

The Honorable Marsha J. Pechman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs, and

STATE OF WASHINGTON,

Plaintiff-Intervenor,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 2:17-cv-01297-MJP

PLAINTIFFS’ MOTION TO SEAL

NOTE ON MOTION CALENDAR:
August 23, 2019

1 Pursuant to Local Civil Rule 5(g), plaintiffs Ryan Karnoski, Staff Sergeant Cathrine
2 Schmid, D.L., Chief Warrant Officer Lindsey Muller, Petty Officer First Class Terece Lewis,
3 Petty Officer Second Class Phillip Stephens, Petty Officer Second Class Megan Winters, Jane
4 Doe, Human Rights Campaign, Gender Justice League, and American Military Partners
5 Association n/k/a Modern Military Association of America (collectively "Plaintiffs") hereby
6 respectfully move the Court for an Order permitting it to file Defendants' Objections to
7 Plaintiffs' Second Set of Interrogatories to Secretary Mattis and The United States Department of
8 Defense (Exhibit 10 to the Declaration of Vanessa Barsanti, "Ex. 10") under seal in support of
9 Plaintiffs' Motion to Compel Defendants to Adequately Respond to Plaintiffs' First, Second, and
10 Third Sets of Requests for Production of Documents and Interrogatories ("Motion").

11 Pursuant to Rule 5(g)(2), Plaintiffs have filed Ex. 10 after or contemporaneously with this
12 motion, and respectfully requests that the Court in its discretion, allow Ex. 10 to remain as filed.

13 Plaintiffs certify, pursuant to Rule 5(g)(3), that Rachel Horvitz, Vanessa Barsanti, and
14 Mike Rosenberg, counsel for Plaintiffs, conferred by telephone with James R. Powers and
15 Matthew Skurnik, counsel for Defendants. During this call, counsel for Defendants confirmed
16 that Defendants do not oppose Plaintiffs request to file the Ex. 10 under seal.

17 **ARGUMENT**

18 Plaintiffs seek to file Ex. 10 under seal in accordance with LCR 5(g)(3) and the Stipulated
19 Uniform Protective Order and Cross-Use Agreement (Dkt. # 183) because the information was
20 designated "CONFIDENTIAL" by Defendants and received by Plaintiffs through the discovery
21 process.

22 **CONCLUSION**

23 For all of the foregoing reasons, Plaintiffs respectfully requests that it be permitted to file
24 Exhibit 10 to the Declaration of Vanessa Barsanti under seal.

25
26
27
28

1 Respectfully submitted August 15, 2019.

2

3

NEWMAN DU WORS LLP



4

5

6

Derek A. Newman, WSBA No. 26967
dn@newmanlaw.com

7

Jason B. Sykes, WSBA No. 44369
jason@newmanlaw.com

8

Rachel Horvitz, WSBA No. 52987
rachel@newmanlaw.com

9

2101 Fourth Ave., Ste. 1500
Seattle, WA 98121
(206) 274-2800

10

11

**LAMDBA LEGAL DEFENSE AND
EDUCATION FUND, INC.**

12

Tara Borelli, WSBA No. 36759
tborelli@lambdalegal.org

13

Camilla B. Taylor (admitted pro hac vice)
Peter C. Renn (admitted pro hac vice)
Sasha J. Buchert (admitted pro hac vice)
Kara Ingelhart (admitted pro hac vice)
Carl Charles (admitted pro hac vice)
Paul D. Castillo (admitted pro hac vice)

14

15

16

17

OUTSERVE-SLDN, INC.

18

Peter E. Perkowski (admitted pro hac vice)

19

KIRKLAND & ELLIS LLP

20

James F. Hurst, P.C. (admitted pro hac vice)
Stephen R. Patton (admitted pro hac vice)
Jordan M. Heinz (admitted pro hac vice)
Vanessa Barsanti (admitted pro hac vice)
Daniel I. Siegfried (admitted pro hac vice)
Joseph B. Tyson (admitted pro hac vice)

21

22

23

Counsel for Plaintiffs

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on August 15, 2019.



Rachel Horvitz, WSBA No. 52987
rachel@newmanlaw.com
2101 Fourth Ave., Ste. 1500
Seattle, WA 98121
(206) 274-2800

The Honorable Marsha J. Pechman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs,

STATE OF WASHINGTON,

Plaintiff-Intervenor,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 2:17-cv-01297-MJP

**[PROPOSED] ORDER GRANTING
PLAINTIFFS’ MOTION TO SEAL**

NOTE ON MOTION CALENDAR:
August 23, 2019

This matter comes before the Court on Plaintiffs’ Motion Seal. The Court having considered the Motion, Defendants’ Response, and all pleadings and papers on file herein, IT IS HEREBY ORDERED:

1. Plaintiffs’ Motion to Seal is hereby GRANTED.
2. Defendants’ Objections to Plaintiffs’ Second Set of Interrogatories to Secretary Mattis and The United States Department of Defense will remain filed under seal.

IT IS SO ORDERED

Dated this _____ day of _____, 2018.

The Honorable Marsha J. Pechman
United States District Court Judge

1 Presented by:

2 **NEWMAN DU WORS LLP**

3 

4 _____
5 Derek A. Newman, WSBA No. 26967
dn@newmanlaw.com

6 Jason B. Sykes, WSBA No. 44369
jason@newmanlaw.com

7 Rachel Horvitz, WSBA No. 52987
rachel@newmanlaw.com

8 2101 Fourth Ave., Ste. 1500
9 Seattle, WA 98121
10 (206) 274-2800

11 **LAMDBA LEGAL DEFENSE AND
12 EDUCATION FUND, INC.**

13 Tara Borelli, WSBA No. 36759
tborelli@lambdalegal.org

14 Camilla B. Taylor (admitted pro hac vice)

15 Peter C. Renn (admitted pro hac vice)

16 Sasha J. Buchert (admitted pro hac vice)

17 Kara Ingelhart (admitted pro hac vice)

18 Carl Charles (admitted pro hac vice)

19 Paul D. Castillo (admitted pro hac vice)

20 **OUTSERVE-SLDN, INC.**

21 Peter E. Perkowski (admitted pro hac vice)

22 **KIRKLAND & ELLIS LLP**

23 James F. Hurst, P.C. (admitted pro hac vice)

24 Stephen R. Patton (admitted pro hac vice)

25 Jordan M. Heinz (admitted pro hac vice)

26 Vanessa Barsanti (admitted pro hac vice)

27 Daniel I. Siegfried (admitted pro hac vice)

28 Joseph B. Tyson (admitted pro hac vice)

Counsel for Plaintiffs