

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RICHARD ROE, ET AL.,
PLAINTIFFS,
v.
MARK T. ESPER, ET AL.,
DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

NICHOLAS HARRISON, ET AL.,
PLAINTIFFS,
V.
MARK T. ESPER, ET AL.,
DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

**ORDER GRANTING PLAINTIFFS' MOTION TO
FILE UNDER SEAL EXHIBITS A-C, E AND F FILED SIMULTANEOUSLY
WITH PLAINTIFFS' SUPPLEMENTAL BRIEF
IN OPPOSITION TO DEFENDANTS' RENEWED
MOTIONS TO DISMISS PLAINTIFF OUTSERVE-SLDN**

Upon consideration of Plaintiffs' Motion to file under seal Exhibits A-C, E and F filed simultaneously with Plaintiffs' Supplemental Brief in Opposition to Defendants' Renewed Motions to Dismiss Plaintiff OutServe-SLDN, this Court GRANTS the motion, FINDING that: (1) Plaintiffs provided sufficient notice of the request; (2) there are no less drastic alternatives than filing parties' interrogatories and responses, Blevins's deposition transcript, Plaintiff OutServe's advisory council charging document, and Plaintiff OutServe's membership survey under seal along with publicly filed redacted versions; and (3) there is good cause to keep the pseudonymous Plaintiffs' and OutServe members' identities confidential due to the legitimate risk of stigma and discrimination based upon their LGBTQ identities and/or HIV status if their

identities become public and there is also good cause to keep confidential organizational documents containing confidential, proprietary, and sensitive information about OutServe. Under such circumstances, where “the public’s right of access is outweighed by competing interests,” the Court “may, in its discretion, seal documents.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984). This order is consistent with the Court’s previous orders, ECF No. 42, ECF No. 69, and ECF No. 136 in which Plaintiffs’ exhibits to other motions were filed under seal along with publicly filed redacted versions. Therefore, it is hereby:

ORDERED that Exhibits A-C, E and F in support of Plaintiffs’ Supplemental Brief in Opposition to Defendants’ Renewed Motions to Dismiss Plaintiff OutServe-SLDN may remain filed under seal, and that Plaintiffs publicly file redacted versions of Exhibits A-C, E and F by July 19, 2019.

Entered this 15th day of July, 2019.

/s/ 

Leonie M. Brinkema
United States District Judge