

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

BROCK STONE, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 1:17-cv-02459-MJG

PLAINTIFFS' MOTION TO FILE DECLARATIONS UNDER SEAL

Pursuant to Local Rule 105.11, Plaintiffs respectfully move the Court to place under seal the Declaration of John Doe 2 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, the Declaration of Jane Roe 1 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, and the Declaration of John Doe 3 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym (together, the "Sealed Declarations"), 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."¹ The decision to seal judicial records "is a matter of a district court's 'supervisory power,' and it is one

¹ Pursuant to the Stipulated Protective Order, ECF 49-2, Plaintiffs will provide the identities and addresses of John Doe 2, Jane Roe 1, and John Doe 3 along with documents that have been filed under seal in this matter to Ryan Parker, defense counsel of record.

‘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, 598–99, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978)).

Sealing is appropriate here. As described in the Sealed Declarations, proposed plaintiffs John Doe 2, Jane Roe 1, and John Doe 3 seek to proceed under pseudonym due to legitimate concerns relating to their personal safety and the safety of their families. Should their identities become publicly available in association with this case, they fear that they will be the target of retaliation, harassment, or violence. Jane Roe 1 is particularly concerned about her well-being because she lives in North Carolina, a state known for actively seeking to strip the rights of transgender individuals. John Doe 2, Jane Roe 1, and John Doe 3 are all concerned that being identified as transgender in this action will jeopardize their future careers in the armed forces.

Unless the Sealed Declarations are placed under seal, John Doe 2, Jane Roe 1, and John Doe 3 will be at risk for retaliation, harassment, and violence. Moreover, there are no alternatives other than filing under seal that would allow them to support the motion to proceed under pseudonym while maintaining their anonymity in light of the risks.

Pursuant to Local Rule 105.11, if the Court denies this Motion, the proposed pseudonymous plaintiffs reserve their right to withdraw the Sealed Declarations 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 Declarations.

For the above stated reasons, Plaintiffs respectfully request that the Court enter an order sealing the Declaration of John Doe 2 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, the Declaration of

Jane Roe 1 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, and the Declaration of John Doe 3 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym. A proposed order is attached.

Dated: April 23, 2018

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of April 2018, a copy of the foregoing *Motion to File Declarations Under Seal* was filed via ECF in the United States District Court for the District of Maryland.

/s/ Marianne F. Kies _____

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[PROPOSED] ORDER SEALING DECLARATIONS

Whereas, on April 23, 2018, Plaintiffs filed a Motion to File Declarations 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: the Declaration of John Doe 2 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, the Declaration of Jane Roe 1 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, and the Declaration of John Doe 3 in Support of Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym (together, “Sealed Declarations”);

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 on this ___ day of _____ 2018 by the United States District Court for the District of Maryland, **ORDERED**:

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

2. That the Sealed Declarations (as defined above) be, and the same hereby are, PLACED UNDER SEAL by the Clerk of the Court and that the Sealed Records shall be placed in envelopes or other containers that are marked SEALED, SUBJECT TO ORDER OF COURT DATED _____.

3. A copy of this Order shall be distributed 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.

HON. MARVIN J. GARBIS
UNITED STATES DISTRICT JUDGE