

**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

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

v.

PATRICK M. SHANAHAN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

**PLAINTIFFS' MOTION TO FILE UNDER SEAL EXHIBITS B AND F-L FILED
SIMULTANEOUSLY WITH PLAINTIFFS' OPPOSITION TO DEFENDANTS'
RENEWED MOTION TO DISMISS PLAINTIFF OUTSERVE-SLDN**

Pursuant to Local Civil Rule 5, Plaintiffs respectfully move the Court to seal Exhibits B and F-L filed simultaneously with Plaintiffs' Opposition to Defendants' Renewed Motion to Dismiss Plaintiff OutServe-SLDN. These documents contain factual information that could be used to identify Plaintiffs, declarants, and deponents, 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: May 17, 2019

/s/ Scott Schoettes

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on the 17th day of May, 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: May 17, 2019

Respectfully submitted,

/s/ John Harding

John Harding

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**PROPOSED ORDER GRANTING PLAINTIFFS' MOTION TO FILE UNDER SEAL
EXHIBITS B and F-L FILED SIMULTANEOUSLY WITH PLAINTIFFS' OPPOSITION
TO DEFENDANTS' RENEWED MOTION TO DISMISS PLAINTIFF OUTSERVE-
SLDN**

Upon consideration of Plaintiffs' Motion to file under seal Exhibits B and F-L filed simultaneously with Plaintiffs' Opposition to Defendants' Renewed Motion to Dismiss Plaintiff OutServe-SLDN, 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', OutServe members', and Blevins's deposition transcripts, as well as parties' interrogatories and responses, and an OutServe member's declaration under seal along with publicly filed redacted versions; and (3) that 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 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 orders, ECF No. 42 and ECF No. 69, in which Plaintiffs' exhibits to other motions were filed under seal along with publicly filed redacted versions.

Therefore, it is hereby:

ORDERED that Exhibits B and F-L in support of Plaintiffs' Opposition Defendants' Renewed Motion to Dismiss Plaintiff OutServe-SLDN may remain filed under seal, and that Plaintiffs publicly file redacted versions of Exhibits B and F-L by May 29, 2019.

Entered this ____ day of _____, 2019.

United States District Judge