

**I 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.)	
)	

PLAINTIFFS’ MOTION TO FILE DECLARATIONS UNDER SEAL

Pursuant to Local Rule 105.11, Plaintiffs respectfully move the Court to place under seal the Declarations of John Doe 1, John Doe 2, John Doe 3, John Doe 4, Jane Roe 1, and Jane Roe 2 in support of Plaintiffs’ Opposition to Defendants’ Motion to Dissolve the Preliminary Injunction (hereafter, 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 ‘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.*

¹ Plaintiffs have served this Motion and the Sealed Declarations upon Defendants via First Class Mail. For reasons stated in Plaintiffs’ Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, as well as ECF No. 8, Plaintiffs John Doe 1, John Doe 2, John Doe 3, John Doe 4, Jane Roe 1, and Jane Roe 2 have concerns about retaliation, harassment, and violence from others should they be identified as plaintiffs in this action.

Washington Post, 386 F.3d 567, 575 (4th Cir. 2004) (quoting *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598–99 (1978)).

Sealing is appropriate here. As described in the declarations attached to Plaintiffs' Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, as well as ECF No. 8, these Plaintiffs seek to proceed under pseudonym due to legitimate concerns relating to personal safety and the safety of their families. Should their identity become publicly available in association with this case, they fear that they will be the target of retaliation, harassment, or violence.

Unless the Sealed Declarations are placed under seal, Plaintiffs and their families will be at risk for retaliation, harassment, and violence. Moreover, there are no alternatives other than filing under seal that would allow the Plaintiffs to support their Opposition to Defendants' Motion to Dissolve the Preliminary Injunction while maintaining their 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 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 Declarations of John Doe 1, John Doe 2, John Doe 3, John Doe 4, Jane Roe 1, and Jane Roe 2 in support of Plaintiffs' Opposition to Defendants' Motion to Dissolve the Preliminary Injunction. 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 April 23, 2018, a copy of the foregoing document was served on all named Defendants, via First Class Mail.

/s/ Marianne F. Kies
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[PROPOSED] ORDER

Whereas, on April 23, 2018, Plaintiffs filed a Motion to File Declarations Under Seal (the “Motion”);

Whereas, in the Motion, Plaintiffs’ Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym, and ECF No. 8 Plaintiffs have proposed reasons supported by specific factual representations to justify the 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 Declarations of John Doe 1, John Doe 2, John Doe 3, John Doe 4, Jane Roe 1, and Jane Roe 2 in support of Plaintiffs’ Opposition to Defendants’ Motion to Dissolve the Preliminary Injunction (hereafter, the “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 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 is hereby GRANTED, as specifically set forth herein;

2. That the Sealed Declarations (as defined above) are to be 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.

UNITED STATES DISTRICT JUDGE