

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

RICHARD ROE, ET AL.,

PLAINTIFFS,

v.

RICHARD V. SPENCER, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

v.

RICHARD V. SPENCER, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

**PLAINTIFFS' MOTION TO FILE UNDER SEAL EXHIBIT B FILED  
SIMULTANEOUSLY WITH PLAINTIFFS' SUPPLEMENTAL RESPONSE BRIEF  
IN OPPOSITION TO DEFENDANTS' RENEWED  
MOTIONS TO DISMISS PLAINTIFF OUTSERVE-SLDN**

Pursuant to Local Civil Rule 5, Plaintiffs respectfully move the Court to seal Exhibit B filed simultaneously with Plaintiffs' Supplemental Response Brief in Opposition to Defendants' Renewed Motions to Dismiss Plaintiff OutServe-SLDN. These documents contain factual information regarding the LGBTQ identity and/or HIV status of non-party members of Plaintiff OutServe's organization, that, if it were to become public, could expose these individuals to discrimination based on their LGBTQ identity and/or HIV status. For this reason, which is 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: July 19, 2019

/s/ Scott Schoettes

Scott Schoettes\*  
SSchoettes@lambdalegal.org  
Kara Ingelhart\*  
KIngelhart@lambdalegal.org  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
105 W. Adams St., Suite 2600  
Chicago, IL 60603  
T: (312) 663-4413

Anthony Pinggera\*  
APinggera@lambdalegal.org  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
4221 Wiltshire Blvd., Suite 280  
Los Angeles, CA 90010  
T: (213) 382-7600

Peter E. Perkowski\*  
PeterP@outserve.org  
OUTSERVE-SLDN, INC.  
P.O. Box 65301  
Washington, DC 20035-5301  
T: (800) 538-7418

*Attorneys for Plaintiffs*  
*\*pro hac vice*

Respectfully submitted,

/s/ John W. H. Harding

John W.H. Harding  
Virginia State Bar No. 87602  
JWHarding@winston.com  
Lauren Gailey\*  
LGAiley@winston.com  
Laura Cooley  
Virginia State Bar No. 93446  
LCooley@winston.com  
Alexandra J. Hemmings\*  
AHemmings@winston.com  
WINSTON & STRAWN LLP  
1700 K St., NW  
Washington, DC 20006  
T: (202) 282-5000

Julie A. Bauer\*  
JBauer@winston.com  
WINSTON & STRAWN LLP  
35 W. Wacker Dr.  
Chicago, IL 60601  
T: (312) 558-560

Andrew R. Sommer  
Virginia State Bar No. 70304  
Sommera@gtlaw.com  
GREENBERG TRAUIG, LLP  
1750 Tysons Boulevard  
Suite 1000  
McLean, VA 22102  
T: (703) 749-1370

## CERTIFICATE OF SERVICE

I certify that, on the 19th day of July, 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: July 19, 2019

Respectfully submitted,

/s/ John W. H. Harding  
John W.H. Harding

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

RICHARD ROE, ET AL.,

PLAINTIFFS,

v.

RICHARD V. SPENCER, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

v.

RICHARD V. SPENCER, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

**PROPOSED ORDER GRANTING PLAINTIFFS' MOTION TO  
FILE UNDER SEAL EXHIBIT B FILED SIMULTANEOUSLY  
WITH PLAINTIFFS' SUPPLEMENTAL RESPONSE BRIEF  
IN OPPOSITION TO DEFENDANTS' RENEWED  
MOTIONS TO DISMISS PLAINTIFF OUTSERVE-SLDN**

Upon consideration of Plaintiffs' Motion to file under seal Exhibit B filed simultaneously with Plaintiffs' Supplemental Response 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 the transcript from the deposition of Mr. Blevins under seal with a publicly filed redacted version; 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. 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 *Roe* ECF Nos. 42, 69, 136, and 198 in which Plaintiffs’ exhibits to other motions were filed under seal along with publicly filed redacted versions. Therefore, it is hereby:

ORDERED that Exhibit B in support of Plaintiffs’ Supplemental Response Brief in Opposition to Defendants’ Renewed Motions to Dismiss Plaintiff OutServe-SLDN may remain filed under seal, and that Plaintiffs publicly file a redacted version of Exhibit B by July 26, 2019.

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

---

United States District Judge