

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

RENATA SINGLETON,
MARC MITCHELL,
LAZONIA BAHAM,
JANE DOE,
TIFFANY LACROIX,
FAYONA BAILEY, and
SILENCE IS VIOLENCE,

Plaintiffs,

v.

LEON CANNIZZARO, in his official
capacity as District Attorney of Orleans
Parish and in his individual capacity;

DAVID PIPES,
IAIN DOVER,
JASON NAPOLI,
ARTHUR MITCHELL,
TIFFANY TUCKER,
MICHAEL TRUMMEL,
MATTHEW HAMILTON,
INGA PETROVICH,
LAURA RODRIGUE, and
JOHN DOE,
in their individual capacities;

Defendants.

Case No. 17-CV-10721

JUDGE: JANE TRICHE MILAZZO

MAGISTRATE: JANIS VAN MEERVELD

PLAINTIFF JANE DOE'S MOTION FOR LEAVE TO PROCEED BY PSEUDONYM

Plaintiff Jane Doe, by and through undersigned counsel, respectfully submits this motion for leave to proceed by pseudonym in this litigation.

With respect to Plaintiff Jane Doe, this litigation involves extremely sensitive, intimate information. Ms. Doe, who turned 18 years old earlier this year, is an alleged victim of child pornography and sexual molestation in a pending criminal case in Orleans Parish Criminal

District Court. Plaintiff Doe in this lawsuit alleges violations of her civil rights by the Orleans Parish District Attorney's Office in connection with her role as the alleged victim in that criminal case.

Defendants will not suffer any prejudice if Plaintiff Doe proceeds anonymously; they are already aware of her identity. Plaintiff Doe's privacy interests also greatly outweigh the public interest in revealing her identity.

WHEREFORE, Plaintiff Jane Doe respectfully moves this Court for leave to proceed by pseudonym in this litigation.

Respectfully submitted this 26th day of October, 2017,

/s/ Anna Arceneaux

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COUNSEL FOR PLAINTIFFS

* Not licensed in the District of Columbia, practice subject to D.C. App. R. 49(c)(8), with supervision by Alec Karakatsanis, a member of the D.C. Bar.

CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing document was filed through the Court's CM ECF filing system. I further certify that on this date the foregoing document was served by first-class mail upon the following:

Hon. Leon Cannizzaro, Jr., Orleans Parish District Attorney
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John Doe, Orleans Parish Assistant District Attorney
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Dated: October 26, 2017.

/s/Anna Arceneaux
Anna Arceneaux

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**MEMORANDUM IN SUPPORT OF PLAINTIFF JANE DOE'S MOTION FOR LEAVE
TO PROCEED BY PSEUDONYM**

Plaintiff Jane Doe, by and through undersigned counsel, respectfully submits this
Memorandum of Law in Support of Plaintiff Jane Doe's Motion for Leave to Proceed by
Pseudonym.

I. Introduction

Plaintiff Doe, who turned 18 years old earlier this year, is an alleged victim of child pornography and sexual molestation in a pending criminal case in Orleans Parish Criminal District Court. In this lawsuit, Plaintiff Doe alleges violations of her civil rights by employees of the Orleans Parish District Attorney's Office in connection with her role in that case. This litigation may thus compel Plaintiff Jane Doe to disclose information concerning details of the underlying criminal case – information of the utmost intimacy.

Defendants are aware of Plaintiff Jane Doe's identity, and the issues relevant to this court's disposition of the civil rights claims are evident to the public with or without her identity being revealed. Allowing her to proceed anonymously will prejudice neither the Defendants' ability to litigate this case, nor the public interest.

I. Summary of Factual Allegations

As alleged in the civil complaint, Defendants violated Ms. Doe's constitutional rights in pursuing a criminal case in Orleans Parish Criminal District Court in which she is the alleged victim. *See generally* Rec. Doc. 1. A local news media outlet recently reported on the Defendants' actions against Ms. Doe.¹ The piece included highly sensitive details about the content of the explicit images the defendant in the criminal case allegedly took of her. The piece did not include Ms. Doe's real name.

The civil complaint in this matter contains details about the criminal case in which Ms. Doe was a victim, and future filings and discovery may reveal additional details. *See generally* Rec. Doc. 1. Regardless of the veracity of the allegations, should these details be associated with

¹ Charles Maldonado, *Lawyer says Orleans Parish DA used a fake subpoena to pressure teenage molestation victim*, The Lens (Sept. 21, 2017), <http://thelensnola.org/2017/09/21/lawyer-says-orleans-parish-da-used-a-fake-subpoena-to-pressure-teenage-molestation-victim/>.

Ms. Doe's name, she will face the additional psychological harm and stigma that comes with being a victim of sexual abuse under public scrutiny.

II. Applicable Law

A party's request to proceed under a pseudonym should be granted where "maintenance of a party's privacy" outweighs the "presumption of openness in judicial proceedings." *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir. 1981).

The Court in *Stegall* did not create a strict test to determine a plaintiff's privacy interests in proceeding anonymously, but gave several factors "considerable weight," including whether: (1) the plaintiffs seeking anonymity were suing to challenge governmental activity; (2) prosecution of the suit compelled plaintiffs to disclose information "of the utmost intimacy;" and (3) plaintiffs were compelled to admit their intention to engage in illegal conduct, thereby risking criminal prosecution. *Id.* That the moving party was a child was "especially persuasive" because of the "special vulnerability" of children. *Id.*

As an alleged victim of child sexual abuse, challenging illegal conduct of employees of the Orleans Parish District Attorney's Office in prosecuting the criminal case, Plaintiff Doe meets several of the *Stegall* factors for anonymity.

First, she is bringing this lawsuit to challenge unconstitutional and illegal government activity; namely, misconduct by Defendant Dover, as made possible by the unconstitutional policies, practices, and customs of Defendant Leon Cannizzaro as the elected District Attorney for Orleans Parish.

Second, as discussed above, the prosecution of this suit will likely compel her to disclose highly sensitive and intimate information that could lead to further psychological harm. *See, e.g., Jones, Lisa M. et al., Protecting victims' identities in press coverage of child victimization*, 11

Journalism 347, 348 (2010) (“Publicity around a child’s victimization heightens a child’s risk of experiencing shame and stigmatization”). To safeguard her privacy, Ms. Doe’s name is not identified in court records in the criminal case, nor has it been identified in news accounts concerning the Defendants’ alleged actions against her or concerning the defendant in the criminal case.

To prosecute this civil rights suit, Ms. Doe will necessarily have to present evidence of her interactions with the Defendants during their investigation of the criminal case in which she is an alleged victim. Should the Court decline to grant her request to proceed under a pseudonym in this case, Ms. Doe would be forced to expose herself as an alleged victim of sexual abuse in a pending criminal case, even though, as a child, the Criminal District Court has protected her identity. Ms. Doe should not have to relinquish the anonymity that the law correctly deems necessary in one case as the price for vindicating her constitutional rights in another.

Third, Ms. Doe was a minor at the time of the alleged incidents and is now only 18 years old. Though technically she has reached the age of majority, she is still a teenager and still lives with her mother.

The fact that a plaintiff has achieved majority by the time of her civil suit does not preclude anonymity. *See, e.g., Plaintiff B v. Francis*, 631 F.3d 1310, 1315 (11th Cir. 2011) (reversing district court denial of motion to proceed anonymously for plaintiff who was seventeen at the time of sexual conduct at issue in the case but filed civil suit after reaching age of majority); *K.S. v. Detroit Pub. Schools*, No. 14-12214, 2015 WL 13358204, at *2 (E.D. Mich. July 22, 2015) (granting 18-year-old anonymity because “plaintiff may have become an adult legally, but that temporal fact did not transform him beyond the state of his adolescence.”). Accordingly, the Court should place great weight on Ms. Doe’s youth and vulnerability.

Proceeding anonymously will also not prejudice Defendants. Defendants will still have access to the information relevant to defending the case, and they already know Ms. Doe's real name.

Finally, the public's ability to assess the merits of the pending civil rights suit will not be hampered by a single plaintiff's name being anonymized. The privacy interests in this case thus outweigh the "presumption of openness in judicial proceedings." *Stegall*, 653 F.2d at 186.

III. Conclusion

For the reasons stated above, Plaintiff Doe respectfully requests that this Court grant her leave to proceed by pseudonym in this litigation.

Respectfully submitted this 26th day of October, 2017.

/s/Anna Arceneaux

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JUDGE: JANE TRICHE MILAZZO

MAGISTRATE: JANIS VAN MEERVELD

ORDER

Considering Plaintiff Jane Doe's Motion for Leave to Proceed by Pseudonym,

IT IS HEREBY ORDERED, that the motion is **GRANTED**. Plaintiff Jane Doe is permitted to proceed anonymously by pseudonym in the above-captioned litigation.

New Orleans, Louisiana, this ___ day of _____, 2017.

UNITED STATES DISTRICT JUDGE