

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:  
March 6, 2020

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 in redacted form Plaintiffs’  
7 Response to the Court’s February 7, 2020 Order (“Response”) and to file under seal Exhibits 4–  
8 7, 9–12, and 19–22 to the Declaration of Jordan M. Heinz in Support of Plaintiffs’ Response to  
9 the Court’s February 7, 2020 (“Response Exhibits”), all of which contain information that is  
10 designated confidential under the protective order in this case.

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

14 Plaintiffs certify, pursuant to Rule 5(g)(3), that Jordan M. Heinz, counsel for Plaintiffs,  
15 conferred via email with Matthew Skurnik, counsel for Defendants. Counsel for Defendants  
16 confirmed that Defendants consent to Plaintiffs’ request to file the Response Exhibits under seal.

### 17 ARGUMENT

18 Pursuant to LCR 5(g)(3), Plaintiffs seek to redact certain information in their Response  
19 that is quoted from supporting documents that are designated “CONFIDENTIAL” under the  
20 Stipulated Uniform Protective Order and Cross-Use Agreement. (Dkt. No. 183). Plaintiffs also  
21 seek to file under seal the underlying documents for the same reason that these are materials  
22 Plaintiffs received through discovery that have been designated confidential pursuant to the  
23 protective order in this case.

### 24 CONCLUSION

25 For all of the foregoing reasons, Plaintiffs respectfully requests that it be permitted to file  
26 their Response in redacted form and the Response Exhibits under seal.

1 Respectfully submitted February 25, 2020.

2  
3 **NEWMAN DU WORS LLP**

4  
5 s/ Rachel Horvitz

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

(206) 274-2800

11  
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)

Peter C. Renn (admitted pro hac vice)

15 Sasha Buchert (admitted pro hac vice)

16 Kara Ingelhart (admitted pro hac vice)

Carl Charles (admitted pro hac vice)

17 Paul D. Castillo (admitted pro hac vice)

18 **OUTSERVE-SLDN, INC. N/K/A MODERN  
MILITARY ASSOCIATION OF AMERICA**

19 Peter Perkowski (admitted pro hac vice)

20 **KIRKLAND & ELLIS LLP**

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

Steve Patton (admitted pro hac vice)

22 Jordan M. Heinz (admitted pro hac vice)

Vanessa Barsanti (admitted pro hac vice)

23 Daniel I. Siegfried (admitted pro hac vice)

24 Sam Ikard (admitted pro hac vice)

25 *Counsel for Plaintiffs*

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 February 25, 2020.

s/ Rachel Horvitz  
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, 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

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

NOTE ON MOTION CALENDAR:  
March 6, 2020

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' Response to the Court's February 7, 2020 Order shall remain redacted and Exhibits 4-7, 9-12, and 19-22 thereto will remain filed under seal.

