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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, BURBANK COURTHOUSE

JANE ROE, an individual, and JOHN DOE, an individual,

Plaintiffs,

v.

JENNA SMITH, an individual, and MOTHER SMITH, an individual, and DOES 1-10, inclusive,

Defendants.

) Case No.: 24STCV08102

) [Hon. Frank M. Tavelman, Department A]

) PLAINTIFFS' MOTION TO PROCEED UNDER PSEUDONYMS

) Date: January 3, 2025

) Time: 9:00 a.m.

) Dept.: A

) Reservation ID: 188602775324

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TO THE COURT AND TO RESPONDENTS AND THEIR ATTORNEYS:

PLEASE TAKE NOTICE that on January 3, 2025, at 9:00 a.m. in Department A of the above-entitled Court at 300 E Olive Ave., Burbank, CA 91502, Plaintiffs Jane Roe and John Doe will, and hereby do, move for an order for leave to proceed under pseudonyms and submit the attached memorandum in support thereof.

Dated: November 12, 2024

Respectfully submitted,

Attorneys for Plaintiffs Jane Roe and John Doe

NESENOFF & MILTENBERG, LLP

By: /s/ Andrew T. Miltenberg

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HATHAWAY PARKER INC.

By: /s/ Mark Hathaway

Mark M. Hathaway

Jenna E. Parker

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**PLAINTIFFS’ MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS’
MOTION TO PROCEED UNDER PSEUDONYMS**

Plaintiffs Jane Roe and John Doe (collectively, “Plaintiffs”), by and through their attorneys, Nesenoff & Miltenberg, LLP, and Hathaway Parker Inc., respectfully submit this Memorandum of Law in Support of Plaintiffs’ Motion to Proceed Under Pseudonyms.

I. SUMMARY OF FACTS¹

This case concerns the personal vendetta and revenge plot of Defendants Jenna Smith and Mother Smith against Jane Roe and John Doe, the Plaintiffs—two young individuals with promising, bright careers ahead of them in a highly competitive industry—in an effort to destroy their lives and reputations. (Compl. ¶¶ 1-4, 35-49, 53-55, 58-59, 61-67, 69-77, 85-86, 91-100.) Jenna Smith complained of false allegations of sexual misconduct against John Doe, and alleged that Jane Roe also suffered an assault at the hands of Doe—her boyfriend—at the same time and place. (*Id.* ¶¶ 35-49, 53-55, 58-59, 61-67, 69-77, 85-86, 91-100.) Plaintiffs Roe and Doe have a specific and thorough recollection of the evening in question, with witnesses who support their account of events that transpired, photographs of their whereabouts, and text message evidence supporting the fact that no such sexual assault ever occurred. (*Id.* ¶¶ 16-30.) However, Defendant Jenna Smith did not give up, as she continued her attack against the Plaintiffs by, upon information and belief, commenting on social media posts alleging homophobia. (*Id.* ¶¶ 73-78, 103.) Defendant Jenna Smith broadcasted these statements throughout her peer network, and both she and Defendant Mother Smith disseminated these statements throughout their community, tarnishing the reputations of the Plaintiffs in the process.

The actions of Defendant Jenna Smith against the Plaintiffs have also grown to a level where the Plaintiffs Doe and Roe fear for their physical safety. Jane Roe, on or around October 21, 2023, attended an event for the Club with her family members. At the time, Jenna Smith was still enrolled at the school all three attended at one point; therefore, she was involved in the event. Defendant Jenna Smith moved towards Jane Roe in a manner that came close to a physical confrontation with Roe and stated “f*ck you” directly to Jane Roe, showcasing her true feelings of disgust towards Jane Roe. (*Id.* ¶¶ 91-100.) As a result of the defamatory and libelous remarks and actions of Jenna Smith and Mother Smith, Plaintiffs

¹ A detailed recitation of the facts is set forth in Plaintiffs’ Complaint.

1 have suffered and will continue to suffer from emotional distress, anxiety, loss of appetite, damage to
2 their reputations and general credibility; Plaintiffs seek to address and put an immediate stop to the
3 perpetuation of harm inflicted upon them by the Defendants in this action. (*Id.* ¶¶ 101-104.)

4 **II. CALIFORNIA COURTS, UNDER THE APPLICABLE LEGAL STANDARDS, PERMIT**
5 **PLAINTIFFS TO PROCEED UNDER PSEUDONYMS**

6 The confidential treatment of court records is typically governed by Cal. Rules of Court, Rule
7 2.550 et seq. Court records that are not confidential by law are treated as open to the public. They may
8 not be sealed from public access by stipulation of the parties; instead, only by a court order. (Cal. Rules
9 of Court, Rule 2.550, subd. (a), subd. (c); Cal. Rules of Court, Rule 2.551, subd. (a).) Pseudonym use to
10 protect legitimate privacy rights is allowed under California law. (*Doe v. Superior Court* (2016) 3 Cal.
11 App. 5th 915; *Doe v. Saenz* (2006) 140 Cal.App.4th 960; *Hooper v. Deukmejian* (1981) 122 Cal.App.3d
12 987; *Doe v. Bakersfield City School Dist.* (2006) 136 Cal.App.4th 556; *Jane Doe 8015 v. Superior Court*
13 (2007) 148 Cal.App.4th 489; *Doe v. Lincoln Unified School Dist.* (2010) 187 Cal. App. 4th 1286.) The
14 United States Supreme Court has also implicitly endorsed the use of pseudonyms to protect privacy.
15 (See, e.g., *Roe v. Wade* (1973) 410 U.S. 113 [abortion]; *Doe v. Bolton* (1973) 410 U.S. 179 [abortion];
16 *Poe v. Ullman* (1961) 367 U.S. 497 [birth control].)

17 Courts are allowed to exempt plaintiffs from identifying themselves by their true identities in
18 particular instances to overcome the obligation that the names of all parties must be stated in the
19 complaint. (See *Doe v. Lincoln Unified School Dist.* (2010) 188 Cal. App. 4th 758, 766 (stating that
20 “there have been countless published state court decisions where one or more of the parties have used
21 fictitious names”); *Department of Fair Employment & Housing v. Superior Court* (2022) 82 Cal.App.5th
22 105, 112 (highlighting the “common practice in California courts of using pseudonyms to protect
23 privacy”); see also *Does I thru XXIII v. Advanced Textile Corp.* (9th Cir. 2000) 214 F.3d 1058, 1068
24 (“*Advanced Textile Corp.*”) (noting that “special circumstances when the party's need for anonymity
25 outweighs prejudice to the opposing party and the public's interest in knowing the party's identity.”).

26 In order to determine whether a party can proceed under a pseudonym, generally, a court “must
27 balance the need for anonymity against the general presumption that parties’ identities are public
28 information and the risk of unfairness to the opposing party.” *Id.*; see also *Department of Fair*

1 *Employment & Housing v. Superior Court* (2022) 82 Cal.App.5th 105,112 (establishing that an
2 “overriding interest” justifies the use of pseudonyms, including safety interests); *Advanced Textile*
3 *Corp.*, 214 F.3d at 1068 (noting pseudonym use is permitted in “special circumstances when the party's
4 need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the
5 party's identity.”)

6 *Does I thru XXIII v. Advanced Textile Corp.* offers persuasive insight that aligns with
7 California’s standards for protecting privacy in sensitive matters, permitting plaintiffs to proceed under
8 pseudonyms in three circumstances: “(1) when identification creates a risk of retaliatory physical or
9 mental harm [citations]; (2) when anonymity is necessary ‘to preserve privacy in a matter of sensitive
10 and highly personal nature,’ [citations]; and (3) when the anonymous party is ‘compelled to admit [his
11 or her] intention to engage in illegal conduct, thereby risking criminal prosecution,’ [citations].”
12 (*Advanced Textile Corp.*, 214 F.3d at 1068.) However, these categories are not exhaustive, as *Advanced*
13 *Textile Corp.* provides that “a party may preserve his or her anonymity in judicial proceedings in special
14 circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and the
15 public's interest in knowing the party’s identity.” (*Id.* at 1068.)

16 California courts have permitted Plaintiffs to proceed under pseudonyms in several cases under
17 the circumstances that have been identified in *Does I thru XXIII v. Advanced Textile Corp.* The
18 California Court of Appeals permitted a plaintiff, a teacher, to use a pseudonym due to the highly
19 sensitive nature of the allegations related to her mental health and employment status in *Doe v. Lincoln*
20 *Unified School Dist.* (2010) 188 Cal. App. 4th 758, 767. The court recognized that public disclosure of
21 the plaintiff’s identity could lead to undue harm and stigmatization, highlighting that the protection of an
22 individual’s privacy is paramount when the stakes are as high as potential reputational damage and
23 emotional distress. (*Id.*; see also *Starbucks Corp. v. Superior Court*, (2018) 168 Cal. App. 4th 1436,
24 1452 (noting that utilizing pseudonyms “to protect legitimate privacy rights has gained wide currency,
25 particularly given the rapidity and ubiquity of disclosures over the World Wide Web.”) Additionally,
26 plaintiffs have proceeded under pseudonyms in circumstances where the allegations that gave rise to the
27 complaint occurred while they were minors and are of a sexual nature. (*See Doe v. City of Los Angeles*
28 (2007) 42 Cal.4th 531) (former Boy Scouts proceeded under pseudonyms in a case where they alleged

1 sexual assault against a city police officer while they were minor teenagers).

2 **III. THE PLAINTIFFS SHOULD BE PERMITTED TO PROCEED UNDER PSEUDONYMS**

3 **A. THE SUBJECT MATTER IS OF A HIGHLY SENSITIVE AND PERSONAL**
4 **NATURE**

5 Plaintiffs Jane Roe and John Doe should be permitted to proceed under pseudonyms given the
6 highly sensitive and personal nature of this matter because of the facts and circumstances detailed in
7 Plaintiffs' claims. (*Advanced Textile Corp.*, 214 F.3d 1068.) Here, Plaintiffs do not merely contend that
8 the revelation of their names would result in simple embarrassment or public humiliation. Instead,
9 Plaintiffs note the highly sensitive nature and privacy issues that could be involved with being identified
10 as either an alleged perpetrator or alleged victim of sexual assault, particularly as minors.

11 In supplement to the cases outlined above, California statutes permit the identities of parties to
12 be kept confidential due to the "sensitive nature" of the subject matter in specific proceedings.
13 (*Department of Fair Employment & Housing v. Superior Court* (2022) 82 Cal.App.5th 105, 110.)
14 However, "[e]ven in the absence of a statute, anonymity for parties may be granted when necessary to
15 preserve an important privacy interest." (*Id.*, citing *Doe v. Lincoln Unified School Dist.* (2010) 188
16 Cal.App.4th 758, 766; *Starbucks Corp. v. Superior Court* (2008) 168 Cal.App.4th 1436, 1452, fn. 7.) In
17 light of the foregoing, Plaintiffs Roe and Doe should be permitted to continue to proceed under
18 pseudonyms.

19 **B. PLAINTIFFS JANE ROE AND JOHN DOE, AND DEFENDANT JENNA SMITH,**
20 **WERE MINORS WHEN THE ALLEGED EVENTS OCCURRED**

21 Of great importance, the Court should permit the Plaintiffs to proceed under pseudonyms
22 because the events that gave rise to the allegations occurred while Jane Roe, John Doe, and Jenna Smith
23 were all minors. California statutes allow minors to proceed under pseudonyms in particular
24 circumstances, including where important privacy interests are implicated. (See, e.g., Code Civ. Proc., §
25 372.5 (allowing pseudonym use for guardian ad litem proceeding on behalf of a minor).) Dissimilar to
26 the situation described in *DL v. JS* (W.D.Tex. 2023, No. 1:23-CV-1122-RP) 2023 WL 8102409, at *3,
27 upon information and belief, Defendant Jenna Smith was still a minor at the time that she made the
28 defamatory remarks—she was only a junior in high school. Consequently, this special circumstance

1 should be considered and applied in the instant matter, permitting the parties to remain under
2 pseudonyms. As Jane Roe, John Doe, and Jenna Smith were minors when the allegations occurred, the
3 identity of Mother Smith (a non-minor) should also be protected because should her identity be revealed,
4 it would reveal the identity of Jenna Smith.

5 **C. DISCLOSURE OF THE PLAINTIFFS ROE AND DOE’S IDENTITIES WOULD**
6 **RESULT IN SEVERE HARM**

7 The disclosure of the Plaintiffs’ identities would result in severe harm. (*Advanced Textile Corp.*,
8 214 F.3d 1068 (highlighting that a pseudonym is appropriate “when identification creates a risk of
9 retaliatory physical or mental harm”); *see also Department of Fair Employment & Housing v. Superior*
10 *Court* (2022) 82 Cal.App.5th 105, 112, (establishing that an “overriding interest” justifies the use of
11 pseudonyms, including safety interests).)

12 Plaintiffs Jane Roe and John Doe will suffer the precise type of harm they want to avoid by
13 commencing this lawsuit, as it would effectively force them to place their identities on the internet and
14 court documents. By way of example and not limitation, Plaintiff John Doe will suffer reputational
15 damages because he will be forced to disclose the false allegations against him in connection with his
16 name, labeling him as a perpetrator of sexual misconduct which he did not commit and thus intensify the
17 very harm he seeks to remedy through this complaint. (*See also Doe v. Mass. Inst. of Tech.* (1st Cir.
18 Aug. 24, 2022) 46 F.4th 61, 70-72 (recognizing that a plaintiff’s use of a pseudonym is permissible
19 when they “reasonably fears that coming out of the shadows will cause [them] severe harm.”).) Plaintiff
20 Jane Roe will forever be stigmatized as a person who remains in a relationship with a person who
21 sexually assaulted her and another female student (Jenna Smith)—an assault that John Doe did *not*
22 commit.

23 Moreover, should the Court require Plaintiffs to reveal their true identities publicly, even if they
24 ultimately obtain a favorable verdict, their future academic and career prospects would nonetheless be
25 hindered and discoverable by a simple internet search, resulting in further mental, emotional, and
26 psychological harm. In *Starbucks Corp. v. Superior Court*, the court recognized the nature of the internet
27 and the impact it can have on disseminating information. (*See Starbucks Corp. v. Superior Court* (2008)
28 168 Cal. App. 4th 1436, 1452; *see also Doe v. Trustees of Dartmouth College* (D.N.H. May 2, 2018)

1 No. 18-CV-040-LM, 2018 WL 2048385, at *5–6, 2018 U.S. Dist. LEXIS 74066 * (recognizing that this
2 concern is “exacerbated in the Internet age, which can provide additional channels for harassment and
3 will connect plaintiff’s name” with the allegations, whether successful or not in the underlying
4 litigation).) In the absence of a means to control the content dispersed by a media outlet covering a given
5 case, courts must be willing to afford added protective measures to avoid further damage to plaintiffs
6 who seek redress from false allegations of sexual assault. Importantly, as is the case in the present
7 matter, “public identification could defeat the very purpose of the litigation.” (*Doe v. Trustees of*
8 *Dartmouth College* 2018 WL 2048385 at *5–6.)

9 It is no secret that employers are well acquainted with the concerns of society related to issues of
10 this nature and therefore would unquestionably hesitate to employ someone who has been subjected to
11 or associated with an accusation of this type, regardless of the outcome of the legal action or underlying
12 administrative proceeding. Plaintiffs Doe and Roe are presently of college age, looking to embark upon
13 highly successful careers, with their entire lives ahead of them. To associate their names with this action
14 would harm them for decades to come, forever forcing them to provide further information on the false
15 and defamatory claims, which is exactly what they seek to avoid by this action.

16 Additionally, Plaintiffs fear further retaliation and/or physical harm from Defendants, not only
17 with respect to themselves, but also with respect to their families. In *Department of Fair Employment &*
18 *Housing v. Superior Court*, the court recognized that “[r]etaliatory harm to family members—wherever
19 they are located—is precisely the kind of interest that may justify allowing a party to litigate under a
20 pseudonym.” (*Department of Fair Employment & Housing v. Superior Court* (2022) 82 Cal.App.5th
21 105, 112.) Defendant Jenna Smith already came close to a physical confrontation of Jane Roe during an
22 event that Roe attended. Jenna Smith even went so far as to say “f*ck you”. Plaintiffs also fear added
23 retaliation upon their families and younger minor siblings who are still enrolled in the same school
24 district and live in the same area as the Defendants. Additionally, if Plaintiffs’ identities are revealed, it
25 would also result in the disclosure of Jenna Smith’s identity, which would likely cause her and/or
26 Mother Smith to retaliate against and/or harm Plaintiffs and their families.

27 Taking into account the foregoing, Plaintiffs should be permitted to proceed anonymously, as
28 requiring them to reveal their identities would result in significant harm to Plaintiffs, including the

1 damages they seek to remedy in this matter; namely, physical, psychological, emotional and reputational
2 injuries, economic damages and the loss of educational and career opportunities.

3 **D. THERE IS A WEAK PUBLIC INTEREST IN KNOWING THE IDENTITIES OF**
4 **THE PARTIES**

5 Plaintiffs should also be allowed to proceed in this action anonymously as the public does not
6 have a strong interest in knowing their identities. Here, Plaintiffs seek redress from malicious, false
7 allegations of sexual misconduct. Jenna Smith and Mother Smith have published these statements within
8 a limited community, not available to the broader world. If Plaintiffs are required to use their true
9 identities, any simple internet search would reveal the unsupported and defamatory allegations. Should
10 Roe and Doe be successful in this action, the accusation would *still* remain in the public realm. (*See Doe*
11 *v. Purdue Univ.*, 321 F.R.D. 339, 342 (N.D. Ind. 2017), citing *Doe v. Colgate Univ.* (N.D.N.Y. Apr. 12,
12 2016) 2016 WL 1448829, at *3) (“If Plaintiff’s identity is revealed, Plaintiff would suffer the very harm
13 to his reputation that he seeks to remedy by bringing this lawsuit...if Plaintiff is successful in proving
14 that the charges of sexual misconduct against him were unfounded and that Defendants’ procedures
15 violated his due process rights, the revelation of Plaintiff’s identity ‘would further exacerbate the
16 emotional and reputational injuries he alleges.”); *Doe v. Trustees of Dartmouth College*, (D.N.H. May
17 2, 2018) No. 18-CV-040-LM, 2018 WL 2048385, at *6, 2018 U.S. Dist. LEXIS 74066 * (“Plaintiff has
18 a reasonable fear that, whatever the outcome of the action, public identification will subject him to
19 severe reputational harm and harassment, and will defeat the very purpose of this litigation.”).)

20 The public’s interest in the pure legal claims at hand will not be impeded by withholding the
21 names of the Parties. The interests of the public will not be harmed at this early stage of the case if
22 Plaintiffs’ names are not revealed.

23 **E. THE DEFENDANTS WILL NOT BE PREJUDICED BY THE USE OF**
24 **PSEUDONYMS**

25 Plaintiffs’ use of pseudonyms will not impede the defense of, or prejudice, the Defendants. (*See*
26 *Department of Fair Employment & Housing v. Superior Court* (2022) 82 Cal.App.5th 105, 110; *see also*
27 *Doe v. Purdue Univ.* (N.D. Ind. 2017) 321 F.R.D. 339, 342.) In the instant matter, the Defendants are
28 aware of Plaintiffs’ true identities and will have an unimpeded opportunity to respond and defend

1 themselves in this litigation. Other courts have also recognized the lack of prejudice to defendants as a
2 factor in favor of permitting pseudonymity. (*See Doe v. Colgate Univ.*, 1448829, at *3 (“The Court
3 further finds that Defendants will not be prejudiced by allowing Plaintiff to proceed anonymously. . .
4 Defendants are aware of Plaintiff’s true identity and will have an uninhibited opportunity to litigate this
5 matter regardless of whether Plaintiff’s identity is disclosed publicly.”); *Doe No. 2 v. Kolko* (E.D.N.Y.
6 2002) 242 F.R.D. 193, 198) (“[o]ther than the need to make redactions and take measures not to disclose
7 plaintiff’s identity, Defendants will not be hampered or inconvenienced merely by Plaintiff’s anonymity
8 in court papers.”).) In light of the above, and in consideration of the balancing of relevant factors,
9 Plaintiffs should be permitted to employ pseudonyms in this matter. At this early stage of the case, the
10 interests of Defendants will not be harmed by Plaintiffs using pseudonyms.

11 **F. PERMITTING STUDENTS TO PROCEED PSEUDONYMOUSLY HERE**
12 **SATISFIES THE RULES OF THE COURT**

13 Using pseudonyms to protect the true identities of the parties in this litigation satisfies the
14 requirements of Cal. Rules of Court, Rule 2.550, subd. (d).

15 First and foremost, an overriding interest in the privacy of a matter of a sensitive and highly
16 personal nature exists, namely being falsely accused of violations of high school policies concerning
17 sexual harassment, sexual misconduct, and sexual assault that overcomes the right of public access to a
18 record that includes the true identity of the students involved. Public disclosure of the false accusations,
19 in connection with Plaintiffs’ true names, would cause damage far beyond that of the initial alleged
20 defamatory statement made to a limited number of people by another student (Jenna Smith).

21 Next, the paramount privacy interest of the students not to be publicly identified in connection
22 with sexual misconduct and sexual assault, or making false statements about sexual misconduct and
23 sexual assault, supports the use of pseudonyms in this case. The limited purpose of the use of
24 pseudonyms is to prevent, to the extent reasonably possible, the placing of the true identity of the
25 students into the public record, while preserving public access to the record of the action and the
26 pleadings.

27 Moreover, a significant probability exists that the students’ overriding privacy interest will be
28 prejudiced if their true identities are placed in the public record and the use of pseudonyms is not

1 permitted. Without the use of pseudonyms, public access to the complaint, the answer, and other
2 pleadings through the court's website and to the court file, could lead to the disclosure in the public, and
3 on the Internet, of the true names of the students, thereby creating a permanent record in public that
4 connects the information of a highly sensitive and personal nature to the former students, which cannot
5 be easily undone and which would cause unnecessary harm to their reputation and may expose them to
6 public ridicule and shame.

7 Additionally, the proposed use of pseudonyms for the parties in this litigation is narrowly
8 tailored because it only protects the true names of high school students, or former high school students,
9 while preserving the entire complaint, answer, and other pleadings to be filed herein, as a matter of
10 public record.

11 Finally, no less restrictive means exist to achieve the overriding interest in protecting the
12 students' true identities because the proposed motion merely restricts from the public record and public
13 view the true names without constraining public access to the pleadings and to the case records.

14 **G. ADDITIONAL CONSIDERATIONS FAVOR PERMITTING THE PARTIES TO**
15 **REMAIN ANONYMOUS**

16 Significantly, Defendant Jenna Smith has filed an action against the school district (*Jane Doe v.*
17 *Burbank Unified High School, et. al.*, 24BBCV00470), which this court has recognized as an action
18 related to the instant matter. (Order, June 25, 2024). Of note, Defendant Jenna Smith is proceeding
19 under a pseudonym in that matter, which has not been removed. If her identity is released in this case,
20 her identity would be released in the related matter. Notwithstanding the foregoing, should the identities
21 of Plaintiffs be released in this matter, the community would easily recognize the true name of
22 Defendant Jenna Smith.

23 Additionally, leading up to this litigation, the Parties have concealed their identities from the
24 public realm beyond their community. This noted difference distinguishes the Parties in this action from
25 the plaintiff in *Luo v. Volokh*, (2024) 102 Cal. App. 5th 1312, 1317, where the plaintiff filed documents
26 containing their identity. Here, the Plaintiffs Roe and Doe have gone to great lengths to protect their
27 identities in the public realm beyond the community in which the statements were published leading up
28 to these proceedings. Even Defendant Jenna Smith has protected her identity in the related action to this

1 matter. As such, their identities should remain concealed.

2 Moreover, the revelation of the identities of Roe and Doe would have an impact on similarly
3 situated potential future litigants. The First Circuit found that pseudonym treatment could be allowed in
4 cases where concealing the true identity of a party is needed to prevent a chilling effect on similarly
5 situated potential future litigants. (*Doe v. Mass. Inst. of Tech.*, 46 F.4th at 71; citing *Doe v. Megless* (3d
6 Cir. 2011) 654 F.3d 404, 410.) Here, the First Circuit explained that they must be wary of the deterring
7 effect on those who seek redress through civil litigation because that is the avenue through which they
8 can seek “peaceful resolution of disputes.” (*Doe v. Mass. Inst. of Tech.*, 46 F.4th at 71.) Representative
9 cases identified by the First Circuit included, for example, sexual activities, bodily autonomy,
10 reproductive rights, and those in which “the injury litigated against would be incurred as a result of the
11 disclosure of the [party’s] identity[.]” (*Id.* (internal quotations omitted).) Roe and Doe brought this
12 complaint forward to dissociate their names from the damaging and untrue allegations launched against
13 Doe, which include false allegations that pertain to Doe’s treatment of Roe. Plaintiffs and future
14 plaintiffs alike would incur the injury litigated against—namely, reputational damage and the
15 consequences that flow therefrom as a result of the false allegations of sexual harassment. The
16 disclosure of the alleged sexual misconduct would be released should their names be revealed and would
17 cause Doe and Roe the exact harm they seek to rectify through this complaint.

18 Furthermore, this lawsuit is “bound up with a prior proceeding made confidential by law.” (*Doe*
19 *v. Mass. Inst. of Tech.*, 46 F.4th at 71.)² After defaming Plaintiffs with her false allegations, Defendant
20 Jenna Smith launched an investigation in the school district of sexual misconduct against John Doe
21

22 ² While examples of such proceedings would be family and/or juvenile court records, Title IX
23 proceedings are treated with significance because of the “careful thought” given by the government to
24 these regulations, considering that “[c]onfidentiality is an important aspect of that vision.” *Doe v. Mass.*
25 *Inst. of Tech.*, 46 F.4th at 74. Congress enacted the Family Educational Rights and Privacy Act of 1974
26 (“FERPA”) (20 U.S.C. § 1232g; 34 CFR Part 99); to “prevent educational institutions from unilaterally
27 disclosing ‘sensitive information about students.’” *Id.* The First Circuit highlighted that Title IX requires
28 that the identities of those filing complaints of sex discrimination, as well as those accused, to be kept
confidential and stated that “[i]t is evident...that federal law aims to keep such proceedings largely
under wraps”—such background cannot be ignored. *Id.* at 74-75. *See also* (*Doe v. Trs. of Bos. Coll.*
(D.Mass. Feb. 27, 2024, Civil Action No. 23-cv-12737-ADB) 2024 U.S. Dist. LEXIS 33196, 2024 WL
816507, at *3 (highlighting the confidential treatment of a Title IX proceeding in permitting plaintiff to
proceed under a pseudonym).

1 concerning actions pertaining to both her (Jenna Smith) and Jane Roe. After participating in the
2 investigation, the school district did not impose any responsibility upon John Doe, effectively clearing
3 him of the allegations. (Compl. ¶¶ 80-81.) Here, Plaintiffs, as well as Defendants, should be placed
4 under pseudonyms because the allegations are “bound up” with a confidential sexual misconduct
5 process that later came about within the school district. While the defamatory remarks were made
6 outside of that process, the allegations are nonetheless related to the proceeding. Permitting Doe and
7 Roe to proceed under pseudonyms here would preserve the status quo, allowing the school district
8 disciplinary process to remain confidential.

9 And lastly, Plaintiffs do not have nefarious or ulterior motives in seeking the use of pseudonyms;
10 instead, they seek relief from the harm they suffered and to stop the harm from perpetuating.

11 **IV. CONCLUSION**

12 In light of the foregoing, Plaintiffs Jane Roe and John Doe respectfully request that the Court
13 grant their Motion to Proceed Under Pseudonyms. The use of pseudonyms is necessary in this matter
14 given the highly sensitive and personal nature of the allegations that occurred while Jane Roe, John Doe,
15 and Jenna Smith were all minors and to prevent the exact type of harm that the Plaintiffs seek to obtain
16 remedy for through this action.

17 Dated: November 12, 2024

Respectfully submitted,

Attorneys for Plaintiffs Jane Roe and John Doe

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Flower Street, Floor 18, Los Angeles, California 90071.

On November 12, 2024, I served the foregoing document described PLAINTIFFS' MOTION TO PROCEED UNDER PSEUDONYMS on all interested parties listed below by transmitting to all interested parties a true copy thereof as follows:

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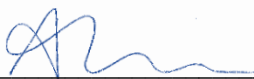
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I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on November 12, 2024 in Los Angeles, California



Adriana Gutierrez



Make a Reservation

JANE ROE, et al. vs JENNA SMITH, et al.

Case Number: 24STCV08102 Case Type: Civil Unlimited Category: Defamation (slander/libel)

Date Filed: 2024-03-29 Location: Burbank Courthouse - Department A

Reservation

Case Name: JANE ROE, et al. vs JENNA SMITH, et al.	Case Number: 24STCV08102
Type: Motion for Order (MOTION FOR COURT ORDER TO PROCEED UNDER PSEUDONYM)	Status: RESERVED
Filing Party: John Doe (Plaintiff)	Location: Burbank Courthouse - Department A
Date/Time: 01/03/2025 9:00 AM	Number of Motions: 1
Reservation ID: 188602775324	Confirmation Code: CR-4TUK27WQ9NMCSMFJR

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Description	Fee	Qty	Amount
Motion for Order (name extension)	0.00	1	0.00
TOTAL			\$0.00

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