

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN WASHINGTON
AT TACOMA DIVISION

MAJOR MARGARET WITT,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
THE AIR FORCE; ET AL.,
Defendants.

No. C06-5195 RBL

**DECLARATION OF SHER KUNG
IN SUPPORT OF STIPULATION
AND ORDER TO FILE
DOCUMENTS MARKED
“CONFIDENTIAL” UNDER SEAL**

Pursuant to 28 U.S.C. § 1746, I, Sher Kung, hereby declare as follows:

1. I am counsel for the plaintiff and have personal knowledge of the facts contained in this Declaration.
2. Exception 11 of the Privacy Act provides for disclosure of otherwise private, personnel information only pursuant to a court order. Pursuant to this Court’s Order of June 1 (Dkt. No. 91) Defendants produced documents marked “CONFIDENTIAL.” These documents contain highly sensitive personnel information of disciplinary action concerning two specific individuals, referred to in public documents as Servicemember-C and Servicemember-D. These servicemembers are non-parties to the litigation. The information is relevant to this case, but because it involves non-parties and personnel information, parties agree to maintain

1 confidentiality of the information in these documents. These facts as laid out justify overcoming
2 the strong presumption for public access.

3 I declare under penalty of perjury that the foregoing is true and correct, and that this
4 Declaration was executed on July 21, 2010 in Seattle, Washington.

5
6 /s/ Sher S. Kung
7 Sher Kung, WSBA # 42077
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 21, 2010, I electronically filed this *Declaration of Sher Kung in*
3 *Support of Stipulation and Order to File Documents Marked "CONFIDENTIAL" Under Seal*
4 with the Clerk of the Court using the CM/ECF system which will send notification of such filing
5 to the following:

6 Peter Phipps

7 peter.phipps@usdoj.gov

8 Marion J. Mittet

9 Jamie.Mittet@usdoj.gov

10 Bryan R. Diederich

11 bryan.diederich@usdoj.gov

12 Stephen J. Buckingham

13 Stephen.Buckingham@usdoj.gov

14
15 Attorneys for Defendants

16 DATED this 21st day of July, 2010.

17
18 AMERICAN CIVIL LIBERTIES UNION OF
19 WASHINGTON FOUNDATION

20 By: /s/ Nina Jenkins

21 Nina Jenkins

22 Legal Program Assistant

23 901 Fifth Avenue #630

24 Seattle, WA 98164

25 Tel. (206) 624-2184

26 njenkins@aclu-wa.org