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7 Attorneys for Defendants

8
9 UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 CAROLYN MARTIN,
12 Plaintiff,

13 v.

14 NAVAL CRIMINAL INVESTIGATIVE)
SERVICE (“NCIS”); MARK D.)
15 CLOOKIE, NCIS DIRECTOR; WADE)
16 JACOBSON, NCIS ACTING SPECIAL)
AGENT IN CHARGE, MARINE)
17 CORPS WEST FIELD OFFICE; SEAN)
SULLIVAN, STAFF JUDGE)
18 ADVOCATE, MARINE CORPS)
RECRUIT DEPOT SAN DIEGO;)
19 GERALD “JERRY” MARTIN, NCIS)
SPECIAL AGENT; RAY MABUS,)
20 SECRETARY OF THE NAVY; JOHN)
DOES 1-7,)

21 Defendants.
22

Case No. 10-cv-01879-WQH (AJB)

**EX PARTE APPLICATION TO FILE
OPPOSITION AND EXHIBITS, INCLUDING
DECLARATION, UNDER SEAL**

DATE: November 1, 2010
TIME: 11:00 a.m.
CTRM: 4

THE HONORABLE WILLIAM Q. HAYES

23 COME now the Defendants, through their attorneys, Laura E. Duffy, United States Attorney,
24 and Beth A. Clukey, Assistant United States Attorney, to hereby move the Court for permission to file
25 the following pleadings and exhibits under seal: Defendants’ Opposition to Plaintiff’s Motion for a
26 Preliminary Injunction; and Exhibits A (Declaration of Lieutenant Colonel Sean Sullivan) through D.

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1 The Opposition and Exhibits contain sensitive law enforcement information, confidential third-
2 party information and information potentially covered by the Privacy Act, 5 U.S.C. § 552a et. seq.
3 While Defendants appropriately redacted the documents to the extent possible, they were unable to
4 completely eliminate all of the confidential information because some of this information will likely be
5 necessary for the Court's analysis. Accordingly, Defendants request permission to file their Opposition
6 and Exhibits under seal.

7 DATED: October 18, 2010

Respectfully submitted,

8 LAURA E. DUFFY
United States Attorney

9 s/ Beth A. Clukey

10 BETH A. CLUKEY
Assistant United States Attorney
11 Attorneys for Defendants
12 Email: beth.clukey@usdoj.gov

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CAROLYN MARTIN,)
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Plaintiff,)
)
v.)
)
NAVAL CRIMINAL INVESTIGATIVE)
SERVICE (“NCIS”); MARK D. CLOOKIE,)
NCIS DIRECTOR; WADE JACOBSON,)
NCIS ACTING SPECIAL AGENT IN)
CHARGE, MARINE CORPS WEST FIELD)
OFFICE; SEAN SULLIVAN, STAFF)
JUDGE ADVOCATE, MARINE CORPS)
RECRUIT DEPOT SAN DIEGO; GERALD)
“JERRY” MARTIN, NCIS SPECIAL)
AGENT; RAY MABUS, SECRETARY OF)
THE NAVY; JOHN DOES 1-7,)
)
Defendants.)
_____)

Case No. 10-cv-01879-WQH (AJB)

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893. I am not a party to the above-entitled action. I have caused service of:

EX PARTE APPLICATION TO FILE OPPOSITION AND EXHIBITS, INCLUDING DECLARATION, UNDER SEAL (dated 10/18/10)

to the following ECF participants:

John David Blair-Loy
ACLU Foundation of San Diego and Imperial
Counties
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San Diego, CA 92138
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Sean Connor Riordan
ACLU Foundation of San Diego & Imperial
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 18, 2010.

s/ Beth A. Clukey
BETH A. CLUKEY