bottles. GEO staff sprayed this
21 chemical into the air and onto all surfaces, including food contact surfaces, telephones,
22 rails, door handles, bathrooms, showers, and sinks. GEO staff sprayed when people
23 were eating, and the chemical mist would fall on their food. GEO staff sprayed at night,
24 on or around the bunk beds and cells where people slept. And on at least one occasion,
25 GEO staff sprayed individuals as a disciplinary measure.

26 9. Defendant Spartan Chemical was responsible for monitoring GEO's use
27 of HDQ Neutral, yet it made no effort to inquire into why GEO's monthly orders of
28

1 concentrated HDQ Neutral in 2020 skyrocketed—in at least one month, GEO ordered
2 five times its monthly average of HDQ Neutral from years prior.

3 10. Due to their incessant, months-long exposure to HDQ Neutral, Plaintiffs
4 and others detained at Adelanto experienced acute symptoms, including but not limited
5 to persistent cough, irritation of the throat and nasal passages, skin irritation and rashes,
6 and headaches.

7 11. The named Plaintiffs' experiences capture the horrific, but all too
8 common, effects of exposure to HDQ Neutral. Various Plaintiffs had nosebleeds or
9 found blood in their mouth and saliva. Others had debilitating headaches or felt dizzy
10 and lightheaded. To this day, several Plaintiffs have chronic, long-term health effects.

11 12. Plaintiffs and others detained at Adelanto, alarmed at the amount and
12 frequency at which HDQ Neutral was being sprayed and the residual mist that lingered,
13 began complaining. But with little information about the pandemic, Plaintiffs and
14 others had to rely on GEO's assurances that HDQ Neutral was a necessary and safe
15 protective measure against COVID-19.

16 13. As the pandemic raged on, GEO, through its CEO and other
17 representatives, assured the United States Congress, as well as federal agencies, that
18 the company was protecting the people in its custody from COVID-19, including by
19 safely utilizing HDQ Neutral.

20 14. The lies publicly told by GEO's CEO and other representatives were
21 parroted by GEO staff, who were tasked with the care and custody of the people
22 detained within Adelanto.

23 15. But GEO knew that its comments to the public and in response to detainee
24 complaints were untrue. GEO confirmed with Defendant Spartan Chemical that it was
25 using a 2-ounce-per-gallon dilution ratio of HDQ Neutral, contrary to the safety label's
26 instructions for a dilution ratio of 1 ounce of concentrate per gallon of water. GEO also
27 knew that Defendant Spartan Chemical justified that over-concentration based only on
28 its unexplained belief that it was appropriate "given the nature of the business."

1 16. Similarly, Adelanto’s medical staff ignored commonalities of consistent
2 complaints by people detained, including Plaintiffs, who were suffering acute
3 symptoms from their HDQ Neutral exposure.

4 17. Adelanto’s medical staff failed to provide accurate information to
5 Plaintiffs about the cause of their suffering. Further, they failed to identify any
6 potential medical risks related to such a significant exposure to HDQ Neutral.

7 18. As a result, Plaintiffs and at least 1,300 other people detained at Adelanto
8 were forced to endure the months-long poisoning of their bodies and the emotional toll
9 of Defendant GEO’s lies and denials—the effects of which continue today.

10 19. Plaintiffs seek to certify a class of similarly situated people, all of whom
11 were detained at Adelanto between February 2020 and November 2020 and were
12 exposed to HDQ Neutral (the “Detained Class”). This was the period in which GEO
13 recklessly sprayed HDQ Neutral and continuously exposed the Detained Class to the
14 harmful pesticide. It was also the period during which Spartan Chemical failed to
15 ensure that Plaintiffs and the Detained Class had access to federally mandated health
16 and safety warning labels and directions for use of HDQ Neutral—even as Spartan
17 Chemical knew that GEO was purchasing significantly more of the product and using
18 it at an increased frequency and concentration.

19 20. Plaintiffs further seek compensatory and special damages for themselves
20 and all members of the Detained Class. Additionally, Plaintiffs seek the payment of
21 medical monitoring and expenses for the next five years to redress the harm caused to
22 them and the Detained Class by Defendant GEO’s negligent and tortious acts.

23 21. Lastly, based on Defendant GEO’s unlawful misconduct—which was
24 deliberate and undertaken with oppression, fraud, or malice—Plaintiffs seek
25 exemplary damages sufficient to punish and deter Defendant GEO from such
26 misconduct in the future.

1 **II. JURISDICTION AND VENUE**

2 22. This action is brought in diversity pursuant to 28 U.S.C. § 1332(d)
3 between the Plaintiffs, residents of California, individually and on behalf of the
4 Detained Class, against Defendant GEO Group, Inc., a corporation headquartered in
5 Florida and Defendant Spartan Chemical Company, Inc., a corporation headquartered
6 in Ohio. The matter in controversy exceeds \$75,000.

7 23. Venue is proper in the Central District of California under 28 U.S.C.
8 § 1391(b)(2) because the events giving rise to the claims herein all occurred in the
9 Central District and because most of the named Plaintiffs reside, and Defendants
10 transact, in the Central District.

11 **III. PARTIES**

12 24. Plaintiff Ligaya Ronduen (“Plaintiff Ronduen” or “Ms. Ronduen”) is
13 currently detained at Eloy Detention Center in Eloy, Arizona. Ms. Ronduen was
14 detained at Adelanto from December 18, 2018, to November 21, 2023, at which point
15 she was suddenly (and without explanation) transferred away from her home state and
16 family in California to an immigration facility in Louisiana and, finally, Arizona.

17 25. Plaintiff Carlos Castillo (“Plaintiff Castillo” or “Mr. Castillo”) is a
18 resident of San Salvador, El Salvador. Mr. Castillo was detained at Adelanto from July
19 3, 2019, to approximately September 15, 2024.

20 26. Plaintiff Miriam Jeannette Scheetz (“Plaintiff Scheetz” or “Mrs.
21 Scheetz”) is a resident of California. From March 2019 through August 2020, she was
22 detained at Adelanto.

23 27. Plaintiff Wilfredo Gonzalez Mena (“Plaintiff Gonzalez Mena” or “Mr.
24 Gonzalez Mena”) is a resident of California. From November 2019 through September
25 2020, he was detained at Adelanto.

26 28. Plaintiff Somboon Phaymany (“Plaintiff Phaymany” or “Mr.
27 Phaymany”) is a resident of California. From April 2018 through April 2020, he was
28 detained at Adelanto.

1 29. Plaintiff Yolanda Mendoza (“Plaintiff Mendoza” or “Mrs. Mendoza”) is
2 a resident of California. From September 2019 through October 2020, she was
3 detained at Adelanto.

4 30. Defendant GEO is a publicly traded company headquartered at 624 NW
5 53rd Street, Suite 700, Boca Raton, Florida 33487. Defendant GEO manages Adelanto
6 and is responsible for providing staff and security personnel, administering the
7 facilities, and enforcing facility practices and procedures at Adelanto. Defendant GEO
8 is or was the physical custodian of Plaintiffs, the Detained Class, and the Facility.

9 31. Defendant Spartan Chemical is a privately owned company with wholly
10 owned subsidiaries all over the world. Its world headquarters are 1110 Spartan Dr,
11 Maumee, Ohio 43537. Defendant Spartan Chemical manufactures HDQ Neutral and
12 sold HDQ Neutral to Defendant GEO for use at Adelanto—including for use within
13 the living and eating quarters of Plaintiffs and the Detained Class—from 2011 through
14 November 1, 2020. Defendant Spartan Chemical also provided and maintained the
15 labels, equipment, instruction, signage and warnings for use of its product, HDQ
16 Neutral.

17 **IV. FACTUAL ALLEGATIONS**

18 **A. Defendant GEO is Responsible for the Custody, Care and Well-** 19 **being of Plaintiffs and the Detained Class**

20 32. Plaintiffs and the Detained Class—civil immigration detainees—were, or
21 are currently, held at Adelanto pending the outcome of their immigration proceedings.
22 GEO has made billions in revenue from its management and operation of private
23 detention centers like Adelanto, which has the capacity to house roughly 1,940 people.

24 33. In its operation and management of Adelanto, GEO is required to abide
25 by ICE’s Performance-Based National Detention Standards (“PBNDS”) and COVID-
26 19 Pandemic Response Requirements (“PRR”), which set baseline requirements for
27 the safety, security, and conditions of immigration detention facilities.
28

1 34. The PRR direct each facility to maintain written plans that “address the
2 management of infectious and communicable diseases.” Further, the PRR require that
3 GEO follow and implement the Center for Disease Control and Prevention (“CDC”)
4 guidelines to manage the spread of infectious and communicable diseases inside
5 facilities such as Adelanto.

6 35. The CDC provides regulations, standards, and guidelines instructing the
7 operators of carceral facilities, like GEO, and their staff on how to implement and
8 follow required procedures for maintaining the health and well-being of the people in
9 their custody. These instructions include required training on manufacturers’ safety
10 data sheets, user-prepared labels, and a safety notice for those who come in contact
11 with hazardous chemicals, such as HDQ Neutral.

12 36. GEO is, and was at all times, responsible for ensuring all detained people
13 have access to proper medical care and treatment within the Facility.

14 37. Adelanto’s medical staff are, and were at all times, entrusted to provide
15 detained people, including Plaintiffs and the Detained Class, with competent,
16 trustworthy, and complete medical care. Since the medical staff are the only internal
17 medical providers at the Facility, detained people must rely on their medical
18 assessments when they report symptoms, illnesses, or injuries.

19 **B. Defendant GEO Has Purchased Disinfectants and Cleaning**
20 **Supplies from Defendant Spartan Chemical for Over a Decade**

21 38. Defendant GEO has purchased disinfecting or cleaning supplies from
22 Defendant Spartan Chemical since at least 2011.

23 39. On or about January 6, 2020, GEO and Spartan Chemical’s National
24 Sales Representative executed a Statement of Work effective December 1, 2019
25 through November 30, 2022. *See* ECF No. 35 at 11.

26 40. Under the terms of that Statement of Work, Spartan Chemical
27 representatives agreed to conduct an escorted tour of the GEO facility to determine
28 installation, purchasing, and service needs for Spartan Chemical products. *Id.* at 17.

1 Spartan Chemical would thereafter provide continuous, on-demand disinfecting and
2 other cleaning chemicals—including HDQ Neutral concentrate—for all GEO facilities
3 with negotiated set prices. *Id.* at 11. In addition to timely delivering product, Spartan
4 Chemical agreed to provide and maintain “Spartan chemical dispensers,” also known
5 as dilution centers and “containment cages.” *Id.* at 13–14. Spartan Chemical also
6 promised to provide monthly usage reports, including “cost per inmate” reports and
7 company (GEO) and division (regional) average usage reports. *Id.* at 14. Finally,
8 Spartan Chemical promised to “host monthly review calls with [the] field team to
9 address any spikes in usage and report corrective measures to each regional vice
10 president.” *Id.*

11 41. Spartan Chemical sales representatives earned commissions on each
12 order of HDQ Neutral that GEO placed under the Statement of Work.

13 **C. Defendant GEO Knowingly Used a Pesticide as a Disinfectant at**
14 **Adelanto**

15 1. HDQ Neutral is a Toxic Pesticide

16 42. HDQ Neutral (EPA Registration Number 10324-155-5741) is a
17 Quaternary Ammonium Compound disinfectant regulated by the Environmental
18 Protection Agency (“EPA”) and the Federal Insecticide, Fungicide and Rodenticide
19 Act (“FIFRA”).

20 43. As a pesticide, HDQ Neutral is approved for use as a very diluted
21 disinfectant in industrial and institutional settings. Unlike common household
22 cleaners, however, it is not available directly to consumers at retail stores.

23 44. HDQ Neutral is particularly dangerous because its two active
24 components, DDAC and ADBAC¹, have been linked to numerous, serious acute
25 (short-term) and chronic (long-term) health effects.

26
27
28 ¹ Scientific names: didecyldimethylammonium chloride (“DDAC”) and alkyl C12-16
dimethylbenzyl ammonium chloride (“ADBAC”).

1 45. The EPA classifies five types of acute toxicity data (oral, dermal,
2 inhalation, skin irritation, and eye irritation) into four Toxicity Categories, with
3 Category 1 being the highest hazard. The EPA has categorized acute toxicity data for
4 DDAC and ADBAC, the active components in HDQ Neutral, as Category 1 toxicity
5 for skin and eye irritation, Category 2 for oral ingestion and inhalation, and Category
6 3 for dermal exposure.

7 46. HDQ Neutral is associated with many acute adverse health effects.
8 According to Defendant Spartan Chemical, the manufacturer of HDQ Neutral,
9 inhalation of HDQ Neutral can result in nasal discomfort, nasal bleeding, coughing,
10 sore throat, trouble breathing, and damage to the mucosal membrane of the respiratory
11 tract. Skin contact can result in redness, blistering, and rashes. Ingestion can result in
12 burns to the digestive tract, pain, nausea, vomiting, and diarrhea. Eye exposure can
13 result in irritation, pain, redness, itchiness, swelling, and worsened vision.

14 47. The active compounds in HDQ Neutral are also associated with many
15 chronic health hazards. Scientific institutions like the Toxics Use Reduction Institute
16 and journals such as Reproductive Toxicology have described, in detail, how exposure
17 to DDAC and ADBAC is correlated with severe skin irritation that can lead to skin
18 sensitization or dermatitis, respiratory irritation and inflammation, chronic obstructive
19 pulmonary disease, reproductive and developmental effects (including decreased
20 fertility, disruption of hormone-regulated processes like ovulation, late-term fetal
21 death, and birth defects, including neural tube defects), and genotoxicity—a serious
22 hazard characterized by DNA damage and disrupted cellular function and regulation.

23 48. Moreover, the Mount Sinai Selikoff Centers for Occupational Health and
24 the Bellevue/NYU Occupational Environmental Medicine Clinic have also detailed
25 how chronic DDAC and ADBAC exposure can lead to respiratory sensitization and
26 occupational asthma.

27 49. Spartan Chemical provides usage regulations, safety information, and
28 other warnings regarding the use of HDQ Neutral, including Spartan Chemical's HDQ

1 Neutral Safety Data Sheet (the “Safety Data Sheet”), HDQ Neutral’s Container Label
2 for five-gallon buckets of concentrate (the “Container Label”), and labels for spray
3 bottles and bulk sprayers (“Secondary Labels”).

4 2. Defendants GEO and Spartan Chemical Knew HDQ Neutral is a
5 Toxic Pesticide. Plaintiffs and the Detained Class Did Not

6 50. From at least 2011 until late 2020, GEO used HDQ Neutral at Adelanto
7 to disinfect the indoor areas where detained people are held. As described throughout
8 this Complaint, the nature of GEO’s use changed dramatically in 2020.

9 51. As manager and operator of Adelanto, GEO is responsible for
10 safeguarding the health and welfare of the people in its custody, including by ensuring
11 its staff follows regulations, guidelines, and manufacturer safety warnings for the use
12 of chemicals at the Facility.

13 52. GEO had access to all of Spartan Chemical’s safety information about
14 HDQ Neutral, including the Safety Data Sheet, the Container Label, and Secondary
15 Labels. Defendant Spartan Chemical knew that GEO kept the Safety Data Sheets in
16 binders locked inside janitor’s closets and Container Labels locked behind metal cages.
17 By contrast, Plaintiffs and the Detained Class had access to none of this information.

18 53. Just as the Safety Data Sheets and the Container Label indicate that HDQ
19 Neutral should only be used on hard, nonporous surfaces (i.e., not on clothing, bed
20 linens or skin), the EPA similarly warns that users of chemicals intended to kill
21 COVID-19 cells shall use those chemicals only on surfaces, NOT on humans.
22 Additionally, the EPA warns that fumigation and wide-area spraying of chemicals
23 intended to kill COVID-19 cells are not appropriate. GEO was required to know and
24 follow these EPA guidelines.

3. Defendant GEO Knowingly Poisoned Plaintiffs and the Detained
Class with HDQ Neutral

54. On February 3, 2020, the United States Department of Health and Human Services declared COVID-19 a public health crisis. Within weeks, the federal government declared a National Emergency.

55. News of the highly contagious and novel virus spread across the country. Local, state, and national government agencies made announcements regarding safety precautions and ways to prevent the virus from spreading. The news media, whether television, radio, or newspapers, reported daily updates on all COVID-19 related matters.

56. For people caged in places such as Adelanto, information was much harder to access. Detained people at Adelanto have no internet access in their dormitory or cell blocks, and access to the internet in the law library is limited to legal resources. Detained people must rely on GEO staff to provide newspapers to their block, or to turn on the television to a news channel. Several of the Plaintiffs and many members of the Detained Class speak limited or no English. For these reasons, they heavily relied on the information GEO staff was willing to share about COVID-19.

57. To the shock and concern of the Detained Class, shortly after learning of the COVID-19 pandemic, GEO placed Adelanto in lockdown with no in-person visits. In the days that followed, Plaintiffs and members of the Detained Class witnessed GEO staff spraying a red/pink chemical mixture in each of their rounds—which occurred every 15 to 30 minutes—within all dormitory and cell blocks at the Facility.

58. Plaintiffs and members of the Detained Class had no control or say over where, how, or how often the chemical mixture was sprayed.

59. GEO staff fumigated the air and surfaces of the Facility's living areas with HDQ Neutral in a manner that dangerously exposed Plaintiffs and members of the Detained Class to the toxic chemical mixture by inhalation, skin and eye contact, and oral ingestion. This aggregate exposure heightened the dangers of HDQ Neutral's

1 active components and violated the instructions of the Safety Data Sheet, the Container
2 Label, and EPA guidelines.

3 60. On July 29, 2020, the EPA conducted an inspection of Adelanto via video
4 conference due to concerns that GEO staff may have been using HDQ Neutral in an
5 improper manner. The EPA documented its findings from that virtual inspection in the
6 EPA July 2020 Final Inspection Report (“EPA Report”). Following the inspection, the
7 EPA issued a Notice of Warning to GEO, formalizing its findings and noting several
8 violations of FIFRA based on GEO’s improper use of HDQ Neutral.

9 61. The EPA Report and Notice of Warning were not made public until
10 March 21, 2021, and were the first governmental and scientific findings publicly
11 available about GEO’s improper use of HDQ Neutral.

12 62. Despite the EPA’s July 2020 inspection and warnings, GEO continued its
13 dangerous and indiscriminate use of HDQ Neutral as outlined below.

14 63. On information and belief, GEO staff was instructed by supervisors,
15 officers, and/or directors representing GEO to continue GEO’s dangerous and
16 indiscriminate use of HDQ Neutral until at least November or December 2020.

17 4. Defendant GEO Poisoned Plaintiffs and Members of the Detained
18 Class by Spraying HDQ Neutral Indoors and on All Surfaces

19 64. Prior to the pandemic, although improperly used in poorly ventilated
20 spaces, GEO staff primarily used HDQ Neutral as a cleaning product. But starting in
21 February 2020, GEO staff began using HDQ Neutral in wide-area spraying as a
22 purported COVID-19 safety measure.

23 65. GEO staff sprayed HDQ Neutral indoors directly into the air and on all
24 types of surfaces. HDQ Neutral was sprayed throughout all areas of the Facility,
25 including the front lobby, administrative areas, living areas, food and microwave areas,
26 day room, corridors, intake units, and medical units. In the living areas, GEO staff
27 would spray onto all surfaces including soft, porous surfaces like mattresses and
28 sheets.

1 66. Unlike other areas of the Facility, the cell or dormitory blocks where
2 members of the Detained Class were held have no open-air ventilation.

3 67. People placed in cell blocks were crammed into small cement cells which
4 hold anywhere between four to eight people each. The cells have no windows, and
5 their doors open into the inside common areas of the block. In the common areas of
6 the cell blocks, there are no windows that can open outside. Bathroom and shower
7 areas are also located inside the cell block and have no windows that can open. Cell
8 blocks have a single door that leads to a small cement quad. But these quads have tall,
9 thick, cement walls and only the roof is open to the outside. During the limited time
10 that detained people have access to a quad, the open roof is the single source of fresh
11 air.

12 68. Members of the Detained Class held in dormitory blocks were crammed
13 into poorly ventilated areas, too. Like the cell blocks, dormitories have no windows
14 that can open to the outside and only one door that opens to a cement quad. People
15 placed in dormitories sleep in bunk beds located at the back of the dormitories, in
16 tightly packed rows, far from one door to the quad. The bathroom and shower areas
17 are also located inside the dormitory block and have no windows that can open.

18 69. With full knowledge of the poor ventilation of these living areas, GEO
19 staff copiously sprayed HDQ Neutral throughout every cell and dormitory block in the
20 Facility.

21 70. The incessant indoor use of HDQ Neutral resulted in a pungent chemical
22 smell that permeated Adelanto's living areas and a chemical mist that would linger for
23 minutes after spraying took place. Members of the Detained Class had trouble
24 breathing because HDQ Neutral remained in the air.

25 5. Defendant GEO Poisoned Plaintiffs and Members of the Detained
26 Class with HDQ Neutral by Spraying Every 15–30 Minutes

27 71. GEO staff sprayed HDQ Neutral every 15 to 30 minutes, 24 hours a day,
28 beginning in February 2020.

1 72. GEO's rampant spraying of HDQ Neutral increased the likelihood that
2 Plaintiffs and members of the Detained Class coming and going from an area would
3 come into contact with the chemical before the 10-minute setting period required by
4 the Container Label had passed.

5 73. The frequency of the spraying caused the toxic chemical mixture to linger
6 in the air leading to Plaintiffs and members of the Detained Class directly inhaling
7 and/or ingesting the chemical.

8 74. The incessant spraying also created build-up on surfaces frequently
9 touched by Plaintiffs and members of the Detained Class, such as phones, door
10 handles, railings, and tables, leading to dermal exposure.

11 75. GEO staff carried out this constant spraying in violation of the PRR,
12 which mandate that "cleaning supplies and frequency of cleaning schedule [be]
13 sufficient to maintain a high level of sanitation within housing areas without negatively
14 impacting the health of detainees or staff."

15 76. Plaintiffs and members of the Detained Class would experience coughing,
16 headaches, nosebleeds, dizziness, skin irritation, and other symptoms after exposure
17 to HDQ Neutral and in plain view of GEO staff.

18 77. Even though GEO staff could see the effects that the near-constant
19 spraying of HDQ Neutral was having on Plaintiffs and members of the Detained Class,
20 they continued this practice for months.

21 6. Defendant GEO Poisoned Plaintiffs and Members of the Detained
22 Class by Not Providing Them with Necessary Personal Protective
23 Equipment and Training

24 78. HDQ Neutral's Safety Data Sheet provides the following clear
25 instructions for the safe handling of the toxic chemical mixture: "Wear protective [e.g.,
26 rubber or other chemical-resistant] gloves. Wear eye / face protection [e.g., splash
27 goggles]. Wear protective clothing." It also instructs users to avoid contact with skin,
28

1 eyes, or clothing; to wash hands and any exposed skin thoroughly after handling; and
2 to not breathe in the mist, vapor, or spray.

3 79. Despite these clear instructions, GEO subjected Plaintiffs and members
4 of the Detained Class to near-constant HDQ Neutral exposure without such
5 protections. GEO failed to provide Plaintiffs and members of the Detained Class with
6 adequate Personal Protective Equipment (“PPE”) to protect them from oral, dermal,
7 inhalation, or ocular exposure to HDQ Neutral.²

8 80. Nor did GEO provide Plaintiffs and members of the Detained Class the
9 opportunity to change or clean their contaminated clothing, in violation of the Safety
10 Data Sheet.

11 81. GEO provided surgical masks to Plaintiffs and members of the Detained
12 Class only after the pandemic started and did so sporadically, at best. Some Plaintiffs
13 and members of the Detained Class received three surgical masks per week; others
14 received even fewer. The CDC recommends changing disposable masks, such as the
15 surgical masks provided to Plaintiffs and the Detained Class, after a single use.

16 82. GEO was even less likely to provide other types of PPE to Plaintiffs and
17 members of the Detained Class. Rubber gloves or goggles were rarely available. On at
18 least one occasion, when Plaintiff Scheetz requested protective goggles due to the pain
19 in her eyes, a member of GEO’s staff laughed at her.

20 83. The EPA’s Report and Notice of Warning cited this lack of access to PPE
21 as one area of concern in GEO’s use of HDQ Neutral.

22 84. Although GEO staff sometimes used masks, gloves, goggles, and
23 occasionally even full protective suits when spraying HDQ Neutral, this type of PPE
24 was not provided to Plaintiffs or members of the Detained Class.

25
26
27
28 ² Of note, in January 2023, GEO was fined over \$100,000 by Cal OSHA for—among
several things—failing to supply PPE to detained workers.

1 85. In addition to failing to provide the necessary PPE to protect from GEO's
2 indiscriminate use of HDQ Neutral, GEO failed to provide required training on the use
3 of HDQ Neutral to Plaintiffs and members of the Detained Class who were tasked with
4 cleaning.

5 86. The PBNDS's Environmental Health and Safety requirements mandate
6 that "[d]etainees shall receive safety instructions as necessary for living area-related
7 assignments, such as working with cleaning products to clean general use areas."

8 87. However, Plaintiffs and members of the Detained Class tasked with
9 cleaning the Facility's living areas, such as Plaintiffs Ronduen, Castillo, and Scheetz,
10 were not trained on how to safely use the cleaning products GEO provided them,
11 including HDQ Neutral.

12 88. As for those people not tasked with cleaning, GEO staff would leave
13 spray bottles containing HDQ Neutral in the common areas of cell and dormitory
14 blocks, where anyone could access them, without previously training them on how to
15 safely utilize the toxic chemical mixture.

16 7. Defendant GEO Poisoned Plaintiffs and Members of the Detained
17 Class by Improperly Diluting and Storing HDQ Neutral

18 89. The Safety Data Sheet, Container Label, and efficacy bulletin for HDQ
19 Neutral all state that for all uses involving areas occupied by humans (hospitals,
20 residential institutions) this toxic chemical mixture should be diluted and applied at 1
21 ounce per gallon with ten minutes of surface contact time. The Container Label only
22 recommends a higher concentration if the chemical is being used in animal pens as a
23 virucidal disinfectant.

24 90. Moreover, the PRR mandated that GEO use an approved cleaning
25 solution in the strength and in a manner as recommended by the product label.

26 91. Further, EPA's COVID-19 Guidance for Cleaning and Disinfecting
27 recommends that users "[f]ollow the instructions on the label for all cleaning and
28

1 disinfection products for concentration, dilution, application method, contact time and
2 any other special considerations when applying.”

3 92. This information was available to GEO at all times. However, GEO
4 consistently diluted and applied HDQ Neutral at 2 ounces per gallon.

5 93. Defendant Spartan not only knew that Defendant GEO was using an over-
6 concentrated solution of HDQ Neutral, but it recommended that GEO do so. In keeping
7 with its obligations under the Statement of Work, sales representatives of Spartan
8 conducted regular or semi-regular in-person inspections of the Facility from as early
9 as 2017 until June 2020, accompanied by management staff from GEO. Upon
10 information and belief, Spartan Chemical sales representatives were not introduced,
11 nor was their presence otherwise disclosed to Plaintiffs or any detained individual
12 during the course of any inspection.

13 94. During the inspections, Spartan Chemical sales representatives tested the
14 concentration of HDQ Neutral flowing out of the Spartan Chemical dispensers in areas
15 of the Adelanto Facility, including the dispensers in the janitor’s closets utilized both
16 by GEO guards and Plaintiffs and the Detained Class to fill spray bottles or mop
17 buckets. Based on the results of that inspection, Spartan Chemical sales representatives
18 would adjust the Spartan chemical dispenser by applying a new, or adjusting an
19 existing, nozzle tip designed to deliver 2 ounces of HDQ Neutral concentrate for each
20 gallon of water (1:64 dilution rate), contrary to the EPA-approved label for HDQ
21 Neutral, which authorizes 1 ounce of HDQ Neutral concentrate per gallon of water
22 (1:128 dilution rate).

23 95. In other words, Defendant Spartan’s Sales Representatives (who earned
24 commission on sales of HDQ Neutral) deliberately selected a two-ounce nozzle tip
25 rather than a one-ounce nozzle tip of comparable cost and ease of installation to
26 implement an off-label, or higher-than-labeled, concentration of HDQ Neutral for use
27 by guards and detained individuals alike at Adelanto.

28

1 96. Around May 2020—when EPA and California Department of Pesticide
2 Regulation initiated their investigation into GEO’s improper use of HDQ Neutral at
3 the Adelanto Facility—GEO managers both at the Adelanto Facility and the Western
4 Regional Division, as well as attorneys representing GEO, spoke with Spartan about
5 the over-concentration of HDQ Neutral used at the Facility. In response to an inquiry,
6 a representative for Defendant Spartan Chemical stated that the higher concentration
7 of HDQ Neutral was appropriate “given the nature of the business.”

8 97. In fact, GEO Warden and officer James Janecka (“Warden Janecka”)
9 admitted to EPA in the July 2020 virtual inspection that GEO staff improperly diluted
10 HDQ Neutral at Adelanto.

11 98. The improper dilution was also noted in both the EPA Report and Notice
12 of Warning, which alerted GEO that the improper dilution was a violation of FIFRA.

13 **D. Defendant GEO Lied and Obscured Its Use of HDQ Neutral and**
14 **the Chemical’s Adverse Health Effects**

15 1. Defendant GEO Falsely Told Plaintiffs and Members of the
16 Detained Class GEO’s Use of HDQ Neutral Was Necessary to
17 Prevent COVID-19

18 99. GEO—through its employees, supervisors, officers, and/or directors—
19 instructed GEO staff to use and represent to Plaintiffs and members of the Detained
20 Class that HDQ Neutral was safe and necessary to prevent COVID-19.

21 100. Plaintiffs and members of the Detained Class, held in different cell and
22 dormitory blocks across Adelanto, raised concerns to GEO staff (including guards and
23 supervisors) about the incessant spraying of HDQ Neutral.

24 101. GEO staff’s responses to these concerns were all the same: refraining
25 from providing any information at all regarding the dangers of exposure to HDQ
26 Neutral, intentionally dismissing valid concerns, and misrepresenting HDQ Neutral as
27 the only safe available disinfectant against COVID-19.

1 102. For example, Plaintiffs Scheetz and Gonzalez Mena asked GEO staff to
2 stop spraying the chemical when people were eating or sleeping in their cells. Their
3 requests were ignored, and GEO staff told them that GEO had to continue spraying
4 during every round to prevent the spread of COVID-19. Similarly, Plaintiff Mendoza
5 made requests that GEO staff use the chemical mixture more carefully, but her requests
6 were also ignored.

7 103. Plaintiffs and other members of the Detained Class also brought up
8 concerns about their physical well-being to GEO staff. They complained of eye
9 irritation and pain, blurry vision, headaches and dizziness, persistent cough, and nasal
10 and throat irritation. Even after Plaintiff Scheetz fainted, GEO staff did not seem
11 concerned about how her exposure to HDQ Neutral may be affecting her health.

12 ///

13 ///

14 2. Defendant GEO Concealed the Dangers of HDQ Neutral from
15 Plaintiffs and Members of the Detained Class

16 104. Instead of warning Plaintiffs and members of the Detained Class that
17 HDQ Neutral was dangerous, GEO *concealed* the dangers of HDQ Neutral and GEO's
18 wrongful use of the product.

19 105. GEO staff would provide spray bottles of HDQ Neutral with no labeling,
20 meaning that Plaintiffs and members of the Detained Class were not informed of the
21 risk posed by the chemical mixture or how to ameliorate its harm.³

22 106. GEO also stored large HDQ Neutral containers which they used to fill up
23 the smaller spray bottles. On information and belief, GEO staff would at times remove
24 the HDQ Neutral Container Label from these larger containers. This was a violation
25 of the PRR which require "[a]ll cleaning and disinfecting materials be stored in secure
26

27 ³ The EPA's Notice of Warning made note that: "[a]ccording to the accounts of current
28 and former detainees, the 32-ounce spray bottles given to detainees did not always
have a label attached and the detainees were not given any instructions as to how to
properly or safely apply the product."

1 areas, in their original containers, and with the manufacturer's label intact on each
2 container."

3 107. When containers had a label, it was only in English—which many
4 Plaintiffs and members of the Detained Class did not understand. GEO never provided
5 translations of the Container Label into other languages.

6 108. Moreover, Plaintiffs and members of the Detained Class witnessed
7 multiple inspections at Adelanto by external agencies during which GEO staff would
8 hide bottles of HDQ Neutral.

9 109. On information and belief, GEO staff never verbally shared nor posted
10 the Safety Data Sheet, the EPA Report, or the Notice of Warning regarding HDQ
11 Neutral with Plaintiffs or members of the Detained Class.

12 3. Medical Staff Consistently Discounted the Medical Concerns of
13 Plaintiffs and Members of the Detained Class as Unrelated to
14 HDQ Neutral Exposure

15 110. Plaintiffs and members of the Detained Class, many of whom were
16 suffering from acute symptoms related to their HDQ Neutral exposure, sought out
17 medical treatment from Adelanto's medical staff. During these consultations, members
18 of the Detained Class, including several named Plaintiffs, raised concerns about their
19 symptoms and a possible link to the red/pink chemical mixture that GEO was
20 constantly spraying.

21 111. Like the rest of the staff at Adelanto, medical staff disregarded the
22 concerns of the Detained Class members about the red/pink chemical mixture.

23 112. For example, Plaintiff Castillo was told by a medical staff member that
24 the medical staff member had no knowledge of the chemical spray, even though it was
25 being used throughout the entire facility. On at least one other occasion, a member of
26 the Detained Class was mocked by the medical staff over his concerns regarding the
27 chemical spray.

1 113. On information and belief, medical staff would also knowingly and
2 incorrectly attribute members of the Detained Class's symptoms to causes not
3 involving HDQ Neutral.

4 114. Plaintiffs' and members of the Detained Class's limited access to medical
5 care outside of Adelanto was even more restricted during the pandemic. Therefore,
6 they could only rely on the statements and actions of the Adelanto medical staff to
7 assess the risk of HDQ Neutral exposure.

8 4. Defendant GEO Made False and Misleading Statements to
9 Government and Regulatory Entities About Its Use of HDQ
10 Neutral

11 115. GEO attempted to hide its callous use of HDQ Neutral by providing false
12 and misleading information to the EPA and the United States Congress.

13 116. At the outset of the July 29, 2020 EPA inspection, GEO objected to the
14 participation of the California Department of Pesticide Regulation by claiming it
15 lacked authority to do so, thus obstructing a more thorough investigation.⁴

16 117. During that same inspection, Warden Janecka lied by claiming that GEO
17 was using HDQ Neutral "in accordance to CDC guidelines." Warden Janecka also
18 falsely represented that GEO did not use HDQ Neutral in areas where food was served
19 or where detained people slept.

20 118. Warden Janecka further claimed, contrary to fact, that GEO staff sprayed
21 HDQ Neutral with a degree of care. For example, he represented that GEO staff would
22 not spray tables or phones located next to those being used by a detained person, that
23

24 ⁴ The California Department of Justice ("Cal DOJ") issued a 2021 "Immigration
25 Detention in California" report in which it outlined a pattern of obstructive practices
26 by GEO. For example, GEO denied Cal DOJ's multiple requests to conduct site visits,
27 including a one-day site visit in 2017, and a multi-day site visit in 2018. When GEO
28 did permit Cal DOJ staff to visit the Facility, such as a planned week-long visit in
2019, GEO severely limited certain aspects of Cal DOJ's review, most notably by
restricting access to detained people (for interviews), and restricting access to medical
files. Cal DOJ's report further details how GEO limited their access to housing units,
the Facility, and the Facility's kitchens.

1 GEO staff would not spray a particular area if individuals were sitting on the floor
2 below, and that GEO staff would not spray the inside of cells or bunks.

3 119. During the EPA inspection, Warden Janecka was asked by the EPA
4 inspector if there were any reports of adverse health effects by detained people after
5 the application of HDQ Neutral; he refused to answer.

6 120. Additionally, Warden Janecka falsely reassured EPA inspectors that GEO
7 provided different types of PPE to detained people, including surgical masks, nitril
8 gloves, and safety goggles.

9 121. Earlier that month, on July 13, 2020, GEO Chief Executive Officer,
10 George Zoley (“CEO Zoley”), appeared before the Homeland Security Oversight
11 Committee and claimed that GEO was “using that cleaning product [HDQ Neutral],
12 which is registered with the Environmental Protection Agency, and follow[ing] strict
13 safety guidelines set by FDA.” Further, he stated that “doctors never reported any
14 adverse effects by anybody.”

15 122. As part of the Oversight Committee Hearing, CEO Zoley was asked if he
16 would make sure that HDQ Neutral is used in line with the manufacturer’s instructions,
17 to which he responded, “Absolutely. Absolutely.”

18 123. The pattern of lies and misrepresentations by GEO started at the highest
19 levels of the company and trickled down to the Facility staff, all of whom, instead of
20 ensuring the safety of detained people, actively harmed them.

21 5. Defendant Spartan Chemical Designed Dispensing Centers to
22 Dispense HDQ Neutral at Twice the EPA Approved
23 Concentration

24 124. Defendant Spartan Chemical designed, provided, adjusted and
25 maintained the chemical dispensers used throughout the Adelanto detention facility.
26 These dispensers were located in, among other places, locked janitor’s closets adjacent
27 to the cell blocks and dormitories of Plaintiffs and members of the Detained Class.
28 Spartan sales representatives and their agents deliberately set the flow rate for HDQ

1 Neutral concentrate to dispense up to 2 ounces of concentrate for one gallon of water,
2 contrary to the EPA-approved instructions for use. Based on recent testimony, the
3 chemical dispensers were adjusted in the presence of GEO managers and could not be
4 adjusted down to the EPA approved dilution rate without the expertise or tools of either
5 a Spartan sales representative or the GEO manager who observed each adjustment.

6 125. Defendant Spartan Chemical and Defendant GEO knowingly continued
7 using the improperly metered dispensers despite its contraindication on the product
8 label due to their determination that “the nature of GEO’s business”—*i.e.*, immigration
9 detention—merited a concentration higher than what was approved by the EPA. Per
10 the Container Label as provided to Defendant GEO, the only approved use cases for
11 concentrations higher than 1 ounce/gallon are for livestock applications and the
12 eradication of canine viruses. And even then, the label directs that all living animals
13 be cleared from the vicinity prior to application.

14 6. Defendant Spartan Chemical Provided Incorrect or Incomplete
15 Labels, Warnings and Signage for HDQ Neutral Throughout the
16 Adelanto Facility

17 126. Spartan Chemical, as the manufacturer of HDQ Neutral, published all
18 labels, warnings, and signage for HDQ Neutral throughout the Adelanto Facility. Sales
19 representatives from Spartan placed certain labels themselves on products and sent
20 other labels to GEO staff, including managers, for placement within the Adelanto
21 Facility.

22 127. Spartan Chemical representatives, through regular inspections and initial
23 facility walk through tours outlined in the Statement of Work, understood that the
24 signage placed in the janitor’s closets, as well as the labels on the bottles, would be
25 read (if legible) by not only detained individuals on the “Cleaning Crew” but by all
26 detained individuals at Adelanto.

1 a) *Defendant Spartan Chemical restricted access to the*
2 *Container Label for the containers connected to the chemical*
3 *dispenser units.*

4 128. Defendant Spartan Chemical provided containment cages—dense, metal
5 mesh cages that contained the open, five-gallon bucket of HDQ Neutral hooked up
6 through a plastic hose to a meter. The five-gallon bucket of HDQ Neutral had an
7 adhesive label (the Contained Label) that included the EPA approved “use cases”—
8 claims of efficacy under various scenarios, including hospital or public health virucidal
9 claims—approved dilution rates for use amongst humans (1 ounce per gallon of water)
10 and uses in livestock pens (2 ounces per gallon of water) as well as methods of
11 application, and warnings.

12 129. The cages themselves were locked with a padlock and only Defendant
13 GEO had the keys. Whether or not the Container Label was adequate, photographic
14 evidence indicates that its fine print was so obscured behind the cage as to render it
15 illegible. As a result, Defendants Spartan Chemical and GEO created a condition
16 wherein no Plaintiff or member of the Detained Class could access Defendant
17 Spartan’s instructions or warnings for diluted HDQ Neutral of any sort.

18 b) *Defendant Spartan Chemical repeatedly mislabeled the*
19 *chemical dispenser with the label for a less corrosive*
20 *product.*

21 130. Were Defendants Spartan Chemical and GEO to have used cages that
22 allowed for label visibility; however, it may not have mattered. Upon information and
23 belief and based on documents recently disclosed to Plaintiffs, Spartan Chemical
24 printed and labeled Spartan chemical dispensers dispensing HDQ Neutral throughout
25 the Adelanto Facility with labels for a different product called “hdqC2” at least through
26 May 2020. Spartan’s hdqC2 is a far less noxious disinfectant that is properly diluted
27 at 2 ounces of product per gallon of water for use among humans—twice the amount
28

1 than what is directed for the EPA-approved label for HDQ Neutral.⁵

2 131. Indeed, the warnings for hdqC2 differ significantly from those for the
3 more corrosive HDQ Neutral. They indicate a far less dangerous substance than the
4 more potent and dangerous corrosive, HDQ Neutral:

Hdqc2 Label Warning	HDQ Neutral Label Warning
Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before use.	Corrosive. Causes irreversible eye damage and skin burns. Harmful if swallowed or absorbed through the skin. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and chemical resistant gloves and protective clothing when handling. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

14 132. For months during the Class Period, Plaintiffs and members of the
15 Detained Class were directed to fill spray bottles at a dilution center labeled with an
16 entirely different product than what was coming out of the dilution center nozzle.
17 Based on documents recently disclosed in discovery, it was not until the EPA
18 scheduled a virtual inspection of the Adelanto Facility, in July 2020, that members of
19 GEO's management and Spartan sales representatives corrected the mislabeling, at
20 least with respect to the dispensers photographed and presented for inspection.

26 ⁵ See *Clean on the Go, hdqC2 Label*, Spartan Chemical,
27 https://www.spartanchemical.com/globalassets/sharepoint/product-literature--documentation---epidocuments/secondary-and-user-prepared-solutions-labels/clean_on_the_go_hdqc2_user_prepared_solution_label.pdf (last visited Nov. 1, 2024).

1 7. Even if Defendant Spartan Had Not Misabeled or Obscured the
2 Container Label, Defendant Spartan Misrepresented the
3 Concentration of HDQ Neutral Filling Spray Bottles, Buckets and
4 Bulk Sprayers Throughout the Facility

5 133. Even if Defendant Spartan Chemical had applied the proper label to the
6 dispenser units and had made the Container Label prominent and clear, it and
7 Defendant GEO never disclosed to Plaintiffs or members of the Detained Class that
8 the dilution coming out of the nozzle was not the rate approved by the EPA for use in
9 areas inhabited by humans. As explained above, Defendant Spartan Chemical
10 deliberately increased the flow of HDQ Neutral from the five-gallon bucket through
11 the dilution center. With EPA inspection imminent, Defendant Spartan Chemical and
12 its agents defended its decision to GEO to increase the concentration of HDQ Neutral
13 used throughout the Adelanto Facility claiming it was “appropriate” for the facility’s
14 needs and the “nature of the business.” But Defendant Spartan Chemical never decided
15 it would have been “appropriate” to produce an alternate label, one which accurately
16 disclosed the concentration of HDQ Neutral flowing into bottles, bulk sprayers, and
17 buckets. Neither Spartan nor GEO advised Plaintiffs and the members of the Detained
18 Class of the true contents of the product they were handed to spray or were sprayed
19 with.

20 8. Defendant Spartan Chemical Provided Promotional Materials
21 Rather Than Warnings Regarding HDQ Neutral

22 134. Based on testimony recently obtained by Plaintiffs, Defendant Spartan
23 Chemical provided the print signage for all users of HDQ Neutral throughout the
24 Adelanto Facility, from at least 2017 through November 1, 2020. Those signs were
25 posted in each of the janitor’s closets, where Spartan Chemical sales representatives
26 conducted their inspections, adjacent to the day rooms, dormitories, and dining halls
27 where Plaintiffs were detained. They were not warnings, however. They were
28 promotional materials in English and Spanish which stated, “KILLS GERMS IN

1 MINUTES!” The alleged instructions for use do not explain how to use HDQ Neutral
2 safely or even effectively but rather simply describe proposed uses of the product:
3 “Use HDQ Neutral for these applications: 1. Can be used as a general cleaner and/or
4 deodorizer. 2. Can be prepared for disinfection/fungicidal/ virucidal use 3. Can be used
5 for disinfecting hard, nonporous surfaces germs and viruses.” There was no verbiage
6 in any language, or symbols, at any time, indicating that the product could cause any
7 harm to any part of the body, no matter how it was used.

8 a) *Just as Spartan Chemical mislabeled the dispensers,*
9 *Spartan Chemical also mislabeled spray bottles with*
10 *hdqC2 labels.*

11 135. Based on documents recently disclosed in discovery, Spartan sales
12 representatives not only mislabeled the chemical dispensers but also mislabeled the
13 32-ounce spray bottles handed to Plaintiffs and members of the Detained Class filled
14 with overconcentrated HDQ Neutral. That label, a secondary label for hdqC2
15 contained only the warnings in the table above, not the EPA-approved warnings for
16 HDQ Neutral, and no instructions for use. Spartan did not simply provide an
17 inadequate warning; it provided no warning at all.

18 b) *When Defendant Spartan Chemical did provide the correct*
19 *HDQ Neutral Secondary labels, the label wholly failed to*
20 *provide directions for use.*

21 136. Upon information and belief and based on testimony recently obtained by
22 Plaintiffs, the 32-ounce spray bottles, when properly and legibly labeled with HDQ
23 Neutral Secondary Labels, still contained inadequate warnings due to a complete
24 failure to instruct. Based on photos recently disclosed by Defendant GEO in discovery,
25 the only Secondary Label for HDQ Neutral that Spartan provided for use on the spray
26 bottles (both in screen print and with adhesive), instructed only: “The product in this
27 container is diluted as directed on the pesticide label. Follow the complete directions
28 for use on the original container label when applying this product.”

137. The first sentence was a known misrepresentation. As explained above, Defendant Spartan Chemical deliberately set the dilution in “this container” to be *contrary* to what was “directed on the pesticide label.” Nonetheless, the second sentence provides no cure. It directs a user to a known obscurity. As stated above, the “original container label” referred to on the labels Spartan provided was on the 5-gallon buckets it sold by the dozens to GEO, locked up in a dense metal cage provided by Spartan, under a cabinet in the locked janitor’s closets. Only GEO officers (guards) had access to the keys to unlock the instructions. In other words, by Spartan Chemical and GEO’s deliberate cage design and installation, no detained person had access to the alleged instructions for use.

138. Spartan Chemical was under a duty to provide instructions. Federal law requires Spartan Chemical, as the manufacturer of the pesticide, to provide “clear[] and prominent” instructions for use. 40 C.F.R. § 156(a)(1)(vii) (“Labeling Requirements for Pesticides and Devices,” “[t]he contents of a label must show *clearly and prominently* . . . [t]he directions for use.” (emphasis added)). “Directions for use” is further defined in 40 C.F.R. § 156(i)(1)(i). “Directions for use must be stated in terms which can be easily read and understood by the average person likely to use or to supervise the use of the pesticide. When followed, directions must be adequate to protect the public from fraud and from personal injury and to prevent unreasonable adverse effects on the environment.”

139. Nowhere on the spray bottle, nor the buckets for mopping, on the walls, in the dormitories, or in the dayroom, did Spartan provide instructions for use. Again, according to federal law, those instructions were to be placed “on any portion of the label provided that they are conspicuous enough to be easily read by the user of the pesticide product.” *Id.* at 156(i)(1)(ii). Hiding the instructions on a bucket locked in a cage, in turn locked in a closet is neither clear, prominent or conspicuous.

140. Had Spartan adhered to federal law, its clear, prominent instructions would have included statements regarding what apparatus could be used safely to

1 apply HDQ Neutral (*id.* at § 156(i)(2)(vi) (“[t]he method of application, including
2 instructions for dilution, if required, and type(s) of application apparatus or equipment
3 required”)), how frequently the product could be applied without injuring humans (*id.*
4 at § 156(i)(2)(vii) (“[t]he frequency and timing of applications necessary to obtain
5 effective results without causing unreasonable adverse effects on the environment”))
6 and the safe removal of the product residue prior to human exposure (*id.* at
7 156(i)(2)(ix) (“[s]pecific directions concerning the storage, residue removal and
8 disposal of the pesticide and its container.”)).

9 141. Spartan did none of these things. No detained person looking at the bottle
10 would have known that the bottle contains a higher than 1:128 concentration of product
11 (indeed, that it was diluted at a concentration higher “than as directed” on the obscured
12 label behind the cage door). Nowhere does the label instruct with respect to proper use,
13 or warn of the danger of improper use—such as whether the product can be safely
14 converted into a fine mist spray or if best applied with a rag. Nowhere are users of the
15 product instructed to use the product in a well-ventilated space or to create an exclusion
16 zone for pesticidal application or otherwise clear a room of all inhabitants prior to use
17 (indeed, such a warning would have revealed the product’s inaptness for use in
18 overcrowded detention conditions). Nowhere are users instructed to use the product
19 only twice a day, or no more than four times in a day, let alone the 48 times a day GEO
20 mandated its use. Nowhere are users of the product instructed and warned that the
21 multiple, repeated, unrinsed or unwiped layers of product can harm the skin. Nor
22 would those instructions and warnings, even if visible to Plaintiffs and members of the
23 Detained Class (which they were not), have disclosed that the HDQ Neutral being
24 dispensed from the containers had been diluted for use in livestock pens, not amongst
25 human beings.

26 142. All of these uses—in poorly ventilated rooms, sprayed every 15 to 30
27 minutes, around the clock, without wiping down or rinsing, with spray nozzles and
28 bulk sprayers set to “mist,” in rooms crowded with detained adults, along phone banks

1 until they were visibly wet, while individuals were making calls home to their children
2 or wives or husbands, amongst rows of bunk beds with porous bed linens—were
3 known to Spartan Chemical sales representatives. Indeed, the Statement of Work
4 contemplates Spartan Chemical determining the usage needs for each of GEO's private
5 prisons and detention centers. And GEO escorted Spartan Chemical representatives
6 throughout their inspections such that the nonstop fumigation level use of HDQ
7 Neutral and the dangers that kind of usage presented was not simply foreseeable, it
8 was known to all. All except Plaintiffs.

9 c) *Defendant Spartan Chemical knew that GEO was*
10 *incessantly spraying an overconcentrated solution in*
11 *conditions that did not allow for safe use.*

12 143. Based on information and belief, when Spartan Chemical did label the
13 spray bottles used to contain the diluted HDQ Neutral, the secondary label for HDQ
14 Neutral contained a generalized warning statement which stated: "Corrosive. Causes
15 irreversible eye damage and skin burns. Harmful if swallowed or absorbed through the
16 skin. Do not get in eyes, on skin, or on clothing. Wear goggles or face shield and
17 chemical resistant gloves and protective clothing when handling. Wash thoroughly
18 with soap and water after handling and before eating, drinking, chewing gum, using
19 tobacco or using the toilet. Remove contaminated clothing and wash clothing before
20 reuse."

21 144. During the class period, while GEO used the spray every 15 to 30
22 minutes, the warnings would have required every GEO guard, and every detained
23 individual either using the spray or present within several feet of the spray, to don face
24 shields, nitrile gloves, and full protective clothing. It would have required access to
25 changes of clothing every time droplets of HDQ Neutral contaminated clothing or, by
26 extension, bed linens. It would have required proper ventilation and exclusion zones
27 to ensure no inadvertent contamination. Defendants Spartan and GEO both knew that
28

1 the product would not be used under any of the conditions required for its safe
2 deployment.

3 145. Indeed, the warning label alone makes it clear that even at the dilution
4 rate indicated on the hidden 5-gallon bucket, the product itself was impracticable for
5 deployment within a detention center, let alone at double the concentration. Spartan
6 Chemical's thirst for a national contract, and GEO's desire to disinfect using the least
7 expensive product in the least time-consuming manner (demanding a "cost per inmate"
8 analysis) resulted in a conscious disregard of the risks of harm to and actual harm
9 suffered by the Plaintiffs and members of the Detained Class.

10 9. Defendant Spartan Chemical Watched As Deliveries and Sales of
11 HDQ Neutral to the Adelanto Facility Skyrocketed

12 146. According to recently disclosed sales information, sales of HDQ Neutral
13 for use at the Adelanto Facility for the months of March 1, 2020, through September
14 30, 2020 averaged 25 to 30 gallons more HDQ Neutral concentrate per month than for
15 prior years (2019 and 2018). Indeed, sales data shows that for the month of April 2020
16 alone, deliveries totaled 105 five-gallon pails, or 525 gallons of HDQ Neutral. This
17 was roughly five times the amount ordered in any prior month. Upon information and
18 belief, no Spartan Chemical representative ever scheduled a call with GEO to discuss
19 the spike in orders and usage, as contemplated by the Statement of Work. Instead,
20 Spartan Chemical watched as GEO negligently sprayed a toxic disinfectant 48 times a
21 day in and around living quarters of unprotected human beings—a disinfectant meant
22 solely for use under monitored and protected conditions. Spartan Chemical not only
23 understood there was a risk of overuse: with risk of harm enhanced by its own designed
24 overconcentration, it witnessed the overuse at the doubled concentrations and took no
25 action to end it. To the contrary, Spartan Chemical sales representatives were rewarded
26 with commissions, and Spartan Chemical pocketed the profits from the gross sales of
27 their toxic product while Plaintiffs' skin, airways, and gastrointestinal tracts were
28 saturated by HDQ Neutral.

V. NAMED PLAINTIFFS' FACTUAL ALLEGATIONS

147. The six named Plaintiffs, individuals that spent months detained at Adelanto between February 2020 and November 2020, experienced firsthand the reckless spraying of HDQ Neutral by GEO staff and the subsequent coverup regarding GEO's unsafe use of the chemical.

148. Plaintiffs, like members of the Detained Class, relied on GEO's affirmations regarding the necessity and safety of using HDQ Neutral. Some Plaintiffs joined or remained as part of the cleaning crew, others stopped filing grievances, and all of them refrained from seeking legal counsel or independent medical care because they could not know GEO was lying about its improper use of the chemical mixture.

149. Plaintiffs' experiences are not unique; rather, they establish the patterns and practices exhibited by GEO in its attempt to coverup the poisoning of over 1,300 Detained Class members. Similarly, Plaintiffs' medical symptoms and harms from their exposure to HDQ Neutral are typical of those experienced by the Detained Class.

Plaintiff Ligaya Ronduen

150. Plaintiff Ronduen (also known as Ligaya Jensen) is forty-six years old and a mother of two. Ms. Ronduen was detained at Adelanto for over four years, since December 21, 2018.

151. Throughout her time at Adelanto, Ms. Ronduen has been housed in a dormitory block.

152. In or around February 2020, Ms. Ronduen began hearing rumors about a highly contagious virus that was spreading outside the Facility. Within a few days, Ms. Ronduen noticed significant changes within Adelanto. Although GEO staff refused to provide her information about the virus, they began spraying a red/pink chemical mixture during their rounds, meaning at least every 30 minutes.

153. A strong chemical smell started lingering inside the dormitory where Ms. Ronduen was housed.

1 154. GEO staff would spray the chemical into the air and on every surface.
2 They frequently sprayed the stair railings, the phones that she used to speak to her
3 loved ones, the tables and chairs where she ate her meals, and around the microwave
4 that she used to heat up food from the commissary.

5 155. Ms. Ronduen noticed that GEO staff would spray the chemical directly
6 onto the surfaces, without using a rag, and would not wipe off the residue that
7 remained. When GEO staff sprayed on the top floor, a mist of the chemical would fall
8 on those standing under or near the staircase.

9 156. At night, GEO staff would walk up and down spraying the aisles of bunk
10 beds where detained women slept. The constant spraying at night made it very difficult
11 to sleep. Ms. Ronduen would wake up coughing and had difficulty breathing. Multiple
12 nights, she heard members of the Detained Class asking GEO staff to please stop
13 spraying. GEO staff continued their practice of spraying on every round.

14 157. On at least one occasion, Ms. Ronduen complained to GEO staff about
15 the constant spraying. Ms. Ronduen told staff that she felt her nose was burning. GEO
16 staff stated that they were instructed to use the chemical and that it was necessary to
17 prevent COVID-19.

18 158. Throughout the entire time when GEO staff sprayed the red/pink
19 chemical, Ms. Ronduen noticed that they always gave this same explanation, including
20 when many other members of the Detained Class in her dormitory complained to GEO
21 staff.

22 159. Ms. Ronduen also noticed that some days the chemical was a darker color;
23 on those days, the chemical smelled even stronger.

24 160. Soon after GEO staff started using the chemical, Ms. Ronduen began
25 experiencing respiratory issues. Ms. Ronduen felt burning in her nostrils and nasal
26 passages; she had a persistent cough and had trouble breathing.

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1 161. Eventually, Ms. Ronduen began experiencing strong headaches and, at
2 times, would feel dizzy. She also noticed that there were specks of blood when she
3 coughed and, in her nostrils, and mucus.

4 162. Ms. Ronduen grew concerned about her symptoms but did not understand
5 what could be causing them. She had no information about the red/pink chemical, and
6 did not even know the name of it, as the spray bottles used around the dormitory did
7 not have labels.

8 163. For the months to come, Ms. Ronduen continued to hear GEO staff
9 reassuring members of the Detained Class that the chemical was a necessary COVID-
10 19 precaution. She trusted these comments and believed that the chemical was being
11 safely used.

12 164. In or around July 2020, Ms. Ronduen was moved to a different dormitory
13 where GEO's use of the red/pink chemical continued in the same manner.

14 165. In or around October 2020, Ms. Ronduen began working as part of the
15 cleaning crew. The cleaning crew is made up of detained people who are tasked with
16 cleaning all the common areas in the dormitories or cell blocks.

17 166. As part of the cleaning crew, Ms. Ronduen was instructed to clean the
18 sinks along with the tables and chairs where detained women ate. She was provided
19 the same red/pink chemical to clean that was being sprayed by GEO staff.

20 167. Ms. Ronduen was not given any training or safety instructions on how to
21 use the cleaning product. The bottle she used for cleaning had no label or instructions.
22 She was not given protective goggles or clothing while cleaning with the red/pink
23 chemical.

24 168. When cleaning, Ms. Ronduen was careful not to spray directly into the
25 air or close to other detained women. She would use a rag to wipe down the sinks and
26 tables.

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1 169. Besides the physical symptoms that Ms. Ronduen experienced, the
2 exposure to the chemical also affected her emotional well-being due to the various
3 symptoms she experienced and her uncertainty of what was causing them.

4 **Plaintiff Carlos Castillo**

5 170. Plaintiff Castillo is fifty-one years old and a father of two. He lived in the
6 U.S. for over twenty years and was detained at Adelanto for over five years.
7 Throughout his time at Adelanto, Mr. Castillo was housed in a cell block.

8 171. When Mr. Castillo first arrived at Adelanto, the cleaning crew was using
9 a red/pink chemical to wipe down tables and other surfaces. The cleaning crew would
10 use the red/pink chemical twice a day. The spray bottles were unlabeled and left in the
11 janitorial closet and in the common areas.

12 172. Once the COVID-19 pandemic started, Mr. Castillo noticed that the use
13 of the red/pink chemical changed dramatically. GEO staff began spraying the chemical
14 approximately every 30 minutes at all hours of the day and night. They would spray it
15 while people were eating, and when GEO staff sprayed the top floor, the mist from the
16 chemical would fall on people's food, hair, and skin.

17 173. GEO staff would often wear masks, latex gloves, and sometimes goggles
18 while spraying.

19 174. On April 11, 2020, Mr. Castillo started work on Adelanto's cleaning
20 crew.

21 175. GEO staff did not provide Mr. Castillo a mask to use while working as
22 part of the cleaning crew. There was only one pair of goggles in the janitorial closet,
23 available for the whole cell block. GEO did not provide Mr. Castillo with any
24 instruction on how to properly use the cleaning chemical, or any information on safety
25 precautions or potential risks of exposure.

26 176. Unlike GEO staff, Mr. Castillo and other members of the cleaning crew
27 were careful to move other detained people away from the area being cleaned with the
28

1 red/pink chemical. They were also careful not to clean the tables while people were
2 eating or the phones while people were using them.

3 177. Due to lack of ventilation, Mr. Castillo and other detained people could
4 smell and feel the chemical in the air. Mr. Castillo began to suffer skin irritation; he
5 developed a rash on his hands and arms. His eyes became very sensitive and felt like
6 they were burning. Mr. Castillo had a constant cough and his throat and nose felt
7 irritated. On more than one occasion, Mr. Castillo found blood in his nostrils. He also
8 started to experience frequent headaches.

9 178. As GEO staff continued the constant spraying of the red/pink chemical,
10 Mr. Castillo noticed spray residue building up on surfaces, such as door handles and
11 the telephones which Mr. Castillo used once or twice a day to call his children, wife,
12 and other loved ones. Over time, Mr. Castillo noticed that metal on the door handles
13 of the cells and the phones that he used to call his family had started to corrode.

14 179. On several occasions, Mr. Castillo complained about the chemical to
15 GEO staff. GEO staff never acknowledged or addressed his complaints.

16 180. On one occasion, Mr. Castillo explained to a GEO staff supervisor that
17 he was concerned that his face and hands were coming into contact with the chemical
18 because of the constant spraying of surfaces like telephones. The GEO staff merely
19 replied that GEO was authorized and approved to use the chemical for disinfecting.

20 181. Mr. Castillo also sought medical care for his irritated skin. Mr. Castillo
21 asked the medical staff if the chemical could be harming his skin. Instead of
22 acknowledging the effect of the chemical, the medical staff told Mr. Castillo to buy
23 skin cream from the commissary, which did not improve Mr. Castillo's symptoms.

24 182. When Mr. Castillo told another medical staff member about his
25 nosebleeds, he was told it was allergies and prescribed Loratadine. The Loratadine did
26 not improve his symptoms.

27 183. Mr. Castillo also shared with a third medical staff member his concerns
28 that the chemical being sprayed could be irritating his eyes. The medical staff denied

1 any knowledge of the chemical, and simply gave Mr. Castillo a saline solution for his
2 eyes. The saline solution did not improve his symptoms. Mr. Castillo's eyesight
3 deteriorated over the following months, and toward the end of 2020, he was prescribed
4 glasses.

5 184. Although his health was deteriorating and he continued to suffer
6 symptoms for months, Mr. Castillo had no reliable way to corroborate that it was the
7 chemical spray, and GEO's misuse of it, that was causing his symptoms. He had to
8 rely on the assurances from GEO and the medical staff about the chemical.

9 185. Mr. Castillo suffered emotional distress as a result of the actions of GEO.

10 **Plaintiff Miriam Scheetz**

11 186. Plaintiff Scheetz is fifty-nine years old and a mother of nine children.
12 Mrs. Scheetz works at Inland Coalition for Immigrant Justice where she helps other
13 currently and formerly detained immigrants to access immigration and community
14 resources.

15 187. Mrs. Scheetz was detained at Adelanto for approximately eighteen
16 months from March 2019 to August 2020. During her detention at Adelanto, she was
17 housed in a dormitory block.

18 188. In or around May 2019, Mrs. Scheetz was asked to be part of the cleaning
19 crew.

20 189. As a member of the cleaning crew, Mrs. Scheetz was given a bottle with
21 a red/pink liquid to use for cleaning. GEO staff instructed Mrs. Scheetz to use this
22 chemical to clean all common areas. GEO staff also instructed her to pour the chemical
23 from a gallon bottle into a smaller spray bottle but did not provide her protective gloves
24 when doing so.

25 190. Mrs. Scheetz cleaned the tables and chairs where detained women ate
26 their meals. She cleaned the inside of the microwave used to heat up food purchased
27 at the commissary. She mopped the floor and wiped down the telephones used by
28

1 detained people. She also cleaned the bathroom including the showers, toilets, and
2 sinks.

3 191. At no point during her time as part of the cleaning crew at Adelanto did
4 GEO staff provide Mrs. Scheetz with gloves, face goggles, or other protective
5 equipment to clean with the red/pink chemical. Nor did GEO staff provide her with
6 any safety training or instruction on how to use it. Instead, she was only given a rag to
7 use on surfaces and a mop for the floors.

8 192. Mrs. Scheetz remained part of the cleaning crew until her release in
9 August 2020.

10 193. In or around February or March 2020, GEO staff began spraying the
11 red/pink chemical, at all times of the day and night, throughout Mrs. Scheetz's block.

12 194. GEO staff would spray the telephones, tables, chairs, the rails and stairs,
13 and throughout the entire block. GEO staff would spray the rails and stairs of the
14 second floor, which created a "shower" of chemical mist that would fall onto those on
15 the lower floor, including on people's faces, hair, and food.

16 195. When spraying surfaces, GEO staff did so at close range, without using
17 any cloth or rag.

18 196. GEO staff would also spray inside the bathrooms, including the showers,
19 toilets, and sinks.

20 197. In Mrs. Scheetz's block, there were several rows of bunk beds in the back
21 of the dorm. At night, GEO staff would walk up and down the aisles of bunk beds and
22 spray the red/pink chemical as the women attempted to sleep. Mrs. Scheetz would
23 often wake up coughing and gasping for air. She felt chest pains as well.

24 198. On one occasion, Mrs. Scheetz saw two detained women arguing and
25 several GEO staff approached them. As the women continued to argue, the GEO staff
26 began spraying the red/pink chemical all over the dorm and directly over the women.
27 GEO staff sprayed such a vast amount of the chemical that people were choking and
28 coughing incessantly. Eventually, GEO staff were forced to move all the detained

1 women to the cement quad because the heaviness of the chemical mist was choking
2 people.

3 199. Mrs. Scheetz noticed that the chemical GEO staff sprayed once the
4 COVID-19 pandemic began was a darker color than when she used it for cleaning prior
5 to the pandemic.

6 200. On several occasions, Mrs. Scheetz asked GEO staff if they could refrain
7 from spraying so often, especially when people were eating. GEO staff only responded
8 that it was necessary to prevent COVID-19.

9 201. Although some GEO staff would, at times, wear protective equipment—
10 such as gloves, face coverings, or plastic suits—while spraying the red/pink chemical,
11 Mrs. Scheetz and the other detained women never received any equipment to protect
12 them against it.

13 202. Mrs. Scheetz continued to experience symptoms. She frequently suffered
14 headaches, including a sharp pain behind her ear which would cause her vision to blur.
15 The headaches were so strong that she would have to sit still for long periods of time.
16 Mrs. Scheetz feared that she might faint and hurt herself during a fall. Mrs. Scheetz
17 also experienced nosebleeds and several times she also bled from her mouth. Her eyes
18 were constantly itchy and would become swollen. Mrs. Scheetz eventually lost her
19 eyelashes while at Adelanto. When she requested goggles to prevent further harm to
20 her eyes and vision, GEO staff laughed at her.

21 203. Sometime after GEO began its increased used of the chemical, Mrs.
22 Scheetz fainted. She had been cleaning the tables and chairs when she began to feel
23 dizzy and light-headed. Mrs. Scheetz went to her bed to lay down and told two other
24 detained women that she had a strong headache. Shortly thereafter, Mrs. Scheetz
25 started vomiting. The other two women called for GEO staff and asked for a doctor.
26 GEO staff called medical staff, and a nurse arrived to the dormitory block. The medical
27 staff had Mrs. Scheetz moved to the medical unit. The medical staff gave some liquid
28 to Mrs. Scheetz without identifying what it was.

1 204. The medical staff eventually moved Mrs. Scheetz to an “observation”
2 cell located in the medical unit of Adelanto. The cell had bright lights; there was a cot,
3 a sink, and toilet. Mrs. Scheetz was not allowed to have any personal belongings with
4 her.

5 205. Mrs. Scheetz continued vomiting throughout the day, and although she
6 felt dehydrated, neither GEO staff nor medical staff provided her any water or food.
7 Mrs. Scheetz felt extremely weak throughout the day and had trouble standing or
8 walking around. In the evening, a GEO staff member threw a food tray on the floor
9 and kicked it towards Mrs. Scheetz, who could not stand up. During her stay at the
10 “observation” cell, she did not receive any additional medical care. Mrs. Scheetz
11 returned to her dormitory block later that evening.

12 206. Mrs. Scheetz repeatedly sought medical attention for her symptoms.
13 However, the medical staff brushed off her requests. On at least one occasion, she was
14 told by medical staff that she complained a lot.

15 207. Mrs. Scheetz also filed a medical complaint with GEO in which she raised
16 concerns that her symptoms, specifically the blood in her mouth and saliva, were not
17 being addressed. In response to the complaint, a medical staff member had her
18 transferred to an isolation cell which had bright lights on 24-hours a day. She spent
19 two days in the isolation cell without any medical care.

20 208. No member of the medical staff ever warned Mrs. Scheetz of the dangers
21 of exposure to the red/pink chemical or suggested that it may be causing Mrs.
22 Scheetz’s health issues. When Mrs. Scheetz herself raised concerns that the chemical
23 may be causing at least some of her symptoms, the medical staff denied it.

24 209. Prior to arriving at Adelanto, Mrs. Scheetz had not experienced the strong
25 headaches, nor the pain and itchiness in her eyes, nose, and throat that became common
26 during her time at Adelanto. She also did not have nosebleeds or blood in her mouth
27 or saliva prior to her detention at Adelanto.
28

1 210. The physical symptoms she experienced, and the constant exposure to
2 this chemical, also caused Ms. Scheetz to suffer emotional distress.

3 211. A few months after she was released from Adelanto, Mrs. Scheetz had to
4 call 911 because of a painful headache and vomiting. When the paramedics arrived,
5 they told her they could not take her to the hospital because of the pandemic. However,
6 the paramedics gave her medication for her vomiting and remained with Mrs. Scheetz
7 for several hours until her symptoms subsided.

8 212. On a second occasion, Mrs. Scheetz's son took her to urgent care, again
9 due to a debilitating headache. She was given medication and kept in observation
10 overnight.

11 213. To this day, Mrs. Scheetz continues to experience symptoms related to
12 her exposure to HDQ Neutral. She still has headaches that feel like those she
13 experienced while being exposed to the red/pink chemical at Adelanto. Her eyes are
14 often irritated and itchy, and sometimes swollen. She still experiences nosebleeds and
15 nasal and throat irritation. The smell of strong chemical cleaning agents, such as bleach
16 or Lysol, causes her sensitivity.

17 **Plaintiff Wilfredo Gonzalez Mena**

18 214. Plaintiff Gonzalez Mena is forty-nine years old. He volunteers at an
19 animal shelter to give back to his community. He has lived in the United States since
20 he was twenty-four years old.

21 215. Mr. Gonzalez Mena was detained at Adelanto for nearly a year, from
22 November 2019 through September 2020. For the first eight months of his detention,
23 he was housed in a cell block and later moved to a dormitory block.

24 216. In or around February or March 2020, GEO staff began spraying a
25 red/pink chemical on a daily basis throughout Mr. Gonzalez Mena's block. GEO staff
26 would spray the chemical every 15 to 30 minutes directly into the air. GEO staff would
27 spray the telephones, tables, chairs, the rails and stairs, and throughout the entire block,
28 including the sleeping areas. They sprayed directly onto all surfaces without using a

1 cloth or rag. GEO staff would also haphazardly spray inside the bathrooms, including
2 the showers and sinks, even when people were using a nearby shower or sink.

3 217. GEO staff sprayed the red/pink chemical at all times of the day, including
4 when Mr. Gonzalez Mena and others were eating. They also sprayed outside of the
5 cells and around the door of the cell at night while he and other detained people slept.
6 The chemical would enter the cell through the spaces between the door and the walls
7 and floor. Mr. Gonzalez Mena tried to use his sheets to prevent inhaling the chemical,
8 but it did not protect him. On at least one occasion, GEO staff sprayed the red/pink
9 chemical directly inside the cell while Mr. Gonzalez Mena and other detained people
10 were inside, without permitting them to leave the cell.

11 218. When he was moved to the dormitory block, GEO staff would walk up
12 and down the aisles of bunk beds at night and spray the red/pink chemical as the men
13 attempted to sleep. Mr. Gonzalez Mena would often wake up coughing and gasping
14 for air.

15 219. On several occasions, Mr. Gonzalez Mena asked GEO staff if they could
16 refrain from spraying the chemical, especially when people were eating. GEO staff
17 only responded that it was necessary to prevent COVID-19. GEO staff never gave any
18 warnings about the dangers of the red/pink chemical to Mr. Gonzalez Mena, nor
19 expressed any concerns about the chemical.

20 220. Although some GEO staff would, at times, wear protective equipment—
21 such as gloves, goggles, or white plastic suits—while spraying the red/pink chemical,
22 Mr. Gonzalez Mena and the other detained people never received any protective
23 equipment to protect them.

24 221. After GEO staff increased spraying of the chemical, Mr. Gonzalez Mena
25 started experiencing redness of the skin on both eyelids, rashes and/or tender red
26 bumps on the edge of his eyelid, worsening eyesight, dry skin, body pain, and a
27 burning sensation on the palm of his hands, the soles of his feet, and his back.
28 Additionally, he experienced headaches, felt dizzy, and his vision became blurry. He

1 also began to suffer respiratory issues, including a persistent cough, itchiness in his
2 throat, and trouble breathing, especially at night and early morning.

3 222. The physical symptoms he experienced, and the constant exposure to the
4 chemical, caused Mr. Gonzalez Mena emotional distress.

5 223. To this day, Mr. Gonzalez Mena continues to experience symptoms. He
6 has headaches and a persistent cough similar to what he experienced while being
7 detained at Adelanto. His vision is impaired and he now requires glasses for reading,
8 which he did not prior to being exposed to the chemical. Additionally, Mr. Gonzalez
9 Mena experiences sensitivity and discomfort when certain aerosol cleaning products
10 are used in his vicinity.

11 **Plaintiff Somboon Phaymany**

12 224. Plaintiff Phaymany is forty-six years old. He helps his sister care for their
13 elderly parents. He has lived in the United States for over forty years.

14 225. Mr. Phaymany was detained at Adelanto for almost two years, from April
15 2018 until April 2020. He was housed in a cell block throughout his time at Adelanto.

16 226. When Mr. Phaymany arrived at Adelanto in 2018, another detained
17 person asked if he was interested in joining the cleaning crew, which paid \$1 each day.
18 Mr. Phaymany wanted to earn some money while detained, so he agreed.

19 227. Mr. Phaymany's duties included cleaning the common area twice a day.
20 Before each cleaning session, detained people would leave the common area, generally
21 going into their cells, while the cleaning crew sprayed the tables, railings, and door
22 handles with the chemical. The spray bottles they used did not have labels.

23 228. Mr. Phaymany did not know the name of the chemical he was using but
24 trusted that GEO staff knew whether the chemical was safe to use.

25 229. In or around February 2020, Mr. Phaymany noticed a substantial change
26 in the use of the chemical spray at Adelanto. While the cleaning crew continued
27 spraying twice a day, GEO staff started spraying far more frequently, with no regard
28 for whether detained people were in the immediate vicinity.

1 230. The only instruction Mr. Phaymany received with respect to spraying was
2 to let the chemical sit on surfaces for up to ten minutes, rather than wiping the chemical
3 away after spraying.

4 231. On multiple occasions, when Mr. Phaymany was in the common area, he
5 inhaled the chemical when GEO staff sprayed it nearby. On some occasions, GEO staff
6 sprayed the chemical while Mr. Phaymany was eating nearby.

7 232. While GEO staff wore surgical masks when spraying the chemical, there
8 were no surgical masks provided to detained people.

9 233. In the early months of 2020, Mr. Phaymany also noticed a number of
10 symptoms: exacerbation of his asthma, a persistent cough, dry and cracking skin,
11 irritation and burning sensation in his eyes, nausea, and headaches. On multiple
12 occasions, he noticed traces of blood when blowing his nose.

13 234. Mr. Phaymany was concerned about these symptoms, particularly the
14 exacerbation of his asthma and the increased need to use his inhaler, but he did not
15 know what caused it. Even after he was released from Adelanto in April 2020, his
16 asthma flare-up persisted, leading Mr. Phaymany to seek additional care.

17 **Plaintiff Yolanda Mendoza**

18 235. Plaintiff Mendoza is fifty-four years old. Ms. Mendoza has lived in the
19 United States for thirty years. She is the mother of a twenty-three-year-old son.

20 236. She was detained at Adelanto from September 2019 to October 2020. Ms.
21 Mendoza was housed in dormitory blocks.

22 237. When Ms. Mendoza arrived at Adelanto, she participated in cleaning her
23 living areas three times daily, although she was not paid. She and other detained people
24 were instructed to use a chemical that smelled like bleach, which was applied from
25 spray bottles and a mop bucket.

26 238. After the pandemic started, GEO staff began using a different chemical,
27 which was a red/pink color, to spray the common areas as often as every 15 minutes.
28 The red/pink chemical had an extremely strong odor.

1 239. Ms. Mendoza was exposed to the chemical day and night. She began
2 noticing symptoms, such as irritated and itchy skin, trouble breathing, and a feeling of
3 her throat constricting.

4 240. On multiple occasions, Ms. Mendoza was in her bed when GEO staff
5 sprayed the sleeping area, including a doorway mere feet from her bed.

6 241. On multiple occasions, Ms. Mendoza could see the chemical falling onto
7 her food while she ate at the downstairs dining tables. She tried to use her hands and
8 arms to cover her food, but often she had to throw the food away.

9 242. In the beginning of the pandemic, Ms. Mendoza and other detained
10 people did not have masks to wear. When Ms. Mendoza saw GEO staff approaching
11 with spray bottles, she would pull her shirt up over her mouth and nose to try to avoid
12 inhaling the red/pink chemical.

13 243. On one occasion, Ms. Mendoza witnessed a GEO staff spray another
14 detained person directly on their body.

15 244. When Ms. Mendoza and other detained people asked GEO staff to be
16 more careful with the red/pink chemical, GEO staff dismissed the complaints, saying
17 that they had been ordered to spray.

18 245. During this period, Ms. Mendoza developed a rash on her face. She began
19 suffering nosebleeds, eye irritation, nausea, and dizziness. Often, she felt so ill that she
20 expressed to friends that she thought she might die.

21 246. Ms. Mendoza submitted multiple medical requests and sought medical
22 care for her symptoms, which Adelanto medical staff attributed to poor water quality
23 and high blood pressure. She was advised by Adelanto's medical staff to drink water,
24 try exercise, and take ibuprofen.

25 247. After Ms. Mendoza was released from Adelanto, she noticed that her
26 eyesight and sense of smell had deteriorated while she was in detention. Years later,
27 she still experiences dizziness and sensitivity in her nasal passages.
28

1 **VI. CLASS ALLEGATIONS**

2 248. Pursuant to Federal Rule of Civil Procedure 23(b)(3), Plaintiffs bring this
3 lawsuit on behalf of themselves and as a class action on behalf of the following class:

4 **Detained Class:** All persons who were detained at Adelanto Detention
5 Center between February 2020 through November 1, 2020 that were
6 exposed to HDQ Neutral.

7 249. Excluded from the Detained Class are any entities, including Defendant
8 GEO and its officers, agents, and employees. Also excluded from the Detained Class
9 are officers, agents, and employees of any other governmental or corporate entity
10 affiliated with the operation and management of Adelanto.

11 250. The proposed Detained Class satisfies the requirements of Federal Rule
12 of Civil Procedure 23(a)(1) because it is so numerous that joinder of all members is
13 impracticable. Upon information and belief, there were over 1,300 people detained at
14 Adelanto on or around February 2020, when Defendant GEO began spraying HDQ
15 Neutral as a purported COVID-19 safety measure.

16 251. The proposed Detained Class meets the commonality requirements of
17 Federal Rule of Civil Procedure 23(a)(2). There are numerous questions of law or fact
18 common to each member of the Detained Class. For the Detained Class, those common
19 questions of law and fact predominate over any question affecting only an individual
20 in the Detained Class. Defendant GEO acted on grounds generally applicable to the
21 Detained Class in improperly using HDQ Neutral and making misrepresentations
22 regarding the chemical and its use.

23 252. The proposed Detained Class meets the typicality requirements of Federal
24 Rule of Civil Procedure 23(a)(3) because Plaintiffs' claims are typical of the claims of
25 the Detained Class. The claims of Plaintiffs and members of the Detained Class arise
26 from the same set of actions, statements, misrepresentations, concealment, and other
27 actions by Defendant GEO relating to its use of HDQ Neutral at Adelanto.

28 253. Plaintiffs meet the requirements of Federal Rule of Civil Procedure
23(a)(4) as they will fairly and adequately protect the interest of the Detained Class.

1 Plaintiffs do not have any interests antagonistic to, or in conflict with, the Detained
2 Class that Plaintiffs seek to represent. Plaintiffs, as well as the Detained Class, seek
3 compensatory and punitive damages arising from Defendant GEO's negligent,
4 fraudulent, and other tortious acts which caused them injury.

5 254. The proposed Detained Class also meets the requirements of Federal Rule
6 of Civil Procedure 23(b)(3) because questions of law or fact common to the class
7 "predominate" over questions affecting the individual members, and a class action is
8 "superior" to other methods available for adjudicating the controversy. The numerous
9 common questions of law and fact that predominate will advance resolution of the
10 litigation as to all the Detained Class members. These common legal and factual issues
11 include the following:

- 12 a. whether Defendant GEO engaged in the conduct alleged herein;
- 13 b. whether Defendant GEO's use of HDQ Neutral was a wrongful and
14 offensive touching causing Plaintiffs and the Detained Class harm;
- 15 c. whether Defendant GEO's conduct violated duties owed to
16 Plaintiffs and the Detained Class;
- 17 d. whether Defendant GEO made unlawful and misleading
18 representations or material omissions with respect to the safety of
19 Defendant GEO's and its staff's use of HDQ Neutral at Adelanto;
- 20 e. whether Defendant GEO took steps to conceal the toxic and
21 harmful use of HDQ Neutral at Adelanto or otherwise falsely
22 assured Plaintiffs and the Detained Class that its use of HDQ
23 Neutral was safe; and
- 24 f. whether Plaintiffs and the Detained Class are entitled to damages
25 and other monetary relief, including punitive damages, and if so,
26 in what amount.

27 255. A class action is superior to other available methods for the fair and
28 efficient adjudication of the controversy. Treatment as a class action will permit a large

1 number of similarly situated persons to adjudicate their common claims in a single
2 forum simultaneously, efficiently, and without the unnecessary duplication of effort
3 and expense that numerous individual actions would produce. Treatment of the matter
4 as a class will also permit the adjudication of claims by many members of the Detained
5 Class who could not individually afford to litigate such a claim. This class action likely
6 presents no difficulties in management that would preclude maintenance as a class
7 action.

8 256. Plaintiffs and the Detained Class are represented by counsel experienced
9 in class action lawsuits, civil rights litigation, and representation of people in carceral
10 settings.

11 257. Plaintiffs and the Detained Class have all suffered and will continue to
12 suffer harm and damages as a result of Defendant GEO's wrongful conduct and use of
13 HDQ Neutral.

14 258. Plaintiffs reserve the right to amend the Detained Class definition if
15 discovery and further investigation reveal that the Detained Class should be expanded,
16 divided into subclasses, or modified in any other way.

17 **CAUSES OF ACTION**

18 **FIRST CAUSE OF ACTION**

19 **Cal. Civ. Code § 1714(a)**

20 **NEGLIGENCE**

21 **(Against All Defendants on behalf of Plaintiffs and the Detained Class)**

22 259. Plaintiffs hereby incorporate allegations contained in the preceding
23 paragraphs, as though fully set forth herein.

24 260. Defendants GEO and Spartan Chemical both owed a duty of care to
25 Plaintiffs and the Detained Class with respect to HDQ Neutral. Defendant GEO had a
26 special duty of care to protect Plaintiffs and the Detained Class, people detained in a
27 facility they own and operate, from foreseeable harm. Relatedly, Defendant Spartan
28 Chemical owed a duty of care to Plaintiffs and the Detained Class as the known captive

1 end users of the HDQ Neutral and the related machinery that Defendant Spartan
2 Chemical manufactured, sold, maintained, and serviced at the Adelanto Facility.

3 261. Defendant GEO, as the purchaser of HDQ Neutral and holder of the
4 related Safety Data Sheet and Container Label, knew or should have known that eye
5 contact and skin contact with HDQ Neutral could cause pain, redness, swelling, tissue
6 damage, blistering, and burning, among other symptoms. Defendant Spartan
7 Chemical, as the manufacturer and supplier of HDQ Neutral, knew or should have
8 known the same.

9 262. Defendant GEO, as the purchaser of HDQ Neutral and holder of the
10 related Safety Data Sheet and Container Label, knew or should have known that
11 inhalation of HDQ Neutral could cause coughing and nasal irritation, among other
12 symptoms. Defendant Spartan Chemical, as the manufacturer and supplier of HDQ
13 Neutral, knew or should have known the same.

14 263. Defendant GEO knew or should have known that frequent spraying of
15 HDQ Neutral in poorly ventilated areas posed a risk of inhalation, eye contact, and
16 skin contact with HDQ Neutral. Relatedly, Defendant Spartan Chemical knew or
17 should have known through its tours, inspections, and the observed soaring sales of
18 HDQ Neutral that Defendant GEO Group was spraying an overly concentrated HDQ
19 Neutral frequently in a 24-hour period.

20 264. Defendant GEO knew or should have known that frequent spraying of
21 HDQ Neutral onto surfaces and objects that Plaintiffs and the Detained Class touched
22 would pose a risk of skin contact. Similarly, based on its repeated tours, inspections
23 and other contacts with managers at the Adelanto Facility, Defendant Spartan
24 Chemical knew or should have known that given the conditions of immigration
25 detention under Defendant GEO's for-profit management, it was impossible or
26 impracticable to keep HDQ Neutral from coming into contact with clothing or bed
27 linens during the frequent spray application of HDQ Neutral in dormitories and
28 common rooms. Defendant Spartan Chemical knew or should have known that

1 Defendant GEO would not provide immediate laundering of contaminated clothing or
2 bed linens, as directed in certain warnings.

3 265. Defendant GEO knew or should have known that exposure to HDQ
4 Neutral without protective equipment such as goggles, gloves, and masks posed a risk
5 of inhalation, ingestion, eye contact, and skin contact with HDQ Neutral. Similarly,
6 based on its repeated tours, inspections, and other contacts with managers at the
7 Adelanto Facility, and given the crowded conditions of detention, Defendant Spartan
8 knew or should have known that Defendant GEO did not possess or would not provide
9 adequate personal protective equipment such as goggles, face shields, masks or
10 protective clothing for the safe application of HDQ Neutral throughout the Adelanto
11 Facility.

12 266. Defendant GEO knew or should have known that failure to dilute HDQ
13 Neutral as recommended by the manufacturer could increase the severity of exposure
14 symptoms. Similarly, Defendant Spartan Chemical knew or should have known that
15 the risks associated with properly diluted HDQ Neutral coming into direct contact with
16 skin or the eyes, inhalation of HDQ Neutral, or inadvertent consumption of the product
17 would increase if not double should HDQ Neutral spray be over-concentrated.

18 267. In breach of its duty to Plaintiffs and the Detained Class, Defendant GEO
19 sprayed HDQ Neutral as often as every fifteen minutes in poorly ventilated areas.

20 268. In breach of its duty to Plaintiffs and the Detained Class, Defendant GEO
21 sprayed HDQ Neutral and instructed detained people to spray HDQ Neutral onto
22 surfaces and objects such that the chemical mixture came into contact with Plaintiffs'
23 and the Detained Class members' skin.

24 269. In breach of its duty to Plaintiffs and the Detained Class, Defendant GEO
25 failed to provide Plaintiffs and the Detained Class with goggles, gloves, and masks
26 sufficient to prevent inhalation, ingestion, eye contact, and skin contact with HDQ
27 Neutral.

28

1 270. In breach of their duty to Plaintiffs and the Detained Class, Defendant
2 GEO and Defendant Spartan Chemical each failed to dilute HDQ Neutral as
3 recommended and instead deliberately dispensed HDQ Neutral at or near double the
4 recommended concentration.

5 271. In breach of Defendant Spartan Chemical's duty to its end users—
6 Plaintiffs and members of the Detained Class—Defendant Spartan Chemical
7 recommended, sold and continued to sell HDQ Neutral to Defendant GEO despite
8 knowing that Defendant GEO was unable or unwilling to take the necessary
9 precautions to use the product safely.

10 272. As a result of Defendant GEO's and Defendant Spartan Chemical's
11 actions, Plaintiffs and the Detained Class suffered and continue to suffer physical
12 injuries, including, but not limited to, chronic coughing and shortness of breath, skin
13 rashes and blisters, eye irritation and burning, blurred vision, nosebleeds, headaches,
14 dizziness, nausea, fatigue, and/or fainting.

15 273. Defendant GEO's and Defendant Spartan Chemical's actions also caused
16 Plaintiffs and the Detained Class to suffer emotional distress.

17 274. As detailed in the preceding paragraphs, Defendant GEO also made
18 material misrepresentations to the public about its use of HDQ Neutral and continued
19 to clandestinely misuse the pesticide at Adelanto, warranting punitive damages.

20 **SECOND CAUSE OF ACTION**
21 **BATTERY**
22 **(Against GEO on Behalf of Plaintiffs and the Detained Class)**

23 275. Plaintiffs hereby incorporate allegations contained in the preceding
24 paragraphs, as though fully set forth herein.

25 276. Without consent or legal privilege, Defendant GEO intentionally
26 assaulted and physically battered Plaintiffs and the Detained Class with the intent to
27 harm Plaintiffs and the Detained Class by spraying a toxic chemical mixture on and
28 around their person while Plaintiffs and the Detained Class were eating. Such conduct

1 was extreme and outrageous and would be deemed highly offensive to a reasonable
2 person.

3 277. Without consent or legal privilege, Defendant GEO intentionally
4 assaulted and physically battered Plaintiffs and the Detained Class with the intent to
5 harm Plaintiffs and the Detained Class by spraying a toxic chemical mixture on and
6 around their person while Plaintiffs and the Detained Class were sleeping in their
7 living quarters. Such conduct was extreme and outrageous and would be deemed
8 highly offensive to a reasonable person.

9 278. Without consent or legal privilege, Defendant GEO intentionally
10 assaulted and physically battered Plaintiffs and the Detained Class with the intent to
11 harm Plaintiffs and the Detained Class by spraying a toxic chemical mixture on and
12 around their person while Plaintiffs and the Detained Class were talking on the phone.
13 Such conduct was extreme and outrageous and would be deemed highly offensive to
14 a reasonable person.

15 279. Without consent or legal privilege, Defendant GEO intentionally
16 assaulted and physically battered Plaintiffs and the Detained Class with the intent to
17 harm Plaintiffs and the Detained Class by spraying a toxic chemical mixture on and
18 around their person while Plaintiffs and the Detained Class were detained at Adelanto.
19 Such conduct was extreme and outrageous and would be deemed highly offensive to
20 a reasonable person.

21 280. As a result of the wrongful touching by Defendant GEO, Plaintiffs and
22 the Detained Class suffered and continue to suffer physical injuries, including, but not
23 limited to, chronic coughing and shortness of breath, skin rashes and blisters, eye
24 irritation and burning, blurred vision, nosebleeds, headaches, dizziness, nausea,
25 fatigue, and/or fainting.

26 281. As a result of the wrongful touching by Defendant GEO, Plaintiffs and
27 the Detained Class suffered emotional distress.
28

1 282. Defendant GEO acted with malice and oppression and with a conscious
2 disregard of Plaintiffs' and the Detained Class's rights, making all Defendants liable
3 for punitive damages under California Civil Code § 3294.

4 **THIRD CAUSE OF ACTION**
5 **Cal. Civ. Code § 1714(a)**
6 **PREMISES LIABILITY**
7 **(Against GEO on Behalf of Plaintiffs and the Detained Class)**

8 283. Plaintiffs hereby incorporate allegations contained in the preceding
9 paragraphs, as though fully set forth herein.

10 284. At all relevant times, Adelanto was operated, leased, possessed, managed,
11 maintained, secured, inspected, serviced, staffed, and/or otherwise controlled by
12 Defendant GEO.

13 285. At all relevant times, Defendant GEO had the right to control conditions
14 on the premises of Adelanto.

15 286. Defendant GEO acted wantonly, recklessly, negligently, and carelessly in
16 owning, operating, leasing, possessing, managing, maintaining, securing, inspecting,
17 servicing, staffing, and/or otherwise controlling Adelanto. Among other things,
18 Defendant GEO created a hazardous condition on the premise of Adelanto by using
19 HDQ Neutral without properly diluting it; spraying HDQ Neutral in poorly ventilated
20 spaces and on food, clothing, and objects coming into contact with skin and eyes; and,
21 on information and belief, instructing and permitting its employees to use HDQ
22 Neutral without training them about how to maintain the safety of the detained persons
23 in their care.

24 287. Defendant GEO acted wantonly, recklessly, negligently, and carelessly in
25 owning, operating, leasing, possessing, managing, maintaining, securing, inspecting,
26 servicing, staffing, and/or otherwise controlling Adelanto. Among other things,
27 Defendant GEO failed to warn detained persons of a hazardous condition on the
28 premises of Adelanto; failed to guard against the misuse of HDQ Neutral by properly
training its employees to safely use HDQ Neutral; failed to guard against the negative

1 health effects of HDQ Neutral by providing goggles, masks, or other equipment
2 sufficient to mitigate the known hazards of HDQ Neutral; and failed to heed
3 complaints from detained people experiencing the negative health effects of HDQ
4 Neutral on the premises.

5 288. Defendant GEO had actual and/or constructive notice that its use of HDQ
6 Neutral created a hazardous and unsafe condition on the premises: among other things,
7 Defendant GEO had access to Spartan Chemical's HDQ Neutral Safety Data Sheet
8 warning of the risks of HDQ Neutral.

9 289. It was reasonably foreseeable that Plaintiffs and the Detained Class would
10 suffer injury as a result of Defendant GEO's overuse and misuse of HDQ Neutral at
11 Adelanto, as well as GEO's failure to take reasonable precautions in light of the
12 available evidence.

13 290. As a result of the continued hazard on the premises controlled by
14 Defendant GEO, Plaintiffs and the Detained Class suffered and continue to suffer
15 physical injuries, including, but not limited to, chronic coughing and shortness of
16 breath, skin rashes and blisters, eye irritation and burning, blurred vision, nosebleeds,
17 headaches, dizziness, nausea, fatigue, and/or fainting.

18 291. As a result of the continued hazard on the premises controlled by
19 Defendant GEO, Plaintiffs and the Detained Class suffered emotional distress.

20 292. Defendant GEO acted willfully and with malice by consciously
21 disregarding the risks of misusing HDQ Neutral, concealing its use, and refusing to
22 use it differently even in the face of injuries brought to Defendant's attention.

23 293. Defendant GEO knew that its use of HDQ Neutral on the premises
24 without training, safeguards, or protective equipment could cause health injury to
25 Plaintiffs and the Detained Class who were in Defendant GEO's care. Despite this
26 knowledge, and although the dangerous use of HDQ Neutral continued for sufficient
27 time to have been remedied, Defendant GEO nevertheless consciously and deliberately
28 failed to act to avoid the probability of injury.

1 294. Instead, as detailed in the preceding paragraphs, Defendant GEO made
2 material misrepresentations to the public about its use of HDQ Neutral and continued
3 to clandestinely misuse the pesticide at Adelanto, warranting punitive damages.

4 **FOURTH CAUSE OF ACTION**

5 **Cal. Civ. Code § 1710(3)**

6 **CONCEALMENT**

7 **(Against GEO on Behalf of Plaintiffs and the Detained Class)**

8 295. Plaintiffs reallege and incorporate the allegations set forth in the
9 preceding paragraphs as though fully set forth herein.

10 296. Defendant GEO concealed and suppressed its improper use of HDQ
11 Neutral indoors on and around Plaintiffs and the Detained Class at Adelanto.

12 297. Defendant GEO concealed and suppressed its improper dilution of HDQ
13 Neutral at Adelanto.

14 298. Defendant GEO concealed and suppressed its failure to provide the
15 required PPE for use of HDQ Neutral.

16 299. As the party responsible for the custody, care, and well-being of Plaintiffs
17 and the Detained Class, Defendant GEO had a special duty to inform Plaintiffs and the
18 Detained Class of its improper use and dilution of HDQ Neutral.

19 300. Defendant GEO intentionally concealed and suppressed its improper use
20 and dilution of HDQ Neutral indoors on and around Plaintiffs and the Detained Class,
21 improper dilution of HDQ Neutral, and failure to provide PPE, among other failures,
22 with the intent to defraud Plaintiffs and the Detained Class.

23 301. Plaintiffs and the Detained Class were unaware of Defendant GEO's
24 actual improper use of HDQ Neutral indoors on and around Plaintiffs and the Detained
25 Class, improper dilution, and failure to provide PPE, among other failures.

26 302. Plaintiffs and the Detained Class would not have acted as they did if they
27 had known of the concealed and suppressed facts.

28 303. As a result of the concealment and suppression of these and other material
facts, Plaintiffs and the Detained Class suffered and continue to suffer physical

1 injuries, including, but not limited to, chronic coughing and shortness of breath, skin
2 rashes and blisters, eye irritation and burning, blurred vision, nosebleeds, headaches,
3 dizziness, nausea, fatigue, and/or fainting.

4 304. Defendant GEO's actions also caused Plaintiffs and the Detained Class
5 to suffer emotional distress.

6 305. Defendant GEO acted with fraud, malice and oppression, and with a
7 conscious disregard of Plaintiffs' and the Detained Class's rights, making all
8 Defendants liable for punitive damages under California Civil Code § 3294.

9 **FIFTH CAUSE OF ACTION**
10 **Cal. Civ. Code § 1710(1)**
11 **INTENTIONAL MISREPRESENTATION**
12 **(Against GEO on Behalf of Plaintiffs and the Detained Class)**

13 306. Plaintiffs hereby incorporate by reference all preceding paragraphs of this
14 Complaint as if fully set forth herein.

15 307. Defendant GEO made false and material misrepresentations to the public
16 regarding its use of HDQ Neutral at Adelanto.

17 308. Defendant GEO made false and material misrepresentations to the public
18 regarding the availability of PPE to Plaintiffs and the Detained Class who used or were
19 exposed to HDQ Neutral at Adelanto.

20 309. Defendant GEO made false and material misrepresentations to Plaintiffs
21 and the Detained Class that HDQ Neutral was for COVID safety, that HDQ Neutral
22 was not causing their health issues, and regarding Defendant GEO's lack of available
23 alternative products.

24 310. Defendant GEO knowingly made the aforementioned false and material
25 misrepresentations. Alternatively, Defendant GEO made the misrepresentations
26 recklessly and without regard for their truth.

27 311. Defendant GEO intended that Plaintiffs and the Detained Class rely on
28 these misrepresentations.

1 312. Plaintiffs and the Detained Class reasonably relied on Defendant's
2 misrepresentations.

3 313. As a result of Defendant GEO's misrepresentations, Plaintiffs and the
4 Detained Class suffered and continue to suffer physical injuries, including, but not
5 limited to, chronic coughing and shortness of breath, skin rashes and blisters, eye
6 irritation and burning, blurred vision, nosebleeds, headaches, dizziness, nausea,
7 fatigue, and/or fainting.

8 314. Defendant GEO's actions also caused Plaintiffs and the Detained Class
9 to suffer emotional distress.

10 315. Plaintiffs' and the Detained Class's reliance on Defendant GEO's
11 misrepresentations was a substantial factor in causing harm to Plaintiffs and the
12 Detained Class.

13 316. Defendant GEO acted with fraud, malice and oppression, and with a
14 conscious disregard of Plaintiffs' and the Detained Class's rights, making Defendant
15 GEO liable for punitive damages under California Civil Code § 3294.

16 **SIXTH CAUSE OF ACTION**
17 **Cal. Civ. Code § 1710(2)**
18 **NEGLIGENT MISREPRESENTATION**
19 **(Against GEO on Behalf of Plaintiffs and the Detained Class)**

20 317. Plaintiffs hereby incorporate by reference all preceding paragraphs of this
21 Complaint as if fully set forth herein.

22 318. Defendant GEO made false and material misrepresentations to the public
23 regarding the use of HDQ Neutral at Adelanto.

24 319. Defendant GEO made false and material misrepresentations to Plaintiffs
25 and the Detained Class regarding the use of HDQ Neutral at Adelanto.

26 320. Defendant GEO made those false and material misrepresentations with
27 no reasonable ground for believing them to be true.

28 321. Defendant GEO intended that Plaintiffs and the Detained Class rely on
the misrepresentations.

1 322. Plaintiffs and the Detained Class reasonably relied on the
2 misrepresentations.

3 323. Plaintiffs and the Detained Class suffered and continue to suffer physical
4 injuries, including, but not limited to, chronic coughing and shortness of breath, skin
5 rashes and blisters, eye irritation and burning, blurred vision, nosebleeds, headaches,
6 dizziness, nausea, fatigue, and/or fainting.

7 324. Defendant's actions also caused Plaintiffs and the Detained Class to
8 suffer emotional distress.

9 325. Plaintiffs' and the Detained Class's reliance on Defendant GEO's
10 misrepresentations was a substantial factor in causing harm to Plaintiffs and the
11 Detained Class.

12 **SEVENTH CAUSE OF ACTION**
13 **DESIGN DEFECT - STRICT LIABILITY**
14 **(Against Spartan Chemical on Behalf of Plaintiffs and the Detained Class)**

15 326. Plaintiffs hereby incorporate by reference all preceding paragraphs of this
16 Complaint as if fully set forth herein.

17 327. Defendant Spartan Chemical manufactured, provided and serviced the
18 Spartan chemical dispensers in use during the Class Period throughout the Adelanto
19 Detention Facility.

20 328. Defendant Spartan Chemical deliberately adjusted the flow rate of HDQ
21 Neutral to deliver a higher concentration of HDQ Neutral into the spray bottles, bulk
22 sprayers and mopping buckets than as directed for use by the EPA approved label.

23 329. The deliberate design to provide overconcentrated HDQ Neutral was a
24 substantial factor in causing harm to Plaintiffs and the Detained Class, including harm
25 to Plaintiffs' and the Detained Class's skin, respiratory distress, and injuries to their
26 eyes.

27 330. There is minimal or no additional cost associated with using a 1-ounce
28 nozzle instead of a 2-ounce nozzle, and the virucidal efficacy claims are not diminished

1 by using a concentrate as indicated by the EPA approved label. The benefit associated
2 with dispensing HDQ Neutral at a concentration indicated by the EPA approved label
3 is minimization of risk of harm.

4 **EIGHTH CAUSE OF ACTION**
5 **FAILURE TO WARN - STRICT LIABILITY**
6 **(Against Spartan Chemical on Behalf of Plaintiffs and the Detained Class)**

7 331. Plaintiffs hereby incorporate by reference all preceding paragraphs of this
8 Complaint as if fully set forth herein.

9 332. Spartan Chemical manufactured and sold HDQ Neutral, as well provided
10 instructions, signage, labels, screen-printed bottles, cages, and dispenser units for its
11 storage and dispensing to Defendant GEO Group for further use by guards, Plaintiffs,
12 and members of the Detained Class inside the Adelanto Facility.

13 333. When used at off-label concentrations, every 15 to 30 minutes, in
14 crowded rooms with humans not protected by personal protective equipment (*e.g.*,
15 goggles, masks, and clothing), HDQ Neutral bore risks of eye burns, skin rashes,
16 respiratory, and gastric distress that were known to Spartan Chemical throughout the
17 class period.

18 334. These potential risks presented a substantial danger when the product was
19 used or misused in the intended or reasonably foreseeable way, *i.e.*, in immigration
20 detention where usage was near or atop of Plaintiffs and the Detained Class while they
21 ate, spoke to loved ones on the phone, and slept in their bunks.

22 335. HDQ Neutral, masked with a floral scent and a bright pink color, is not a
23 household name or a product with which ordinary consumers would recognize the
24 potential risks of improper usage.

25 336. Defendant Spartan Chemical failed to adequately disclose the
26 overconcentration of HDQ Neutral and to warn of the potential risks related to
27 spraying overconcentrated HDQ Neutral throughout the Adelanto Facility every 15 to
28

1 30 minutes amongst unprotected humans and, additionally, failed to provide any
2 instruction regarding the safe or unsafe uses of the product.

3 337. Plaintiffs and the Detained Class sustained acute and chronic injuries
4 from the frequent spraying of over-concentrated HDQ Neutral in and around their
5 living and eating quarters without adequate protective equipment.

6 338. Spartan Chemical's failure to label its product accurately, its failure to
7 provide adequate warnings, and its complete failure to provide instructions was a
8 substantial factor in causing Plaintiffs' and the Detained Class's harms.

9 **NINTH CAUSE OF ACTION**
10 **FAILURE TO WARN - NEGLIGENCE**

11 **(Against Spartan Chemical on Behalf of Plaintiffs and the Detained Class)**

12 339. Spartan Chemical manufactured and sold HDQ Neutral as well as
13 provided instructions, signage, labels, screen-printed bottles, cages, and dispenser
14 units for its storage and dispensing to Defendant GEO Group for deployment at the
15 Adelanto Facility.

16 340. Defendant Spartan Chemical knew or reasonably should have known that
17 HDQ Neutral was a dangerous, toxic to humans, pesticide and was dangerous or likely
18 to be dangerous when used in crowded detention settings at off-label concentrations,
19 sprayed at least 48 times a day, where no exclusion zones could be created during
20 application. Spartan Chemical also knew or reasonably should have known through its
21 tours, inspections, adjustments, and sales data that its product, HDQ Neutral, would
22 be used in this manner.

23 341. Spartan Chemical knew or reasonably should have known that Plaintiffs
24 and all detained individuals given access or ordered to use HDQ Neutral by officers of
25 GEO, would not realize the danger of using the product in crowded conditions, with
26 high rates of frequency, and without adequate protection.

27 342. Spartan Chemical failed to adequately warn of the danger resulting from
28 the planned use of HDQ Neutral at the Adelanto Facility and/or instruct on the safe

1 use of HDQ Neutral in any of the visible or legible signage or labels within the
2 Adelanto Facility. Spartan Chemical and GEO purposefully obscured or hid access to
3 any instructions on the safe use of HDQ Neutral.

4 343. A reasonable manufacturer distributing pesticides within the state of
5 California to a private prison corporation running immigration detention centers,
6 would have taken reasonable steps, including by providing visible and legible
7 instructions for safe use and warning of the dangers of failing to clear a room of other
8 humans or spraying within three feet of unmasked humans.

9 344. As a result of Spartan Chemical's mislabeling, failure to provide any
10 instructions with respect to any use of HDQ Neutral, and failure to give adequate
11 warnings regarding, among other dangers, overuse, Plaintiffs and the Detained Class
12 suffered injuries to their eyes, rashes on their skin, and respiratory and gastric distress,
13 as well as emotional distress. Spartan Chemical's failure to warn that its product was
14 overconcentrated, failure to instruct not to spray frequently, near humans, without
15 masks or proper ventilation, was a substantial factor in Plaintiffs' and the Detained
16 Class's injuries.

17 **VII. PRAYER**

18 WHEREFORE, Plaintiffs, individually and on behalf of the Detained Class,
19 respectfully request that the Court enter judgment in their favor against Defendant The
20 GEO Group, Inc. and Defendant Spartan Chemical Company, Inc., and award the
21 following relief:

- 22 A. Certifying the Detained Class and appointing Plaintiffs as Class
23 Representatives for the Detained Class;
- 24 B. Awarding each Plaintiff compensatory and special damages for injuries;
- 25 C. Awarding each Plaintiff punitive damages;
- 26 D. Awarding Detained Class members compensatory and special damages
27 for injuries;
- 28 E. Awarding Detained Class members punitive damages;

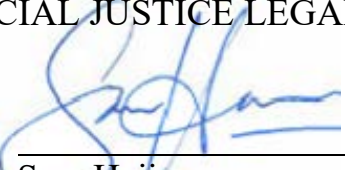
- 1 F. For an order requiring Defendant GEO to pay for medical monitoring and
2 expenses for the next five (5) years of each Plaintiff;
- 3 G. For an order requiring Defendant GEO to pay for medical monitoring and
4 expenses for the next (5) years for each Detained Class member;
- 5 H. Awarding Plaintiffs and the Detained Class reasonable attorney's fees,
6 costs, and expenses as allowed by law;
- 7 I. Awarding declaratory relief that Defendant GEO knowingly poisoned
8 and harmed Plaintiffs and the Detained Class in violation of California
9 law;
- 10 J. Awarding further appropriate equitable relief; and
- 11 K. Granting any other relief this Court deems just and proper.

12 **VIII. DEMAND FOR TRIAL BY JURY**

13 Plaintiffs, individually and on behalf of the Detained Class, demand a trial by
14 jury as to all those issues triable as of right.

15
16 Dated: January 6, 2025

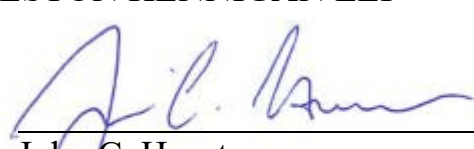
SOCIAL JUSTICE LEGAL FOUNDATION

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18 By: 

19 Sara Haji
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21 Dated: January 6, 2025

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