

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:
September 13, 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’ August 30, 2019
7 Objections to Plaintiffs’ Second Set of Interrogatories to Secretary Esper and the United States
8 Department of Defense, (Exhibit 1 to the Declaration of Vanessa Barsanti, “Ex. 1”) under seal in
9 support of Plaintiffs’ Reply in support of Motion to Compel Defendants to Adequately Respond
10 to Plaintiffs’ First, Second, and Third Sets of Requests for Production of Documents and
11 Interrogatories (“Reply”).

12 Pursuant to Rule 5(g)(2), Plaintiffs have filed Ex. 1 after or contemporaneously with this
13 motion, and respectfully requests that the Court in its discretion, allow Ex. 1 to remain as filed.

14 Plaintiffs certify, pursuant to Rule 5(g)(3), that Jordan Heinz, Vanessa Barsanti, and
15 Michael Rosenberg, counsel for Plaintiffs, conferred via email with Matthew Skurnik, James R.
16 Powers, Andrew E. Carmichael, Courtney D. Enlow, Ashley Cheung, and Robert M. Norway,
17 counsel for Defendants. Counsel for Defendants confirmed that Defendants do not oppose
18 Plaintiffs’ request to file Ex. 1 under seal.

19 ARGUMENT

20 Plaintiffs seek to file Ex. 1 under seal in accordance with LCR 5(g)(3) and the Stipulated
21 Uniform Protective Order and Cross-Use Agreement (Dkt. # 183) because the information was
22 designated “CONFIDENTIAL” by Defendants and received by Plaintiffs through the discovery
23 process.

24 CONCLUSION

25 For all of the foregoing reasons, Plaintiffs respectfully request that they be permitted to file
26 Exhibit 1 to the Declaration of Vanessa Barsanti under seal.

1 Respectfully submitted September 4, 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
10 Seattle, WA 98121
11 (206) 274-2800

12 **LAMDBA LEGAL DEFENSE AND
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

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 September 4, 2019.



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

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

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:
September 13, 2019

This matter comes before the Court on Plaintiffs' Motion to 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' August 30, 2019 Objections to Plaintiffs' Second Set of Interrogatories to Secretary Esper and the United States Department of Defense will remain filed under seal.

Dated this _____ day of _____, 2019.

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