

**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,)	
)	
Defendants.)	

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

**DEFENDANTS’ MOTION TO FILE UNDER SEAL EXHIBITS
A, D, F-M, and P FILED SIMULTANEOUSLY WITH DEFENDANTS’
RENEWED MOTION TO DISMISS PLAINTIFF OUTSERVE-SLDN**

Pursuant to Local Civil Rule 5, Defendants move the Court to seal Exhibits A, D, F-M, and P, filed simultaneously with Defendants’ Renewed Motion to Dismiss Plaintiff OutServe-SLDN. These pages contain personal information regarding HIV-positive Airmen that could expose their identities. Defendants intend to file a redacted version of these exhibits in the public record by May 17, 2019. For this reasons, which is elaborated upon in the accompanying Memorandum in Support, these documents must be filed under seal.

DATE: May 3, 2019

Respectfully submitted,

G. ZACHARY TERWILLIGER
United States Attorney

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

_____/s/

R. TRENT MCCOTTER
Assistant United States Attorney
2100 Jamieson Avenue
Branch Alexandria, Virginia 22314
Tel: (703) 299-3845
Fax: (703) 299-3983
trent.mccotter@usdoj.gov

ANTHONY J. COPPOLINO
Deputy Director
Federal Programs

JOSHUA C. ABBUHL
REBECCA CUTRI-KOHART
ROBERT M. NORWAY
Trial Attorneys
U.S. Department of Justice
Civil Division
Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20530
Telephone: (202) 353-0889
Facsimile: (202) 616-8460
robert.m.norway@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I filed the foregoing using the Court's CM/ECF system, which will send a notification of electronic filing (NEF) to the following counsel of record:

ANDREW R. SOMMER
Va. Bar Number 70304
WINSTON & STRAWN LLP
1700 K St., NW
Washington, DC 20006
T: (202) 282-5000
ASommer@winston.com

Counsel for Plaintiffs

/s/
R. TRENT MCCOTTER
Assistant United States Attorney
Office of the United States Attorney
Justin W. Williams U.S. Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel: (703) 299-3845
Fax: (703) 299-3983
Email: trent.mccotter@usdoj.gov

Counsel for Defendants

**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)	No. 1:18-cv-1565-LMB-IDD
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,)	
)	
Defendants.)	

PROPOSED ORDER

Upon consideration of Defendants’ Motion to File Under Seal Exhibits A, D, F-M, and P, filed simultaneously with Defendants’ Motion Renewed Motion to Dismiss Plaintiff OutServe-SLDN, 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 service members identities should remain private consistent with the Court’s previous orders, ECF No. 42.

Therefore, the Court ORDERS that Exhibits A, D, F-M, and P, filed simultaneously with Defendants’ Motion Renewed Motion to Dismiss Plaintiff OutServe-SLDN, be filed under seal. The Court further ORDERS that Defendants shall confer with Plaintiffs regarding redaction of identifying information in these pages and that Defendants will publicly file a redacted version by May 17, 2019. Defendants may redact only information that poses a reasonable risk of exposing

plaintiffs' identities or the identities of HIV-positive service members.

Entered this ____ day of _____, 2019.
