

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

RICHARD ROE, ET AL.,

Plaintiffs,

v.

PATRICK M. SHANAHAN, ET AL.,

Defendants.

CIVIL ACTION NO. 1:18-cv-01565

**PLAINTIFFS' MOTION TO FILE UNDER SEAL EXHIBITS A & B TO  
PLAINTIFFS' OPPOSITION TO THE MOTION TO DISMISS AND REPLY  
IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Local Civil Rule 5, Plaintiffs respectfully move the Court for leave to file Exhibits A & B to Plaintiffs' Opposition to the Motion to Dismiss and Reply in Support of their Motion for a Preliminary Injunction under seal, along with redacted versions filed on the public record. These documents contain factual information that could be used to identify Plaintiffs, who have a legitimate fear of discrimination based on their HIV status if their identities become public. For these reasons, which are elaborated upon in the accompanying Memorandum in Support, these documents must be filed under seal, along with redacted versions filed on the public record.

Dated: February 1, 2019

Respectfully submitted,

/s/ Scott Schoettes

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## **CERTIFICATE OF SERVICE**

I certify that, on the 1st day of February, 2019, I caused this document to be filed electronically through the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: February 1, 2019

Respectfully submitted,

/s/ Andrew R. Sommer  
Andrew R. Sommer

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RICHARD ROE, ET AL.,

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**PROPOSED ORDER GRANTING PLAINTIFFS' MOTION TO  
FILE UNDER SEAL EXHIBITS A & B TO PLAINTIFFS'  
OPPOSITION TO THE MOTION TO DISMISS AND REPLY  
IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION**

Upon consideration of Plaintiffs' Motion to File Under Seal Exhibits A & B to Plaintiffs' Opposition to the Motion to Dismiss and Reply in Support of their Motion for a Preliminary Injunction, this Court GRANTS the motion, FINDING that: (1) Plaintiffs provided sufficient notice of the request; (2) that there are no less drastic alternatives than filing Plaintiffs' declarations under seal along with publicly filed redacted versions; and (3) that there is good cause to keep the pseudonymous Plaintiffs' identities confidential due to the legitimate risk of stigma and discrimination based upon their HIV status if their identities become public. 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 order, ECF No. 42, in which Plaintiffs' exhibits to another motion were filed under seal along with publicly filed redacted versions. Therefore, it is hereby

ORDERED that Exhibits A and B in support of Plaintiffs' Opposition to the Motion to Dismiss and Reply in Support of their Motion for a Preliminary Injunction may remain filed under seal.

Entered this \_\_\_\_ day of \_\_\_\_\_, 2019.

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United States District Judge