

U.S. DISTRICT COURT  
 UNITED STATES DISTRICT COURT DISTRICT OF VERMONT  
 DISTRICT OF VERMONT FILED

MICHAEL CASSIDY and )  
 ROBERT J. CABIN, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 TOM RIDGE, Secretary, United States )  
 Department of Homeland Security, *et al.*, )  
 )  
 Defendants. )

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CLERK

BY \_\_\_\_\_  
 DEPUTY CLERK

Civil No. 1:04-CV-258

**FEDERAL DEFENDANTS' MOTION TO SUBSTITUTE  
 MOTION TO SEAL AND STRIKE  
 PORTIONS OF THE AFFIDAVIT OF ERIKA TOURVILLE**

On January 3, 2005, the Federal Defendants moved to seal the Affidavit of Erika Tourville, which accompanied Plaintiff's Amended Complaint, on the grounds that the Tourville Affidavit contains Sensitive Security Information (SSI), as defined by 49 C.F.R. § 1520.5(b), which should be protected from disclosure. *See generally*, 49 C.F.R. Part 1520. *See also* 46 U.S.C. § 70103(d). In their motion, the Federal Defendants noted their intent to file a Memorandum in support of that Motion. Upon examining the issues more closely and developing the legal points and authorities, it became clear that while significant portions of the Tourville Affidavit should be sealed, there were factual assertions that did not disclose SSI. Therefore, the Federal Defendants seek to modify their motion to request sealing of only portions of the Tourville Affidavit. However, the Federal Defendants also now seek to strike those very same portions. The most efficient means of presenting these motions is to withdraw the original motion and substitute a new motion that more correctly identifies the relief sought.

Therefore, the Federal Defendants respectfully request that the Court withdraw their

original Motion To Seal filed on January 3, 2005 and substitute in its place the Federal Defendants Motion To Seal and Strike, which is filed concurrently herewith.

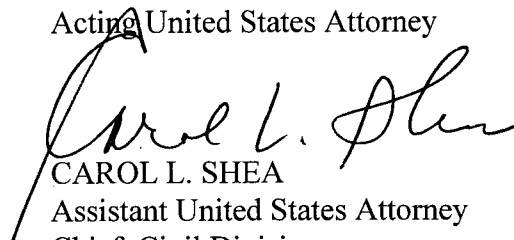
Dated at Burlington, in the District of Vermont, this 7<sup>th</sup> day of January, 2005.

Respectfully submitted,

THE FEDERAL DEFENDANTS

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By:

  
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