

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 13, 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 Responses to Interrogatories Withheld Under
8 Deliberative Process Privilege (the “Motion”) and to file under seal Exhibits 1–6 to the
9 accompanying Declaration of Vanessa Barsanti in Support of the Motion (the “Exhibits”), all of
10 which contain information that is 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 that, pursuant to Rule 5(g)(3), Vanessa Barsanti, counsel for Plaintiffs,
15 conferred via email with Michael Gerardi, counsel for Defendants, on February 28, 2020.
16 Counsel for Defendants confirmed that Defendants consent to Plaintiffs’ request to file the
17 Motion and 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 request that they be permitted to file
27 the Motion in redacted form and the Exhibits under seal.
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1 Respectfully submitted February 28, 2020.

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3 **NEWMAN DU WORS LLP**

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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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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 28, 2020.

s/ Rachel Horvitz
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Case No. 2:17-cv-01297-MJP

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

NOTE ON MOTION CALENDAR:
March 13, 2020

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. The LCR 37 Joint Submission Regarding the Government's Responses to Interrogatories Withheld Under Deliberative Process Privilege shall remain redacted and Exhibits 1–6 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

9

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27 Sam Ikard (admitted pro hac vice)

28 *Counsel for Plaintiffs*

[PROPOSED] ORDER GRANTING PLS'

MOTION TO SEAL - 2

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

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