

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

Case No. 9:20-81063-CIV-SMITH

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

Plaintiff,

v.

THE GEO GROUP, INC., *et al.*,

Defendants.

**ORDER PRELIMINARILY APPROVING SETTLEMENT
AND FOR PROVIDING NOTICE TO THE CLASS**

WHEREAS, an action is pending before this Court entitled *Hartel v. The GEO Group, Inc., et al.*, Case No. 9:20-cv-81063-RS (S.D. Fla.) (the “Action”);¹

WHEREAS, the Parties to the Action entered into the Stipulation, which together with the Exhibits annexed thereto, sets forth the terms and conditions for proposed Settlement of the Action;

WHEREAS, pursuant to Federal Rule of Civil Procedure (“Rule”) 23(e), Plaintiffs seek preliminary approval of Settlement of the Action, and for approval of the form and manner of providing notice of Settlement to members of the Settlement Class, in accordance with the Stipulation; and

WHEREAS, pursuant to Rule 23(a) and 23(b), Plaintiffs seek certification of the Settlement Class for purposes of Settlement.

AND NOW THIS 7th day of July 2023, the Court having considered Plaintiffs’ Unopposed Motion for Preliminary Approval of Settlement [DE 87] and good cause appearing therefore, **IT**

¹ Unless otherwise noted, capitalized terms used herein have the same meaning ascribed to them as in the Stipulation and Agreement of Settlement dated May 1, 2023 (the “Stipulation”).

IS ORDERED THAT:

1. Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement [DE 87] is **GRANTED**. Pursuant to Rule 23(e), the Court preliminarily approves the Settlement, in accordance with the Stipulation and the Exhibits annexed thereto, subject to further consideration at the Settlement Hearing described below.

2. Pursuant to Rule 23(a) and 23(b), the Court approves certification of the Settlement Class, as defined in the Stipulation, for purposes of Settlement.

3. Pursuant to the requirements of Rule 23(e), the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(7), and due process, the Court approves, as to form and content, the Notice of Pendency and Proposed Settlement of Class Action (the "Notice"), the Summary of Proposed Settlement of Class Action (the "Summary Notice"), the Proof of Claim and Release form ("Proof of Claim"), and Postcard Notice, annexed to the Stipulation as Exhibits A-1, A-2, A-3, and A-4, respectively.

4. Lead Counsel are responsible for the dissemination of notice of Settlement to the Settlement Class, and the Court approves its selection of the firm of Epiq Class Action and Claims Solutions, Inc. (the "Claims Administrator") to serve as the claims administrator for the Settlement Class.

5. All fees, costs, and expenses incurred in identifying and notifying Settlement Class Members shall be paid for by the Settlement Fund, as set forth in the Stipulation, and in no event shall any of the Released Persons bear any responsibility for such fees, costs, or expenses.

6. Notwithstanding the foregoing, Defendants shall be responsible for the costs and expenses of providing to Lead Counsel or the Claims Administrator reasonably available transfer

records for purposes of disseminating notice of Settlement to the Class, as set forth in the Stipulation.

7. The GEO Group, Inc. (“GEO”) shall use its best efforts to provide, or cause to be provided, to Lead Counsel or the Claims Administrator reasonably available transfer records reflecting ownership or acquisition of GEO common stock during the Class Period, in electronic searchable form, such as Excel, containing relevant information including, without limitation, names, mailing addresses and email addresses, if available, no later than ten (10) calendar days after the entry of this Order.

8. No later than twenty-one (21) calendar days after the entry of this Order (the “Notice Date”), Lead Counsel and/or the Claims Administrator shall commence mailing the Postcard Notice by First-Class Mail to all potential Settlement Class Members who can be identified with reasonable efforts and post the Stipulation, and Exhibits annexed thereto, on the Settlement website, www.HartelSecuritiesSettlement.com.

9. No later than fourteen (14) calendar days after the Notice Date, Lead Counsel and/or the Claims Administrator shall cause the Summary Notice to be published once in a national business newswire.

10. No later than seven (7) calendar days prior to the Settlement Hearing, Lead Counsel shall provide the Court, and all parties to the Action, proof of the mailing the Postcard Notice and publication of the Summary Notice, by way of an affidavit or declaration.

11. All opening briefs in support of final approval of the Settlement, the Plan of Allocation, and Lead Counsel’s application for an award of attorneys’ fees and expenses shall be filed no later than forty-two (42) calendar days prior to the Settlement Hearing, providing all documents in support thereof.

12. Settlement Class Members shall be bound by all determinations and judgments in the Action concerning the Settlement, including, but not limited to, any release provided for therein, whether favorable or unfavorable to the Settlement Class, whether or not such Settlement Class Members submit a Proof of Claim or otherwise seek or obtain by any means any distribution from the Settlement Fund.

13. Settlement Class Members who wish to participate in the Settlement shall complete and submit a Proof of Claim no later than one hundred and twenty (120) calendar days after the Notice Date. Any Settlement Class Member who does not timely submit a Proof of Claim within the time provided for, shall be barred from sharing in the distribution of the proceeds of the Net Settlement Fund, unless otherwise ordered by the Court, but will in all other respects be subject to and bound by the provisions of the Stipulation and the Final Judgment, if entered. Notwithstanding the foregoing, Lead Counsel may, in its discretion, accept late-submitted claims for processing by the Claims Administrator so long as distribution of the Net Settlement Fund to Authorized Claimants is not materially delayed thereby.

14. Any Settlement Class Member may enter an appearance in the Action, at his, her, or its own expense, individually or through counsel of their own choice. Any Settlement Class Member who does not enter an appearance will be represented by Lead Counsel.

15. Any Settlement Class Member may, upon request, be excluded from or “opt out” of the Settlement Class. To “opt out,”s the Settlement Class Member must submit to the Claims Administrator a signed request for exclusion (“Request for Exclusion”) no later than twenty-eight (28) calendar days prior to the Settlement Hearing. A Request for Exclusion must state: (i) the name, address, and telephone number of the Person or Entity requesting exclusion; (ii) a list identifying the number of shares of GEO common stock owned during the Class Period, the date

of each purchase or acquisition during the Class Period, the price paid for each share of GEO stock, the number of shares of GEO common stock sold during the Class Period, if any, the date of each sale, and the price at which the shares were sold; and (iii) that the identified Person or Entity wishes to be excluded from the Settlement Class.

16. Any Settlement Class Member who submits a valid and timely Request for Exclusion in the manner set forth in the Notice and herein shall have no rights under the Settlement, shall not share in the distribution of the Net Settlement Fund, and shall not be bound by the Settlement or Final Judgment, if entered. Unless otherwise ordered by the Court, any person or entity who purchased or otherwise acquired GEO common stock during the Class Period who fails to timely opt out of the Settlement Class shall be deemed to have waived his, her, or its right to exclusion, and shall be barred from requesting exclusion from the Settlement Class in this or any other proceeding.

17. Lead Counsel and/or the Claims Administrator shall provide copies of all Requests for Exclusion to Defendants no later than five (5) business days after their receipt by the Claims Administrator. Notwithstanding the foregoing, all Requests for Exclusion shall be provided to Defendants no later than twenty-one (21) calendar days before the Settlement Hearing. Any later-received Requests for Exclusion shall be provided to Defendants within one (1) business day of receipt. Lead Counsel shall also provide Defendants any written revocation of Requests for Exclusion promptly upon receipt and as expeditiously as possible.

18. Any Settlement Class Member may file a written objection to the preliminarily approved Settlement and show cause why the Settlement of the Action should or should not be approved as fair, reasonable, and adequate, why Final Judgment should or should not be entered thereon, why the Plan of Allocation should or should not be approved, why Lead Counsel's

application for attorneys' fees and expenses should or should not be approved, or why expenses or Plaintiffs' PSLRA Award should or should not be awarded to Plaintiffs. Any Settlement Class Member or other Person who wishes to contest the Settlement must deliver by hand or send via First-Class Mail, to all Parties to the Action, written objections and copies of any papers and briefs, such that they are received, not simply post-marked, and be filed with the Clerk of the United States District Court for the Southern District of Florida, no later than twenty-eight (28) calendar days prior to the Settlement Hearing.

19. Any written objections, filings, and/or other submissions must include: (i) the name, address, and telephone number of the Person or Entity objecting and must be signed by the objector; (ii) a statement of the objection or objections, and the specific reasons for each objection, including any legal and evidentiary support the objector wishes to bring to the Court's attention and whether the objection applies only to the objector, a specific subset of the Settlement Class, or to the entire Settlement Class; and (iii) documents sufficient to prove membership in the Settlement Class, including the objector's purchases or acquisitions, and sales, if any, of GEO common stock during the Class Period, the dates of each transaction, the number of shares purchased, acquired, or sold, and the price paid or received for each share purchased, acquired, or sold.

20. Any Settlement Class Member or other Person who timely and validly objects may attend the Settlement Hearing but is not required to do so. Persons who wish to be heard orally in opposition to approval of the Settlement, the Plan of Allocation, and/or the award of attorneys' fees and expenses to Lead Counsel or expenses or awards to Plaintiffs are required to indicate their intention to appear at the Settlement Hearing in their written objection. Persons who intend to

appear and present evidence at the Settlement Hearing must include in their written objections the identity of any witness they may call to testify and exhibits they intend to introduce into evidence.

21. Any Settlement Class Member who does not make his, her, or its objection in the manner provided in the Notice and herein shall be deemed to have waived such objection and shall forever be foreclosed from making any objection to the fairness or adequacy of the proposed Settlement, to the Plan of Allocation, or to the award of attorneys' fees and expenses to Lead Counsel or expenses or awards to Plaintiffs, unless otherwise ordered by the Court.

22. The deadline to file any replies to any objections shall be fourteen (14) calendar days prior to the Settlement Hearing.

23. None of the Defendants, their counsel, or any Released Persons shall have any responsibility for: (i) the Plan of Allocation; (ii) any application for attorneys' fees or expenses submitted by Lead Counsel; or (iii) expenses or awards to Plaintiffs. Such matters will be considered separately from the fairness, reasonableness, and adequacy of the Settlement. Any order or proceeding relating to the Plan of Allocation or any application for attorneys' fees or expenses, or any appeal from any order relating thereto or reversal or modification thereof, shall not operate to terminate or cancel the Settlement, or affect or delay the finality of the Judgment and the Settlement of the Action.

24. All funds held by the Escrow Agent shall be deemed and considered to be in *custodia legis* of the Court and shall remain subject to the jurisdiction of the Court until such time as such funds shall be distributed pursuant to the Stipulation and/or further order(s) of the Court.

25. The Court shall hold a Settlement Hearing on **November 14, 2023, at 10:00 a.m.**, a date that is at least one hundred (100) calendar days from the entry of this Order, to determine: (a) whether the Settlement of the Action, in accordance with the Stipulation, is fair, reasonable,


and adequate and warrants final approval; (b) whether a Judgment should be entered; (c) whether the Plan of Allocation is fair, reasonable, and adequate and should be approved; (d) the amount of fees and expenses to be awarded to Lead Counsel and Plaintiffs; and (e) any such other matters as the Court may deem appropriate.

26. The Court reserves the right to adjourn the date of the Settlement Hearing, or hold the Settlement Hearing by video or telephonically, without further notice to Settlement Class Members, and retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement. The Court may approve the Settlement, with such modifications as may be agreed to by the Settling Parties, if appropriate, without further notice to the Settlement Class.

27. If the Settlement is not approved or consummated for any reason whatsoever, this Order shall be rendered null and void, and be of no further force and effect, except as otherwise provided by the Stipulation. In such event, this Order, the Stipulation, and the Settlement and all proceedings had in connection therewith shall be without prejudice to the rights of the Settling Parties *status quo ante* as of December 16, 2022.

28. Unless otherwise ordered by the Court, all proceedings in the Action are stayed, except as may be necessary to implement the Settlement or comply with the terms of the Stipulation or other agreement of the Settling Parties. Pending final approval of the proposed Settlement, neither Plaintiffs nor any Settlement Class Member, directly or indirectly, representatively, or in any other capacity, shall commence or prosecute against any of the Defendants, any action or proceeding in any court or tribunal asserting any of the Released Claims.

DONE AND ORDERED in Fort Lauderdale, Florida this 7th day of July, 2023.



RODNEY SMITH
UNITED STATES DISTRICT JUDGE