

JANE DOE, et al.,

Plaintiffs,

v.

COL. MARCUS L. BROWN, in his official capacity as Secretary of the Department of State Police and Superintendent of the Maryland State Police, et al.,

Defendants.

* IN THE
* CIRCUIT COURT FOR
* BALTIMORE COUNTY

* Case No. _____

* * * * *

**MOTION FOR PERMISSION TO PROCEED UNDER FICTITIOUS NAMES
AND BAR PUBLIC IDENTIFICATION OF PLAINTIFFS' IDENTITIES**

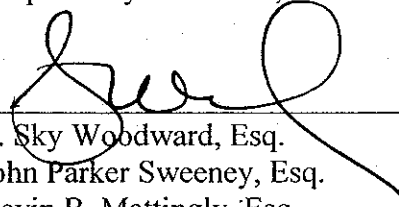
Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, and John Doe, Maryland Licensed Firearm Dealers Association ("MLFDA"), Associated Gun Clubs of Baltimore, Inc. ("AGC"), and Maryland Shall Issue, Inc. ("MSI") (collectively, "Plaintiffs"), by and through undersigned counsel, respectfully request that this Court issue an Order (1) permitting Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, and John Doe, for the sake of protecting their privacy and safety, to proceed in this action under fictitious names and to offer affidavits in support of their pleadings, submitted by named individual Plaintiffs and individual non-party affiants, which have been redacted to exclude the names of the respective affiants and substitute fictitious names,¹ (2) barring Defendants Col. Marcus L. Brown, in his official capacity as Secretary of the Department of State Police and Superintendant of the Maryland State Police, and Maryland State Police (collectively, "Defendants") from identifying publicly those Plaintiffs and non-party

¹ Subject to the entry of an appropriate protective order agreed upon by Plaintiffs and Defendants, Plaintiffs will provide Defendants with unredacted versions of such affidavits. Should this Court deny Plaintiffs' request to submit redacted affidavits in support of their pleadings, Plaintiffs hereby request that this Court permit them to re-file such affidavits under seal.

affiants, and (3) sealing or otherwise preventing access to the record in this case to the extent necessary to preclude disclosure of those Plaintiffs' and non-party affiants' identities or facts that would reveal those Plaintiffs' and non-party affiants' identities.

In support of their Motion, Plaintiffs rely upon the opinion issued by the Court of Special Appeals in Doe v. Shady Grove Adventist Hospital, 89 Md. App. 351 (1991), wherein the court held that proceeding as a John Doe plaintiff required only a showing that a compelling governmental interest would be served by an order protecting the plaintiff's identity, and that a plaintiff's constitutional right to privacy may constitute such a compelling governmental interest. Id. at 362-63 ("Potential plaintiffs, who believe that their rights may have been violated, will be loath to bring their complaints to court if the end result will be further and even more widespread violation of those rights. An order protecting the confidentiality of appellant's identity would serve the state's interest in encouraging individual enforcement of constitutional and statutory rights."). Consistent with Doe, in the context of the present action, Plaintiffs, citizens of this State concerned about their personal safety and ability to secure immediate self-protection in their homes, should not be required to publicize their vulnerability to vindicate their fundamental constitutional rights to purchase and keep firearms in their homes for purposes of self-protection as guaranteed by the Second Amendment to the United States Constitution. Thus, in light of the nature of this action, Plaintiffs submit respectfully that the requested relief is warranted.

Respectfully submitted,



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John Parker Sweeney, Esq.

Kevin B. Mattingly, Esq.

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Mary Doe, John Doe, Maryland Licensed Firearm Dealers
Association, Inc., Associated Gun Clubs of Baltimore, Inc.,
and Maryland Shall Issue, Inc.*

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* * * * *

(PROPOSED) ORDER

Upon consideration of Plaintiffs' Motion for Permission to Proceed Under Fictitious Names and Bar Public Identification of Plaintiffs' Identities, and any Opposition thereto, it is hereby ORDERED this ___ day of _____, 2013, that Plaintiffs' Motion is GRANTED. Thus, Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, and John Doe are permitted to proceed in this action under fictitious names and to offer affidavits in support of their pleadings that have been redacted to exclude the names of the respective affiants, (2) Defendants are barred from identifying publicly those Plaintiffs and non-party affiants, and (3) the record in this case will be sealed or access otherwise prevented to the extent necessary to preclude disclosure of those Plaintiffs' and non-party affiants' identities or facts that would reveal those Plaintiffs' and non-party affiants' identities.

Judge, Circuit Court for Baltimore County

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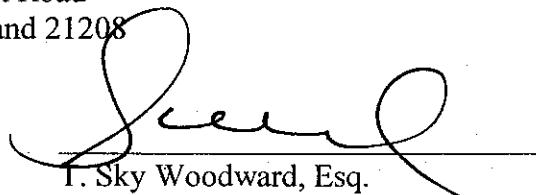
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2013, copies of this Motion for Permission to Proceed Under Fictitious Names and Bar Public Identification of Plaintiffs' Identities and Proposed Order were served, by hand-delivery, on the following:

Office of the Attorney General
Douglas F. Gansler
Attorney General
200 St. Paul Place
Baltimore, Maryland 21202

Office of the Attorney General
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Assistant Attorney General
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T. Sky Woodward, Esq.