

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

Florida Action Committee, Inc.,

Plaintiff,

vs.

Mark Glass, *et al.*,

Defendants.

Case No. 4:26-cv-00388

**MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL
AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff Florida Action Committee (“FAC”) moves for leave to file under seal Exhibits 1, 5, and 6 (the “Exhibits”) to its Complaint, which contains declarations from FAC members in support of its claims.

Good cause exists for sealing the names of the FAC member-declarants in the Exhibits. FAC is challenging the constitutionality of various provisions of Florida’s sex offender registry laws, as well as related county and municipal ordinances restricting the residency, presence, and conduct of registrants within their jurisdictions. Individuals required to register under these laws and ordinances are often singled out for harassment and sometimes violent vigilantism. Disclosing the identities of these declarants—who include both registrants and family members of registrants—in public records risks significant personal harm.

FAC has already filed, with its complaint, versions of the Exhibits that redact the declarants' names. FAC has no objection to providing unredacted versions of the Exhibits to the defendants subject to the requested protective order barring public dissemination of the unredacted declarations and requiring that any public filings containing the declarants' names be redacted and that unredacted copies be filed under seal. A proposed protective order is attached as Exhibit A.

Legal Standard

This Court permits filings to be sealed “upon a showing of good cause, after balancing the public’s right of access against the parties’ confidentiality interests.” *Vision Construction Enterprise v. Agros Ready Mix*, 2017 WL 11575794, at *1 (N.D. Fla. Jan. 24, 2017). Courts weighing a motion to seal consider “whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.” *Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir. 2007).

In addition, Federal Rule of Civil Procedure 26(c) permits a court, upon a showing of good cause, to “issue an order to protect a party or person from

annoyance, embarrassment, oppression, or undue burden or expense.” Upon such a showing of good cause, the Court has “broad discretion . . . to decide when a protective order is appropriate and what degree of protection is required.” *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984).

Argument

The privacy interests of the FAC’s member-declarants outweigh the public’s interest in access to unredacted public records. Individuals who are publicly identified as sex offenders face widespread hostility, harassment, and condemnation. *See, e.g.*, Complaint ¶¶ 13, 97–100, 102–03. This hostility leads, not infrequently, to violence and even vigilantism. Examples in the press are many, including the brutal early-2026 murder and dismemberment of a Brevard County man simply “because he was a sex offender.” *See* Pattrik Perez, *Suspect said he killed Brevard County man ‘because he was a sex offender,’* WESH Orlando (Apr. 2, 2026), <https://perma.cc/3XK5-9GV7>. The murderer in that case “had a printed list of nearby sex offenders.” *Id.*

Other sad and alarming examples are too many to list completely. For a selection of examples, see:

- *Collegedale teen admits to killing sex offender, said he ‘thought it was justice’*, Local 3 News (July 2, 2026), <https://bit.ly/4bEmxNI> (reporting that suspect confessed that “he had learned [the victim] was a sex offender” by “searching for sex offenders near him” on Tennessee’s registry and thought “it would be really cool to serve what I thought was justice”);

- Nate Gartrell, *Walnut Creek boy set out to hunt sex offenders with his BB gun, police say*, The Mercury News (June 25, 2026), <https://perma.cc/B7MT-S35E> (noting suspect “was armed with two things: his BB gun and a list of local registered sex offenders”);
- Susan Samples, *‘What in the world?’: Sex offender reports confrontation, assault by kids*, Wood TV 8 (June 3, 2026), <https://bit.ly/45m794R> (reporting that suspect in attack on Michigan registrant “stated that the people on the registry need to be dead”);
- Sam Borgia, *Lakemoor man accused of creating homemade bomb with intent to blow up alleged sex offender*, Lake & McHenry County Scanner (Jan. 7, 2026), <https://perma.cc/AJX9-3Y2X> (noting that police found homemade nail bomb in burglarized home suspect used to surveil neighborhood registrant);
- Kathryn Herr, *Woman charged in shooting at Fresno home with multiple registered sex offenders*, Your Central Valley (Oct. 13, 2025), <https://bit.ly/3UstiMv> (reporting that suspect “open[ed] fire in a home for registered sex offenders”);
- Ryan Mense, *Fremont murder suspect allegedly admits to targeting sex offenders*, KRON4 (Sep. 23, 2025), bit.ly/4hohNiP (“A man accused in a deadly Fremont stabbing last week allegedly admitted to police that he was targeting registered sex offenders as potential victims.”);
- Kyle Swenson, *Sympathy for the Devils: Should Sex Offenders Have More Rights, or No Rights at All*, Broward/Palm Beach New Times (Aug. 22, 2013), <https://perma.cc/G3CR-AZH4> (reporting on vigilantism against individuals on Florida sex offender registry and noting that pro-registrant “activism could cost [people] jobs or put them in the crosshairs of vigilantes”);
- *Does #1–5 v. Snyder*, No. 2:12-cv-11194-RHC-DRG (E.D. Mich. Apr. 18, 2012), ECF No. 4 at 3 (reporting similar examples in a Michigan case where the plaintiffs were allowed to proceed pseudonymously).

These examples are consistent with other “ample evidence” that “vigilantes have used sex-offender registries to threaten, harass, and inflict vio-

lence on hundreds of offenders and their families.” Steven Yoder, *Life on the List*, American Prospect (April 4, 2011), <https://perma.cc/AY2J-9BKW>.

Indeed, because of the widespread risk of public shaming and targeting associated with sex-offender registration, courts in the Eleventh Circuit and elsewhere routinely recognize constitutional challenges to sex-offender registration laws—lodged by registrants or family members alike—as among the rare set of cases justifying fully pseudonymous suits:

- *Connecticut Department of Public Safety v. Doe*, 538 U.S. 1 (2003);
- *Smith v. Doe*, 538 U.S. 84 (2003);
- *Doe v. Miami-Dade County*, 846 F.3d 1180 (11th Cir. 2017);
- *Doe v. Moore*, 410 F.3d 1337 (11th Cir. 2005);
- *Does #1–5 v. Snyder*, 834 F.3d 696 (6th Cir. 2016)
- *Doe v. Sturdivant*, 490 F.3d 491 (6th Cir. 2007);
- *Does v. Munoz*, 507 F.3d 961 (6th Cir. 2007);
- *Doe v. Baker*, 2006 WL 905368 (N.D. Ga. Apr. 5, 2006);
- *Doe v. Pryor*, 61 F. Supp. 2d 1224 (M.D. Ala. 1999);
- *Poe v. Snyder*, 834 F. Supp. 2d 721 (W.D. Mich. 2011); and
- *Doe v. Kelley*, 961 F. Supp. 1105 (W.D. Mich. 1997).

The same factors that warrant allowing registrants to proceed pseudonymously as plaintiffs support the less demanding relief of sealing the names of the FAC member-declarants in this case. Declarants are just as vulnerable to becoming targets of harassment, retaliation, or violence as registrants

serving as plaintiffs: If their identities become public, they could become the focus of negative attention from the media, law enforcement officials, and the public at large.

Moreover, the declarants here (registrant and family member alike) are providing evidence in support of a suit that, if successful, would result in the invalidation of a system of residency and presence restrictions, among others. The prospect of success in the suit—of registrants residing freely in all areas of the community—may incite public anger and frustration. In light of the generalized public stigma against registrants, identifying the declarants here risks exposing them to public condemnation and possible vigilantism.

Those risks are exacerbated for both registrants and their family members by the ease with which members of the public can learn the minute details of their lives, including where they live and work and what vehicles they drive—all information available on the public registry. The declarants are therefore not only vulnerable but would be easily accessible targets for both harassment and vigilantism.

Public disclosure of the declarants' names would pose considerable risk of harming not just the declarants' "legitimate privacy interests" but also their personal safety. *See Romero*, 480 F.3d at 1246. Sealing, coupled with a protective order, is thus necessary to safeguard the declarants' privacy and security. *See, e.g., Oldaker v. Giles*, 2021 WL 3412551, at *3 (M.D. Ga. Aug.

4, 2021) (granting motion to seal declarations in light of “fear of retaliation”); *Does #1–5*, No. 2:12-cv-11194-RHC-DRG, ECF No. 11 at 4 (concluding plaintiffs seeking to proceed pseudonymously in constitutional challenge to Michigan’s sex-offender registry scheme had “sufficiently demonstrated . . . that their privacy and safety interests substantially outweigh the presumption of open judicial proceedings”).

Publicly associating the declarants’ names with the personal information contained in their declarations—as well as to the controversial claims at issue in this case—may also jeopardize the declarants’ ability to obtain or maintain housing, employment, and education in the future. *See Yoder, Life on the List*, *supra* pp.4–5 (reporting registrant’s spouse was told by manager “that she had to choose between her job and her husband”); Swenson, *Sympathy for the Devils*, *supra* p.4 (noting that pro-registrant “activism could cost [people] jobs”). As outlined in the Complaint, registrants and their families already experience significant difficulty in obtaining housing; the declarants should not be required to risk exacerbating the very difficulties they are attempting to prevent in an effort to support a lawsuit that simply vindicates their constitutional rights.

Finally, there is no less onerous alternative to sealing here. FAC has already filed redacted versions of the Exhibits, which are publicly available. Further, sealing the names of the declarants in the Exhibits would not “impair

court functions” or harm defendants’ “opportunity to respond to the information.” *See Romero*, 480 F.3d at 1246. That is especially so because FAC proposes, upon entry of a protective order, to provide defendants and the Court with the unredacted declarations. *See Oldaker*, 2021 WL 3412551, at *3 (noting, in granting motion to seal declarations, that “Respondents will have access to these materials and be able to fully respond to them”); *Porter*, 370 F.3d at 560–61 (approving protective order requiring disclosure of pseudonymous plaintiffs’ identities to defendants but limiting disclosure outside the litigation).

In sum, good cause exists to seal the FAC member-declarants’ names in the Exhibits. Entry of an order sealing the exhibits, together with a protective order barring public disclosure, is necessary to prevent the declarants from being subjected to harassment, vigilantism, or other significant harms. And entry of the requested relief would not compromise the defendants’ ability to defend this case or the Court to manage it. FAC therefore respectfully requests that this Court grant its motion for leave to file Exhibits 1, 5, and 6 under seal and enter the attached protective order.

Dated: August 11, 2026

Respectfully submitted,

/s/ Michael B. Kimberly

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(B)

I certify that, on August 11, 2026, I electronically filed this motion and brief simultaneously with the complaint initiating this case. Conferral with counsel for defendants, who have not yet been served or appeared, therefore was not possible.

/s/ Michael B. Kimberly

CERTIFICATE OF WORD COUNT

I certify pursuant to Local Rule 7.1(F) that the total word count in this motion, excluding the case style, signature block, and certificates, is 1,738 words.

/s/ Michael B. Kimberly

CERTIFICATE OF SERVICE

I certify that, on August 11, 2026, I caused the foregoing document to be served on counsel for each defendant with the complaint and summons.

/s/ Michael B. Kimberly