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 16 *Counsel for Defendants*

11 **UNITED STATES DISTRICT COURT**  
 12 **EASTERN DISTRICT OF WASHINGTON**  
 13 **AT YAKIMA**

14 STATE OF WASHINGTON,

15 Plaintiff,

16 v.

17 ALEX M. AZAR II, in his official  
 18 capacity as Secretary of the United  
 19 States Department of Health and  
 20 Human Services; and UNITED  
 STATES DEPARTMENT OF  
 HEALTH AND HUMAN SERVICES,

21 Defendants.  
 22

Nos. 2:19-cv-0183-SAB

**UNOPPOSED MOTION FOR  
 ENTRY OF ORDER**

1 Defendants respectfully file this motion for an order authorizing the  
2 release of certain materials that are a part of the administrative record.  
3 Specifically, those materials include complaints that individuals have submitted  
4 to the United States Department of Health and Human Services Office for Civil  
5 Rights. Although Defendants have endeavored to identify and redact personally  
6 identifiable information in those complaints, they request out of an abundance of  
7 caution that the Court enter an order authorizing the release of these materials as  
8 part of the administrative record, including any information that may be covered  
9 by the Privacy Act, 5 U.S.C. § 552a. *See* 5 U.S.C. § 552a(b)(11) (permitting  
10 disclosure of information protected by the Privacy Act pursuant to a court order).

11 Counsel for Defendants has conferred with counsel for Plaintiff, and  
12 Plaintiff does not oppose Defendants' request, on the understanding that this  
13 relief will not waive Plaintiff's right to challenge Defendants' designation of  
14 information as protected by the Privacy Act, nor constitute a judicial  
15 determination that any such information is protected by the Privacy Act.

16 Defendants respectfully ask that the Court enter the requested order by  
17 July 22, 2019, the date by which Defendants are to produce the administrative  
18 record to Plaintiffs. Unless and until the Court enters the requested order,  
19 Defendants will be able to produce to Plaintiff only the portions of the record  
20 that do not contain potentially Privacy Act-covered information.  
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Dated: July 19, 2019

Respectfully submitted,

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Assistant Attorney General

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/s/ Rebecca Kopplin  
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*Counsel for Defendants*

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**[PROPOSED] ORDER**

Defendants’ motion for entry of order is **GRANTED**. Defendants are authorized to release the information described in the joint motion that may be covered by the Privacy Act, 5 U.S.C. § 552a, without obtaining the prior written consent of the individuals to whom such records or information pertain. This order does not waive Plaintiff’s right to challenge Defendants’ designation of information as protected by the Privacy Act, nor constitute a judicial determination that any such information is protected by the Privacy Act.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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THE HONORABLE STANLEY A. BASTIAN  
UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 19, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

*/s/ Rebecca Kopplin*  
**REBECCA KOPPLIN**  
Trial Attorney  
U.S. Department of Justice