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

RICHARD ROE; VICTOR VOE; and OUTSERVE-SLDN, INC., Plaintiffs, v. MARK T. ESPER, in his official capacity as Acting Secretary of Defense; MATTHEW P. DONOVAN, in his official capacity as acting 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 TWO CONFIDENTIAL RECORDS ATTACHED TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO MODIFY THE COURT'S SCHEDULING ORDER FOR THE LIMITED PURPOSE OF TAKING A DEPOSITION OUT OF TIME

Pursuant to Local Civil Rule 5, Defendants move the Court to seal two confidential records attached to Defendants' Opposition to Plaintiffs' Motion to Modify the Court's Scheduling Order for the Limited Purpose of Taking a Deposition Out of Time. The unredacted versions of these records contain disclosures that were made by Air Force personnel in the course of their official duties during internal policy deliberations. Defendants filed redacted versions of these two records attached to their opposition. For these reasons, which are elaborated on in the accompanying Memorandum in Support, these documents must be filed under seal.

DATE: July 10, 2019

Respectfully submitted,

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[PROPOSED] ORDER

Upon consideration of Defendants' Motion to File Under Seal Two Confidential Records attached to Defendants' Opposition to Plaintiffs' Motion to Modify the Court's Scheduling Order for the Limited Purpose of Taking a Deposition Out of Time, 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 two confidential records; (3) that the Government's deliberative discussions should remain confidential consistent with the Court's previous order in *Harrison v. Esper*, No. 1:18-cv-641, ECF Nos. 128, 175, and; (4) that the government has a compelling interest in preventing the public release of certain deliberative policy discussions.

Therefore, the Court ORDERS that unredacted copies of the two confidential records, attached to Defendants' Opposition to Plaintiffs' Motion to Modify the Court's Scheduling Order for the Limited Purpose of Taking a Deposition Out of Time, be filed under seal.

Entered this _____ day of July, 2019.

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