

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

NICHOLAS HARRISON, *et al.*,

Plaintiffs,

v.

MARK ESPER, Secretary of Defense, *et al.*,

Defendants.

No. 1:18-cv-641 (LMB/IDD)

RICHARD ROE, *et al.*,

Plaintiffs,

v.

MARK ESPER, Secretary of Defense, *et al.*,

Defendants.

No. 1:18-cv-1565 (LMB/IDD)

**DEFENDANTS' MOTION TO FILE UNDER SEAL  
CERTAIN SUMMARY-JUDGMENT REPLY FILINGS**

Pursuant to Local Civil Rule 5, in connection with Defendants' reply brief in support of Defendants' cross-motions for summary judgment, which is being filed concurrently with this motion, Defendants move to seal Exhibits 64 and 65, as well as the unredacted version of their reply brief. Portions of these filings contain confidential medical information of HIV-positive service members, and confidential personal information related to Plaintiff Harrison. Where appropriate, Defendants are also filing concurrently with this motion redacted versions of these filings on the public docket. For these reasons, which are elaborated upon in the accompanying Memorandum in Support, the specified filings should be sealed.

DATE: July 20, 2020

Respectfully submitted,

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United States Attorney

/s/

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**[PROPOSED] ORDER**

Upon consideration of Defendants' motion to file under seal, and the entire record herein, it is hereby

**ORDERED** that Defendants' motion is **GRANTED**.

The Court finds that, consistent with Fourth Circuit precedent and this Court's prior orders, (1) Defendants provided sufficient notice of the request; (2) there are no less drastic alternatives, particularly given Defendants' filing of redacted versions of the specified filings on the public docket where appropriate; and (3) the information to be sealed is inappropriate for public release, consistent with the Court's prior orders granting similar requests from the parties in this litigation. Accordingly, (1) the unredacted version of Defendants' summary-judgment reply brief, and (2) Exhibits 64 and 65 are and shall remain **UNDER SEAL**.

**SO ORDERED.**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Alexandria, Virginia.

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Leonie M. Brinkema  
United States District Judge

DATE: July 20, 2020

Respectfully submitted,

G. ZACHARY TERWILLIGER  
United States Attorney

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