

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____	}	
Williams, <i>et al.</i>	}	
	}	
PLAINTIFFS,	}	
v.	}	<u>CASE NO. 21-cv-01122 (EGS)</u>
	}	
National Railroad Passenger Corporation,	}	
	}	
DEFENDANT.	}	
_____	}	

**PLAINTIFFS’ MOTION FOR LEAVE TO FILE UNDER SEAL THE
DECLARATIONS OF CERTAIN PLAINTIFFS AS A SUPPLEMENT TO THEIR
OPPOSITION TO DEFENDANT’S MOTION TO DISMISS OR, ALTERNATIVELY,
SUMMARY JUDGMENT**

The *Williams* Plaintiffs request leave of the Court, under Federal Rule of Civil Procedure 6(b)(1)(B), to file the Declarations of eight (8) Plaintiffs who are the subject of a certain portion of Defendant’s Motion To Dismiss or For Summary Judgment Or, Alternatively, Summary Judgment.

The issue in question is that portion of Defendant’s Motion that seeks summary judgment with regard to certain Plaintiffs who signed documents, which Defendant characterizes as “General Releases and Waivers.” All of the arguments pertaining to this issue in regard to these eight Plaintiffs have been filed under seal pursuant to this Court’s authorization to do so.

Plaintiffs’ Opposition to Defendant’s Motion filed under seal (ECF No. 53) stated, at pages 30-32, that Plaintiffs would seek leave to file the declarations, limited to the release issues stated therein, which are, specifically referenced in Nos. 25-29 of Plaintiffs’ Counter-Statement of Material Facts, filed contemporaneously as an attachment to ECF No. 53. Plaintiffs’ counsel has delivered the eight declarations, which

are short, only a few paragraphs each, and are limited as indicated, to Defendant's counsel on December 8, 2023.

Plaintiffs' counsel fell seriously ill with Covid-19 on Thanksgiving Day, and, as of this date, remains in quarantine and is trying to recover. Counsel was unable to do any meaningful amount of work for the first week, except communication with the declarants, and only a little more this past week.

Near to the close of business on Friday, December 1, 2023, Plaintiffs' counsel contacted counsel for Amtrak to request Amtrak's consent to Plaintiffs' Motion to Supplement and agreed in advance to any reasonable extension of time for Amtrak to file its Reply. Near to the close of the next business day, Monday, December 4, 2023, Amtrak responded, indicating that Amtrak did not consent to the Motion to Supplement. Counsel for Plaintiffs replied on December 6, 2023, that he was attempting to prepare the motion but was (and is still) testing positive for Covid-19 and highly symptomatic. Counsel for the parties continued to communicate, and Plaintiffs' counsel again consented to Amtrak's proposed motion to extend Amtrak's Reply date for two weeks beyond when Plaintiffs' counsel was able actually to file the present motion. Amtrak filed such motion on December 7, 2023, with Plaintiffs' consent. In so doing, Amtrak stated that, "none of the parties will suffer any prejudice if the Court grants this Motion." Plaintiff agrees.

Accordingly, given that the parties have cooperated on adjustments to the filing schedule and agree that no parties will be prejudiced, Plaintiffs request that the Court grant leave to file the eight short declarations, under seal. Again, Amtrak has been provided with the unredacted declarations today.

Given that the entirety of the declarations are to be filed under seal, including the names of the Declarants, but which are revealed in the unredacted primary briefs filed under seal by both parties, Plaintiffs have not filed engaged in the formality of filing totally redacted versions herewith. They will be filed, unredacted, under seal promptly if and when the Court grants this Motion.

Dated: December 8, 2023

Respectfully submitted,

By: /s/ Timothy B. Fleming
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