U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 30, 2025

By ECF
The Honorable Denise L. Cote
United States District Judge
United States Courthouse
500 Pearl St.
New York, NY 10007

Granted.
Denise Cote
October 1, 2025

Re: *Am. Fed'n of Gov't Emps., AFL-CIO, et al. v. U.S. Office of Personnel Mgmt., et al., No.* 25 Civ. 1237 (DLC)

Dear Judge Cote:

This Office represents the Defendants in the above-referenced case. Pursuant to Section 7 of the Stipulated Protective Order in this case (ECF No. 66), Section 8.B of Your Honor's Individual Practices, and Section 6 of the Southern District of New York's ECF Rules & Instructions, we write respectfully to request leave to file under seal an unredacted version of the revised second report pursuant to the preliminary injunction order entered in the above-referenced action (ECF No. 134). The Court previously granted Defendants' request to file a prior version of this report under seal. *See* ECF No. 144.

Defendants make this request given Defendants' concerns that identifying certain Office of Personnel Management ("OPM") employees publicly would be an unwarranted invasion of privacy and could lead to potential threats and harassment. *See, e.g., United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995); *Matter of New York Times Co.*, 828 F.2d 110, 116 (2d Cir. 1987) ("the privacy interests of innocent third parties . . . should weigh heavily in a court's balancing equation in determining what portions of motion papers in question should remain sealed or should be redacted," and noting that "redaction of names" of third parties may be appropriate to protect their personal privacy interests). A version of the revised report with limited redactions to protect such information, consistent with the Stipulated Protective Order entered in this case, (ECF No. 66), has been filed contemporaneously with this request (*see* ECF No. 148) and will enable the public to assess OPM's response to the Court's preliminary injunction order. *See, e.g., In re Savitt/Adler Litig.*, No. 95 Civ. 1842 (RSP)(DRH), 1997 WL 797511, at *3 (N.D.N.Y. Dec. 23, 1997) (finding that "[r]edaction of names and identifying details will protect the strong privacy interest of non-part[ies] while still enabling the public and press to assess," the basis of the court's decision); *Lohnn v. Int'l Bus. Machines Corp.*, No. 21 Civ. 6379 (LJL), 2022 WL 36420, at *17 (S.D.N.Y. Jan. 4, 2022) (permitting redaction of "the names and titles of executives, managers, and other [Defendant] employees" to protect personal privacy, and noting that such information "is not necessary for the public to understand the issues in the litigation").

For these reasons, we respectfully request that the unredacted version of the report be filed under seal. Plaintiffs do not consent to the request to file the unredacted report under seal, but they have indicated they will not file an opposition at this time.

We thank the Court for its consideration of this request.

Respectfully submitted,

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