

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RICHARD ROE; VICTOR VOE; and)
OUTSERVE-SLDN, INC.,)

Plaintiffs,)

v.)

PATRICK M. SHANAHAN, in his official)
capacity as Acting Secretary of Defense;)
HEATHER A. WILSON, in her official)
capacity as Secretary of the Air Force; and)
the UNITED STATES DEPARTMENT OF)
DEFENSE,)

No. 1:18-cv-1565-LMB-IDD

Defendants.)
_____)

**DEFENDANTS’ MOTION TO FILE UNDER SEAL EXHIBITS A-D TO THE
DECLARATION OF COL. DAMON MENENDEZ FILED SIMULTANEOUSLY WITH
DEFENDANTS’ MOTION TO MODIFY THE PRELIMINARY INJUNCTION**

Pursuant to Local Civil Rule 5, Defendants move the Court to seal Exhibits A-D to the Declaration of Col. Damon Menendez, filed simultaneously with Defendants’ Motion to Modify the Preliminary Injunction. These pages contain personal written statements from HIV-positive Airmen that could expose their identities and personal medical information. For this reasons, which is elaborated upon in the accompanying Memorandum in Support, these documents must be filed under seal.

DATE: April 5, 2019

Respectfully submitted,

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/s/

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Defendants.)

PROPOSED ORDER

Upon consideration of Defendants’ Motion to File Under Seal the Written Statements of HIV-positive Airmen, provided as Exhibits A-D to the Declaration of Col. Damon Menendez, filed simultaneously with Defendants’ Motion to Modify the Preliminary Injunction, this Court GRANTS the motion, FINDING that: (1) Defendants’ provided sufficient notice of the request; (2) that there are no less drastic alternatives than sealing the administrative record; and (3) that HIV-positive Airmen’s identities should remain private consistent with the Court’s previous orders, ECF No. 42.

Therefore, the Court ORDERS that Exhibits A-D to the Declaration of Col. Damon Menendez (“Menendez Decl.”), filed simultaneously with Defendants’ Motion to Modify the Preliminary Injunction, be filed under seal. .

Entered this ____ day of April 2019.

The Honorable Leonie M. Brinkema
United States District Judge