

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARIA UCHYTIL, an individual on  
behalf of the United States of America,

Plaintiff,

v.

AVANA INC., a Washington  
corporation, *et al.*,

Defendants.

CASE NO. C12-2091-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to file exhibits under seal in support of her motion for reconsideration (Dkt. No. 207) and Defendants' request that the Court order Plaintiff to amend an exhibit attached to a declaration of her attorney (Dkt. No. 214).

Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS Plaintiff's motion and DENIES Defendants' request for the reasons explained herein.

**I. BACKGROUND**

On November 27, 2017, the Court issued a stipulated amended protective order restricting the public disclosure of information designated as confidential. (Dkt. No. 110.) On August 16, 2018, the Court granted in part and denied in part Defendants' motion for summary judgment and denied Plaintiff's cross-motion for summary judgment. (Dkt. No. 205.) Plaintiff

1 has filed a motion for reconsideration of the Court's August 16 order. (Dkt. No. 209.) Plaintiff  
2 contemporaneously filed a motion to seal five exhibits filed in support of her motion for  
3 reconsideration. (Dkt. No. 207.) Plaintiff filed a sealed declaration of her attorney, with the five  
4 exhibits attached. (Dkt. No. 210.)

## 5 **II. DISCUSSION**

### 6 **A. Plaintiff's Motion to Seal Exhibits**

7 Plaintiff seeks to file five exhibits related to her motion for reconsideration under seal.  
8 (Dkt. No. 207.) Plaintiff met and conferred with Defendants' counsel pursuant to Local Civil  
9 Rule 5(g)(3)(A). (Dkt. Nos. 207, 208.) Plaintiff also reached out to the U.S. Air Force, the U.S.  
10 Army, and the Defense Information Systems Agency. (Dkt. Nos. 207, 208.) Defendants and the  
11 U.S. governmental bodies designated the five exhibits as confidential, pursuant to the Court's  
12 stipulated amended protective order. (Dkt. Nos. 110, 207, 208.)

13 The Court finds that Plaintiff has complied with Local Civil Rule 5(g)(3)(A). (Dkt. Nos.  
14 207, 208.) Having reviewed the five exhibits, the Court agrees that they contain sensitive  
15 information that falls within the scope of the Court's stipulated amended protective order. (Dkt.  
16 Nos. 110, 210.) Therefore, the Court GRANTS Plaintiff's motion to file exhibits under seal in  
17 support of her motion for reconsideration. (Dkt. No. 207.)

### 18 **B. Defendants' Response to Motion**

19 In their response to Plaintiff's motion, Defendants argue that Exhibit F attached to the  
20 unsealed declaration of Plaintiff's attorney in support of her motion for reconsideration (Dkt. No.  
21 211-6) contains confidential information. (Dkt. No. 214 at 2-3.) Defendants request that the  
22 Court order Plaintiff to replace the documents contained in Exhibit F with redacted versions,  
23 which Defendants have provided as an exhibit attached to a declaration of their attorney. (Dkt.  
24 Nos. 214, 215 at 5-10.)

25 Exhibit F attached to the declaration of Plaintiff's attorney in support of her motion for  
26 reconsideration does not contain confidential information. The exhibit consists of only a cover

1 page stating that the exhibit is filed under seal. (Dkt. No. 211-6; *see* Dkt. No. 211 at 3)  
2 (explaining that “[n]o redacted versions of these documents were made available for public  
3 release at the time of filing”). Therefore, the Court DENIES Defendants’ request that the Court  
4 order Plaintiff to amend Exhibit F attached to the declaration of Plaintiff’s attorney. (Dkt. No.  
5 214.)

### 6 **III. CONCLUSION**

7 For the foregoing reasons, Plaintiff’s motion to seal exhibits in support of her motion for  
8 reconsideration (Dkt. No. 207) is GRANTED. The Clerk is DIRECTED to maintain Dkt. No.  
9 210 under seal. Defendants’ request that the Court order Plaintiff to replace Exhibit F attached to  
10 the declaration of Plaintiff’s attorney in support of her motion for reconsideration (Dkt. No. 214)  
11 is DENIED.

12 DATED this 24th day of September 2018.

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16 John C. Coughenour  
17 UNITED STATES DISTRICT JUDGE  
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