UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL   )
  SERVICES PROGRAM, et al.,   )
)
        Plaintiffs,   )
)
     v.   ) Civil Action No. 16-745 ESH
)
UNITED STATES OF AMERICA,   )
)
        Defendant.   )
)
_____)

RESPONSE TO MOTION FOR APPROVAL OF PLAN OF CLASS NOTICE

    Counsel for Defendant believes that the parties have reached

agreement on the form that the class notice in this action

should take. Defendant has not, however, agreed on the form of

the order that would adopt the class notice. Counsel for the

parties are discussing the language that would be appropriate

for the order; but, for instance, Defendant believes that a

protective order is required before private information about

PACER users should be disclosed. Moreover, counsel for

Defendant is unconvinced that disclosure of account information

involving users providing Federal Government email addresses is

warranted, given that federal government agencies are excluded

from the class.

    Counsel intend to continue their dialog on these topics, but

Defendant does not want the Court to act on the mistaken belief

that counsel for Defendant had supports the proposed order

provided by Plaintiffs with the "Plaintiffs' Unopposed Motion

For Approval Of Plan Of Class Notice."

   WHEREFORE, Defendant requests that the Court defer entering

the order proposed by Plaintiffs and await an anticipated

proposed order that is acceptable to all parties.

                        Respectfully submitted,

                        CHANNING D. PHILLIPS, DC Bar #415793
                        United States Attorney

                        DANIEL F. VAN HORN, DC Bar #924092
                        Chief, Civil Division

                   By: /s/
                        W. MARK NEBEKER, DC Bar #396739
                        Assistant United States Attorney
                        555 4th Street, N.W.
                        Washington, DC 20530
                        (202) 252-2536
                        mark.nebeker@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing response has been made through the Court's electronic transmission facilities on this 28th day of February, 2017.

```
                                                    /s/
                            _____
                            W. MARK NEBEKER, DC Bar #396739
                            Assistant United States Attorney
                            555 4th Street, N.W.
                            Washington, DC  20530
                            (202) 252-2536
                            mark.nebeker@usdoj.gov
```