

**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  
Secretary of the Air Force; and the UNITED  
STATES DEPARTMENT OF DEFENSE,

Defendants.

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

**DEFENDANTS' MOTION TO FILE UNDER SEAL DEFENDANTS' SUPPLEMENTAL  
BRIEF IN SUPPORT OF THEIR RENEWED MOTION  
TO DISMISS PLAINTIFF OUTSERVE-SLDN AND ATTACHED EXHIBITS**

Pursuant to Local Civil Rule 5, Defendants move the Court to seal Defendants' Supplemental Brief in Support of their Renewed Motion to Dismiss Plaintiff OutServe-SLDN and attached exhibits. These pages contain personal information regarding HIV-positive service members that could expose their identity and OutServe-SLDN's confidential business information. Defendants intend to file a redacted version of Supplemental Brief and attached exhibits in the public record by July 26, 2019. For this reasons, which is elaborated upon in the accompanying Memorandum in Support, these documents must be filed under seal.

DATE: July 12, 2019

Respectfully submitted,

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/s/

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**[PROPOSED] ORDER**

Upon consideration of Defendants' Motion to File Under Seal their Supplemental Brief and Attached Exhibits, 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; (3) that HIV-positive service members identities should remain private consistent with the Court's previous orders, ECF Nos. 42, and (4) that OutServe's business information should remain confidential.

Therefore, the Court ORDERS that the Supplemental Brief and Attached Exhibits be filed under seal. The Court further ORDERS that Defendants shall confer with Plaintiffs regarding redactions and that Defendants will publicly file a redacted version by July 26, 2019. Defendants may redact only information that poses a reasonable risk of exposing the identities of HIV-positive service members or reveals OutServe's confidential business information.

Entered this \_\_\_\_ day of July 2019.

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