

**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)	
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.)	

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

**DEFENDANTS’ MOTION TO FILE UNDER SEAL DEFENDANTS’ SUPPLEMENTAL
RESPONSE 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 Response 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 Response Brief and attached exhibits in the public record by August 2, 2019. For these reasons, which are elaborated upon in the accompanying Memorandum in Support, these documents must be filed under seal.

DATE: July 19, 2019

Respectfully submitted,

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/s/

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Defendants.)

[PROPOSED] ORDER

Upon consideration of Defendants’ Motion to File Under Seal their Supplemental Response 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 consistent with the Court’s previous order, ECF No. 205.

Therefore, the Court ORDERS that the Supplemental Response 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 August 2, 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.
