

**In the Supreme Court of the United States**

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STATE OF SOUTH CAROLINA; SOUTH CAROLINA STATE BOARD OF  
EDUCATION; SOUTH CAROLINA DEPARTMENT OF EDUCATION; BERKELEY  
COUNTY SCHOOL DISTRICT; ELLEN WEAVER, IN HER OFFICIAL CAPACITY AS  
SOUTH CAROLINA SUPERINTENDENT OF EDUCATION; ANTHONY DIXON, IN HIS  
OFFICIAL CAPACITY AS SUPERINTENDENT OF BERKELEY COUNTY SCHOOL DISTRICT,

*Applicants,*

v.

JOHN DOE, A MINOR, BY HIS PARENTS AND NEXT FRIENDS; JIM DOE, PARENTAL  
NATURAL GUARDIAN; JANE DOE, PARENTAL NATURAL GUARDIAN,

*Respondents.*

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TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE UNITED STATES  
AND CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT

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**MOTION FOR LEAVE TO FILE UNDER SEAL, WITH REDACTED COPIES  
FOR THE PUBLIC RECORD, APPLICATION FOR A STAY PENDING  
APPEAL IN THE UNITED STATES COURT OF APPEALS FOR THE  
FOURTH CIRCUIT AND FURTHER PROCEEDINGS IN THIS COURT**

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Pursuant to this Court's Rules 21 and 34, Applicants respectfully move for leave to file under seal an application to stay an injunction pending appeal in the United States Court of Appeals for the Fourth Circuit and a supplemental appendix (attached as Exhibit A). Applicants are also filing a proposed redacted version of the application and supplemental appendix with this motion (attached as Exhibit B). Counsel for Applicants consulted with counsel for Respondents regarding Applicants' request to seal the material in question and Respondents' counsel consents.

1. The material in question was sealed in the United States District Court for the District of South Carolina. See *Doe v. State of South Carolina*, C.A. No. 2:24-6420-RMG, ECF No. 42 (D.S.C. Jan. 18, 2025) (order granting motion to seal Applicants' response to Minor Respondent's motion for class certification, which was later filed under seal as ECF No. 43), attached as Exhibit C; see also *Doe v. State of South Carolina*, C.A. No. 2:24-6420-RMG, ECF No. 58 (D.S.C. Feb. 10, 2025) (order granting motion to seal Applicants' sur-reply in opposition to Minor Respondent's motions for class certification and preliminary injunction, which was later filed under seal as ECF No. 62), attached as Exhibit D.

2. The material in question was sealed because it included information produced in discovery that was marked as confidential and contained information about Minor Respondent's identity and sensitive personal information, including medical and academic history.

3. The seal remains in effect, and it remains necessary to continue to maintain the confidentiality of the information in this Court. In deciding whether to

“seal or otherwise restrict access to judicial documents,” courts balance the common law right to inspect judicial records and documents with other “competing interests.” *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018). Competing interests that may weigh in favor of sealing documents include an “interest in protecting the physical and psychological well-being of individuals related to the litigation, including family members and particularly minors.” *Id.*

4. In an attempt to protect these interests, courts have routinely granted motions to seal related to sensitive information about minor plaintiffs, including their identities, their school records, and their medical records. See, e.g., *Eugene S. v. Horizon Blue Cross Blue Shield of New Jersey*, 663 F.3d 1124, 1136 (10th Cir. 2011) (affirming decision to seal a volume of an appendix based on the inclusion of a minor’s identity, medical records, personal health information, and other confidential information); *Mears v. Atl. Se. Airlines, Inc.*, No. 5:12-CV-613-F, 2014 WL 5018907, at \*3 (E.D.N.C. Oct. 7, 2014) (“Courts have repeatedly held that minors’ privacy interests in medical and financial information . . . overcome the common law right of access in granting motions to seal.”).

5. Minor Respondent and Minor Respondent’s parents have strong privacy interests that warrant sealing in this case, and the public’s common law right does not outweigh those interests. Further, no other less drastic alternatives will sufficiently safeguard Minor Respondent’s sensitive, personal information.

6. It is necessary that the material to be sealed be included in the appendix to the application for a stay pending appeal. Applicants rely upon that information to

support their arguments that the legal provision being challenged in this suit is lawful under the Equal Protection Clause and Title IX and therefore that the Fourth Circuit's injunction as to that legal provision pending appeal should be stayed.

Respectfully submitted,

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