

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

RICHARD ROE; VICTOR VOE; and	)	
OUTSERVE-SLDN, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
RICHARD V. SPENCER, in his official	)	No. 1:18-cv-1565-LMB-IDD
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.	)	

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**DEFENDANTS’ MOTION TO FILE CERTAIN RECORDS UNDER SEAL,  
AND CERTAIN RECORDS UNDER SEAL AND *EX PARTE***

Pursuant to Local Civil Rule 5, Defendants move the Court to seal Exhibits C, D, and E to Defendants’ opposition to Plaintiffs’ motion to compel documents and information withheld on the basis of deliberative process privilege, as well as leave to file under seal and *ex parte* hard copies of the eight email chains at issue in Plaintiffs’ motion. 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. For these reasons, which are elaborated on in the accompanying Memorandum in Support, these documents must be filed under seal or under seal and *ex parte*.



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MATTHEW P. DONOVAN, in his official	)	
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OF DEFENSE,	)	
	)	
Defendants.	)	

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**[PROPOSED] ORDER**

Upon consideration of Defendants’ motion to file under seal Exhibits C, D, and E to Defendants’ opposition to Plaintiffs’ motion to compel documents and information withheld on the basis of deliberative process privilege, as well as leave to file under seal and *ex parte* hard copies of the eight email chains at issue in Plaintiffs’ motion, 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 Exhibits C, D, and E be filed under seal, and hard copies of the eight redacted email chains be filed under seal and *ex parte*.

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

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