

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Adam Steele, Brittany Montrois, and)
Joseph Henchman, on behalf of)
themselves and all others similarly)
situated,)
Plaintiffs,)
)
)
v.)
)
United States of America,)
Defendant.)
_____)

Civil Action No.: 1:14-cv-01523-RCL

RESPONSE TO PLAINTIFFS’ MOTION TO SEAL

Yet again, Plaintiffs filed a Motion to Seal but take the unprecedented and highly unorthodox step of asking the Court to deny their own Motion in their request for relief. Dkt. No. 207. This is the **third** time that Plaintiffs have done this. *See also* Dkt. No. 177; Dkt. No. 187.

In an abundance of caution, the United States again files an opposition to make clear that the Court should grant Plaintiffs’ Motion to Seal and reject any argument made by the Plaintiffs because they have failed to comply with the procedures to unseal records carefully negotiated and agreed upon by the parties and various third-party vendors in the Protective Order. *See* Dkt. No. 114; Dkt. No. 177; Dkt. No. 179; Dkt. No. 187; Dkt. No. 193. The Protective Order enumerates specific procedures by which the Plaintiffs were to challenge any CONFIDENTIAL or HIGHLY CONFIDENTIAL designations. Dkt. No. 114, ¶ 13(i)-(iii). Plaintiffs have failed to follow this procedure. Dkt. No. 177; Dkt. No. 187. The document included in the Plaintiffs’ latest Motion to Seal was produced by the

United States, but it is a copy of an Accenture contract produced in connection with a third-party subpoena designated CONFIDENTIAL under the Protective Order. Dkt. No. 207. The Court has *already ordered* that these documents are to be filed under seal, and thus, because the United States has followed the procedures outlined in the Protective Order, no further justification is needed to keep these documents sealed. Dkt. No. 114.

Plaintiffs are required to file a motion to seal in compliance with ECF filing requirements contained in the local rules for handling documents already ordered under seal, and such is not an opportunity for Plaintiffs to sidestep this obligation and ask the Court to deny its own Motion. As such, Plaintiffs' Motion to Seal should be granted.

Dated: July 11, 2022

DAVID A. HUBBERT
Deputy Assistant Attorney General

/s/ Emily K. Miller
EMILY K. MILLER
STEPHANIE A. SASARAK
JOSEPH E. HUNSADER
BENTON T. MORTON
Trial Attorneys, Tax Division
JOSEPH A. SERGI
Senior Litigation Counsel
U.S. Department of Justice
Post Office Box 227
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 307-2250
Facsimile: (202) 514-6866
Joseph.A.Sergi@usdoj.gov
Joseph.E.Hunsader@usdoj.gov
Stephanie.A.Sasarak@usdoj.gov
Emily.K.Miller@usdoj.gov
Benton.T.Morton@usdoj.gov
Counsel for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that the foregoing RESPONSE was filed with the Court's ECF system on July 11, 2022, which system serves electronically all filed documents on the same day of filing to all counsel of record.

/s/ Emily K. Miller _____
EMILY K. MILLER
Trial Attorney, Tax Division
U.S. Department of Justice