

**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-GLR

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 2 in support of Plaintiffs' Opposition to Defendants' Motion to Stay the Preliminary Injunction (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."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.'" *Va. Dep't of State Police v. Wash. Post*,

¹ Plaintiffs have served the Sealed Declaration 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 (ECF 136), Plaintiff John Doe 2 has concerns about retaliation, harassment, and violence from others should he be identified as a plaintiff in this action.

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

Sealing is appropriate here. As described in the declaration attached to Plaintiffs' Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym (ECF 136), the Court granted John Doe 2's request to proceed under pseudonym due to legitimate concerns relating to personal safety and the safety of his family. ECF 144. Should his identity become publicly available in association with this case, he fears that he will be the target of retaliation, harassment, or violence.

Unless the Sealed Declaration is placed under seal, John Doe 2 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 2 to support his Opposition to Defendants' Motion to Stay the Preliminary Injunction 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 2 in support of Plaintiffs' Opposition to Defendants' Motion to Stay the Preliminary Injunction. A proposed order is attached.

Dated: January 30, 2019

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2019, a copy of the foregoing was served via CM/ECF on all counsel of record and a copy of the declaration filed under seal was served via First Class Mail on all counsel of record.

/s/ Peter J. Komorowski
Peter J. Komorowski

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[PROPOSED] ORDER SEALING DECLARATION

Whereas, on January 30, 2019, Plaintiffs filed a Motion to File Declaration Under Seal (the “Motion”);

Whereas, in the Motion and Plaintiffs’ Motion to Omit All Home Addresses from Caption and for Certain Additional Plaintiffs to Proceed Under Pseudonym (ECF 136), 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 Plaintiffs’ Opposition to Defendants’ Motion to Stay the Preliminary Injunction (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 _____ 2019 by the United States District Court for the District of Maryland, ORDERED:

That Plaintiffs' Motion to File Declaration Under Seal is hereby GRANTED, as specifically set forth herein;

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

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.

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

UNITED STATES DISTRICT JUDGE