

No. 22-1435

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

JANE DOES 1–6, JOHN DOES 1–3, JACK DOES 1–1000, JOAN DOES 1–1000,
Plaintiffs–Appellants

v.

JANET T. MILLS, in her official capacity as Governor of the State of Maine,
JEANNE M. LAMBREW, in her official capacity as Commissioner of the Maine
Department of Health and Human Services, NIRAV D. SHAH, in his official
capacity as Director for the Maine Center for Disease Control and Prevention,
MAINEHEALTH, GENESIS HEALTHCARE OF MAINE, LLC, GENESIS
HEALTHCARE, LLC, NORTHERN LIGHT HEALTH FOUNDATION,
MAINEGENERAL HEALTH,

Defendants–Appellees

MTM ACQUISITION, INC., d/b/a/ PORTLAND PRESS HERALD/MAINE
SUNDAY TELEGRAM, KENNEBEC JOURNAL, and MORNING SENTINEL, and
SJ ACQUISITION, INC., d/b/a, SUN JOURNAL,

Intervenors–Appellees

On Appeal from the United States District Court for the District of Maine
In Case No. 1:21-cv-242-JDL before The Honorable John D. Levy

PLAINTIFFS–APPELLANTS’ AGREED MOTION TO DISMISS APPEAL

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Plaintiffs–Appellants, pursuant to Fed. R. App. P. 42(b), and with the agreement of all parties, move to dismiss this appeal. In support thereof, Plaintiffs–Appellants show unto the Court as follows:

1. On June 1, 2022, Plaintiffs noticed their appeal to this Court from the district court’s order to unseal Plaintiffs’ identities. On June 22, 2022, Plaintiffs moved this Court for an emergency stay of the district court’s order.

2. On July 7, 2022, the Court denied Plaintiffs’ motion for emergency stay. As a result, pursuant to the district court’s order on appeal, Plaintiffs were required to file an amended complaint in the district court in their own names, which disclosed their previously pseudonymous identities to the public. Thus, the Court’s denial of the emergency stay rendered the questions presented in the appeal effectively unreviewable.

3. Prior to filing this motion, Plaintiff’s counsel conferred with respective counsel for Defendants and Media Intervenors, all of whom consent to the dismissal of the appeal with Plaintiffs to bear their own costs.

WHEREFORE, for good cause shown, Plaintiffs–Appellants respectfully request that the Court dismiss the appeal, with each party to bear its own costs.

Respectfully submitted,

/s/ Daniel J. Schmid

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPE-FACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. This document complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). Not counting the items excluded from the length by Fed. R. App. P. 32(f), this document contains 193 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6). This document has been prepared using Microsoft Word in 14-point Times New Roman font.

/s/ Daniel J. Schmid
Daniel J. Schmid
Attorney for Plaintiffs–Appellants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed via the Court's ECF filing system and therefore service will be effectuated by the Court's electronic notification system upon all counsel or parties of record.

/s/ Daniel J. Schmid
Daniel J. Schmid
Attorney for Plaintiffs–Appellants