

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

BROCK STONE, et al.	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 17-cv-02459
	)	
DONALD J. TRUMP, et al.	)	
	)	
Defendants.	)	
	)	

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**PLAINTIFFS’ MOTION TO FILE DECLARATION UNDER SEAL**

Pursuant to Local Rule 105.11, Plaintiffs respectfully move the Court to place under seal the Declaration of John Doe in Support of Motion to Permit John Doe to Proceed Under Pseudonym, and to Omit Individual Plaintiffs’ Home Addresses From Caption (hereafter, the “Sealed Declaration”), which Plaintiffs have filed contemporaneously with this Motion.

Local Rule 105.11 provides that courts may grant motions to seal if the moving party includes “(a) proposed reasons supported by specific factual representations to justify the sealing and (b) an explanation why alternatives to sealing would not provide sufficient protection.”<sup>1</sup> The decision to seal judicial records “is a matter of a district court’s ‘supervisory power,’ and it is one ‘best left to the sound discretion of the [district] court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.’” *Virginia Dep’t of State Police v. Washington Post*, 386 F.3d 567, 575 (4th Cir. 2004) (quoting *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 58-997 (1978)).

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<sup>1</sup> Plaintiffs have served this Motion upon Defendants via First Class Mail. For reasons stated in Plaintiffs’ Motion to Permit John Doe to Proceed Under Pseudonym, and to Omit Individual Plaintiffs’ Home Addresses From Caption, Plaintiff John Doe has concerns about retaliation, harassment, and violence from others within his service unit should he be identified as a plaintiff in this action. Therefore, Plaintiffs have served a redacted version of the Sealed Declaration upon Defendants which omits John Doe’s name.

Sealing is appropriate here. As described in the Sealed Declaration, Plaintiff John Doe seeks to proceed under pseudonym due to legitimate concerns relating to his personal safety and the safety of his family, his girlfriend, and his girlfriend's family. Should Doe's identity become publicly available in association with this case, he fears he will be the target of retaliation, harassment, or violence. He is also concerned about the well-being of his family, his girlfriend, and his girlfriend's family, who live in Texas and Arkansas, two states notorious for actively seeking to strip the rights of transgender individuals contributing to the high rates of violence and discrimination against transgender individuals and their friends and family members. John Doe is also concerned that being identified as transgender in this action will jeopardize his current work in the armed forces, and future plans to work in defense contracting.

Unless the Sealed Declaration is placed under seal, Plaintiff and his family will be at risk for retaliation, harassment, and violence. Moreover, there are no alternatives other than filing under seal that would allow John Doe to support his motion to proceed under pseudonym while maintaining his anonymity in light of the risks.

Pursuant to Local Rule 105.11, if the Court denies this Motion, Plaintiffs reserve their right to withdraw the Sealed Declaration from the docket and secure prompt return of all such materials served upon Defendants. In the interim, Defendants and their counsel should not disclose publicly or use outside of this litigation the Sealed Declaration.

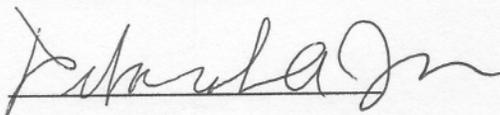
For the above stated reasons, Plaintiffs respectfully request that the Court enter an order sealing the Declaration of John Doe in Support of Motion to Permit John Doe to Proceed Under Pseudonym, and to Omit Individual Plaintiffs' Home Addresses From Caption. A proposed order is attached.

Dated: August 28, 2017

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Respectfully submitted,



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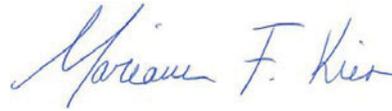
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† Admitted to the Bars of Pennsylvania and New Jersey, admission to the Bar of the District of Columbia pending; and supervised by the principals of the firm.

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 28, 2017, a copy of the foregoing document was served on all named Defendants, via First Class Mail.

A handwritten signature in blue ink that reads "Marianne F. Kies". The signature is written in a cursive style with a horizontal line underneath it.

Marianne F. Kies, Bar No. 18606

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**[Proposed] ORDER SEALING DECLARATION**

Whereas, on August 28, 2017, Plaintiffs filed a Motion to File Declaration Under Seal (the “Motion”);

Whereas, in the Motion, Plaintiffs have proposed reasons supported by specific factual representations to justify the [requested] sealing, in accordance with L.R. 105.11;

Whereas, Plaintiffs have identified the following portion of the record as that portion which is subject to the Motion: Declaration of John Doe in Support of Motion to Permit John Doe to Proceed Under Pseudonym, and to Omit Individual Plaintiffs’ Home Addresses From Caption (hereafter, the “Sealed Declaration”);

Whereas, the Court has considered the Motion and any opposition thereto;

Whereas, the Court has not ruled on the Motion for at least fourteen (14) days after it was entered on the public Court docket to permit the filing of objections by interested parties;

Whereas, the Court has considered any objections by interested parties, pursuant to L.R. 105.11;

Whereas, Plaintiffs have stated in the Motion why alternatives to sealing would not provide sufficient protection;

Whereas, the Court finds and holds that alternatives to sealing would not provide sufficient protection;

Whereas, the Court finds and holds that sealing of a portion of the record, specified herein, is appropriate;

Accordingly, it is this \_\_\_\_ day of \_\_\_\_\_ 2017 by the United States District Court for the District of Maryland, ORDERED:

1. That Plaintiffs' Motion to File Declaration Under Seal be, and the same hereby is, GRANTED, as specifically set forth herein;

2. That the Sealed Declaration (as defined above) be, and the same hereby is, PLACED UNDER SEAL by the Clerk of the Court and that the Sealed Records shall be placed in an envelope or other container which is marked SEALED, SUBJECT TO ORDER OF COURT DATED \_\_\_\_\_.

3. A copy of this Order shall be mailed to all counsel of record and to any other person entitled to notice hereof, and shall be docketed in the Court file.

4. No party or their counsel shall make public or otherwise disclose any of the Sealed Records to any person or entity not directly associated with this litigation.

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UNITED STATES DISTRICT JUDGE