

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

JANE DOE 1 *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Civil Action No. 17-cv-1597 (CKK)

**JOINT MOTION FOR PROTECTIVE ORDER
REGARDING THE PSEUDONYM PLAINTIFFS' IDENTITIES**

The parties in the above-captioned action respectfully request that the Court enter the attached protective order, pursuant to Federal Rules of Civil Procedure 26(c). Good cause for entry of this order exists as set forth below.

1. Certain Plaintiffs are transgender service members who have been permitted to proceed with this litigation through pseudonyms (collectively the "Pseudonym Plaintiffs"). The parties nonetheless recognize that to defend this litigation, defendants need to know the identities of the Pseudonym Plaintiffs.

2. The proposed protective order provides a mechanism for the Pseudonym Plaintiffs to identify themselves to defendants while limiting defendants' use and dissemination of that information.

3. For the above stated reasons, the parties respectfully request that the Court enter the attached proposed protective order.

September 12, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General,
Civil Division

ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch

/s/ Ryan B. Parker
RYAN B. PARKER
(Utah Bar # 11724)
Senior Trial Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
Tel: (202) 514-4336
Fax: (202) 616-8202
ryan.parker@usdoj.gov

Counsel for Defendants

Claire Laporte (*pro hac vice*)
Matthew E. Miller (*pro hac vice*)
Daniel L. McFadden (*pro hac vice*)
Kathleen M. Brill (*pro hac vice*)
Michael J. Licker (*pro hac vice*)
Rachel C. Hutchinson (*pro hac vice*)
FOLEY HOAG LLP
155 Seaport Blvd.
Boston, Massachusetts 02210
Telephone: 617-832-1000
Fax: 617-832-7000

Jennifer Levi (*pro hac vice*)
Mary Bonauto (*pro hac vice*)
GLBTQ LEGAL ADVOCATES & DEFENDERS
30 Winter St., Ste. 800
Boston, Massachusetts 02108
Telephone: 617-426-1350
Fax: 617-426-3594

Shannon P. Minter (*pro hac vice*)
Amy Whelan (*pro hac vice*)
Christopher F. Stoll (*pro hac vice*)
NATIONAL CENTER FOR LESBIAN RIGHTS
870 Market St., Ste. 370
San Francisco, California 94102
Telephone: 415-392-6257
Fax: 415-392-8442

/s/ Paul R.Q. Wolfson
Paul R.Q. Wolfson (D.C. Bar No. 414759)
Kevin M. Lamb (D.C. Bar No. 1030783)
WILMER CUTLER PICKERING
HALE & DORR LLP
1875 Pennsylvania Ave. N.W.
Washington, D.C. 20006
Telephone: 202-663-6000
Fax: 202-663-6363

Alan E. Schoenfeld (*pro hac vice*)
WILMER CUTLER PICKERING
HALE & DORR LLP
7 World Trade Center
250 Greenwich St.
New York, New York 10007
Telephone: 212-230-8800
Fax: 212-230-8888

Christopher R. Looney (*pro hac vice*)
Harriet Hoder (*pro hac vice*)
Adam M. Cambier (*pro hac vice*)
WILMER CUTLER PICKERING
HALE & DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: 617-526-6000
Fax: 617-526-5000

Nancy Lynn Schroeder (*pro hac vice*)
WILMER CUTLER PICKERING
HALE & DORR LLP
350 S. Grand Ave., Ste. 2100
Los Angeles, California 90071
Telephone: 213-443-5300
Fax: 213-443-5400

Attorneys for Plaintiffs

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

JANE DOE 1 *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Civil Action No. 17-cv-1597 (CKK)

[PROPOSED] PROTECTIVE ORDER

Upon the request of the parties in the above-captioned matter, and pursuant to Federal Rule of Civil Procedure 26(c), the Court hereby enters the following protective order to provide a mechanism for those plaintiffs who are proceeding in this action through pseudonyms (collectively “the Pseudonym Plaintiffs”) to provide their identities to defendants.

1. Provision of the Pseudonym Plaintiffs’ Identities and Under Seal Filings to Defendants. Upon entry of this protective order, plaintiffs, through their counsel, will provide the identities and addresses of the Pseudonym Plaintiffs along with documents that have been filed under seal in this matter to undersigned defense counsel of record.

2. Limited Dissemination of the Pseudonym Plaintiffs’ Identities. The following persons may receive notice of the Pseudonym Plaintiffs’ identities: (a) counsel for defendants, including supervisory officials at the Department of Justice and agency counsel for defendants; (b) persons regularly in the employ of counsel for defendants who have a need to know the Pseudonym Plaintiffs’ identities in the performance of their duties related to this action; (c) persons regularly in the employ of defendants who have a need to know the Pseudonym Plaintiffs’ identities in the performance of their duties in conjunction with this action, provided that such

persons agree to and sign the attached undertaking (Appendix A); and (d) potential witnesses for this action, provided that such persons agree to and sign the attached undertaking (Appendix A).

Counsel for defendants shall maintain copies of all signed undertakings.

3. Permissible Uses of the Pseudonym Plaintiffs' Identities. Any person learning the Pseudonym Plaintiffs' identities pursuant to this Protective Order ("Recipient") shall use that information only for purposes of this litigation and shall not disclose the Pseudonym Plaintiffs' identities to anyone except persons identified in Paragraph 2, absent court order.

4. Scope of the Protective Order. This protective order does not alter the requirements of District of Columbia Civil Rule 5.1(h), which requires an order of the Court permitting documents to be filed under seal. If any party wishes to use any document containing the Pseudonym Plaintiffs' identities, or other personally identifying information that would lead to the discovery of the Pseudonym Plaintiffs' identities, in a court filing or proceeding in this action, they shall either (i) redact the Pseudonym Plaintiffs' names and other personally identifying information or (ii) shall file a motion to seal pursuant to District of Columbia Civil Rule 5.1(h).

5. Modifications. Each party reserves the right to seek to modify the terms of this protective order and Plaintiffs' pseudonym status at any time. Before doing so, however, the counsel for the party seeking to modify this protective order shall confer with counsel for all other parties to this action.

IT SO ORDERED, this _____ day of _____, 2017.

UNITED STATES DISTRICT JUDGE

APPENDIX A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, _____ [print or type full name], declare under penalty of perjury that I have read in its entirety and understand the Stipulated Protective Order that was issued by the United States District Court for the District of Columbia on [date] in *Doe v. Trump*, No. 17 Civ. 1597 (CKK). I agree to comply with and to be bound by all the terms of this Stipulated Protective Order and I understand and acknowledge that failure to so comply could expose me to sanctions and punishment in the nature of contempt. I solemnly promise that I will not disclose in any manner any information or item that is subject to this Stipulated Protective Order to any person or entity except in strict compliance with the provisions of this Order.

I further agree to submit to the jurisdiction of the United States District Court for the District of Columbia for the purpose of enforcing the terms of this Stipulated Protective Order, even if such enforcement proceedings occur after termination of this action.

Date: _____

City and State where sworn and signed: _____

Printed name: _____
[printed name]

Signature: _____
[signature]