

The Honorable Marsha J. Pechman

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**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 them to file in redacted form the LCR 37  
7 Joint Submission Regarding the Government’s Withheld Communications With Third Parties  
8 (the “Motion”) and to file under seal Exhibits 8, 9, 16, and 17 to the Declaration of Vanessa  
9 Barsanti in Support of the Motion (the “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 the Motion and Exhibits after or  
12 contemporaneously with this motion under seal, and respectfully request that the Court, in its  
13 discretion, allow the Motion and Exhibits to remain as filed.

14 Plaintiffs certify, pursuant to Rule 5(g)(3), that Vanessa Barsanti, counsel for Plaintiffs,  
15 conferred via email with Matthew Skurnik, counsel for Defendants, on February 26, 2020.  
16 Counsel for Defendants confirmed that Defendants consent to Plaintiffs’ request to file the  
17 Exhibits under seal.

### 18 ARGUMENT

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

### 25 CONCLUSION

26 For all of the foregoing reasons, Plaintiffs respectfully requests that they be permitted to  
27 file the Motion in redacted form and the Exhibits under seal.  
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1 Respectfully submitted February 27, 2020.

2  
3 **NEWMAN DU WORS LLP**

4  
5 s/ Rachel Horvitz

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

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24 Paul D. Castillo (admitted pro hac vice)

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

27 Peter Perkowski (admitted pro hac vice)

28 **KIRKLAND & ELLIS LLP**

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Steve 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)

Sam Ikard (admitted pro hac vice)

*Counsel for Plaintiffs*

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**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 27, 2020.

s/ Rachel Horvitz  
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DONALD J. TRUMP, in his official capacity  
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*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. The LCR 37 Joint Submission Regarding the Government's Withheld Communications with Third Parties shall remain redacted and Exhibits 8, 9, 16, and 17 to the Declaration of Vanessa Barsanti thereto will remain filed under seal.

1 IT IS SO ORDERED

2 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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\_\_\_\_\_  
The Honorable Marsha J. Pechman  
United States District Court Judge

6 Presented by:

7 **NEWMAN DU WORS LLP**

8 s/ Rachel Horvitz

\_\_\_\_\_  
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