

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JANIE DOE**, *by her next friends and parents,  
JILL DOE and JOHN DOE*,

**Plaintiff,**

**Civil Action No. 3:24cv493**

v.

**HANOVER COUNTY SCHOOL BOARD,**  
*et al.*,

**Defendants.**

**MEMORANDUM ORDER**

This matter comes before the Court on Plaintiff Janie Doe’s Motion for Leave to File Complaint Under Pseudonym and Memorandum of Law in Support of Motion (the “Motion”). (ECF No. 23.) On July 3, 2024, Plaintiff Janie Doe filed, *inter alia*, a Complaint, (ECF No. 1), and the Motion, (ECF No. 23). In the Motion, Janie Doe “requests leave to file the attached Complaint under pseudonym, based on her status as a minor and the sensitive and highly personal nature of her transgender status, and the risk of retaliatory harm that could result from the public disclosure of her true name.” (ECF No. 23, at 1.) Defendants Hanover County School Board, Robert J. May, and Michael B. Gill have not responded to the Motion, and the time to do so has expired. *See* E.D. Va. Loc. Civ. R. 7(F)(1). The matter is ripe for disposition.

For the reasons that follow, the Court GRANTS the Motion. (ECF No. 23.)

**I. Legal Standard**

Federal Rule of Civil Procedure 10(a)<sup>1</sup> requires all parties to be named in the Complaint. “The rule recognizes ‘the general presumption of openness in judicial proceedings,’ which has a

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<sup>1</sup> Rule 10(a) states:

basis both in common law and in the First Amendment.” *Doe v. Doe*, 85 F.4th 206, 210 (4th Cir. 2023) (quoting *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993)). “Nevertheless, district courts may, in their discretion, allow pseudonymous litigation because ‘privacy or confidentiality concerns are sometimes sufficiently critical that parties or witnesses should be allowed this *rare* dispensation.’” *Id.* at 211 (quoting *James*, 6 F.3d at 238 (emphasis supplied)). “To warrant this relief, the circumstances must be ‘exceptional.’” *Id.* (quoting *Doe v. Pub. Citizen*, 749 F.3d 246, 273 (4th Cir. 2014) (internal citations omitted)).

While a case in federal court typically proceeds with the parties identified by their actual names, the United States Court of Appeals for the Fourth Circuit has, in special circumstances, allowed a party to proceed under a pseudonym. *James v. Jacobson* established a five-part test by which to evaluate a motion to proceed under pseudonym:

[(1)] whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; [(2)] whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties; [(3)] the ages of the persons whose privacy interests are sought to be protected; [(4)] whether the action is against a governmental or private party; and, [(5)] relatedly, the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

6 F.3d at 238; *see also Doe v. Doe*, 85 F.4th 206, 211 (4th Cir. 2023) (same).

Additional anonymity protections apply to minors. Federal Rule of Civil Procedure 5.2<sup>2</sup> requires that, at most, only a minor’s initials be used in a court filing. *See Fed. R. Civ. P.*

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(a) CAPTION; NAMES OF PARTIES. Every pleading must have a caption with the court’s name, a title, a file number, and a Rule 7(a) designation. *The title of the complaint must name all the parties*; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.

Fed. R. Civ. P. 10(a) (emphasis added).

<sup>2</sup> Rule 5.2 states, in pertinent part:

5.2(a)(3); *see also Doe v. United States*, No. 1:17-CV-183 (WLO), 2017 WL 11610523, at \*1 (“The age of the minor [p]laintiffs is a factor that falls clearly in favor of anonymity”) (citing Fed. R. Civ. P. 5.2(a)(3)).

## II. Analysis

Here, all five factors counsel in favor of permitting Janie Doe to file her Complaint under pseudonym.

First, Janie Doe’s asserted justification is to “preserve privacy in a matter of sensitive and highly personal nature.” (ECF No. 23, at 1–2); *see James*, 6 F.3d at 238. For decades, district courts have routinely permitted transgender plaintiffs to proceed under pseudonym “because of the social stigma associated with non-conforming gender identities.” *Doe v. United States*, No. 16-cv-0640-SMY-DGW, 2016 WL 3476313, at \*1 (S.D. Ill. June 27, 2016) (collecting cases); *see also Doe v. City of Detroit*, No. 18-cv-11295, 2018 WL 3434345, at \*2 (E.D. Mich. July 17, 2018) (same).

Second, “identification poses a risk of retaliatory physical or mental harm” to Janie Doe. *See James*, 6 F.3d at 238. Janie Doe has publicly lived as a girl since 2020 and has changed her name and birth certificate to reflect her gender identity as a girl. (ECF No. 1 ¶¶ 52–53, 67.) District courts have held that identification of plaintiffs as transgender can subject them to retaliatory physical or mental harm in the form of violence, harassment, and discrimination. *See Doe v. City of Detroit*, 2018 WL 3434345, at \*2 (taking “judicial notice of the increased threat of

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(a) REDACTED FILINGS. Unless the court orders otherwise, in an electronic or paper filing with the court that contains . . . the name of an individual known to be a minor, . . . a party or nonparty making the filing may include only:

\* \* \*

(3) the minor’s initials.

Fed. R. Civ. P. 5.2(a)(3).

violence to which transgender individuals are exposed”); *Foster v. Andersen*, No. 18-2552-DDC-KGG, 2019 WL 329548, at \*2 (D. Kan. Jan. 25, 2019) (finding plaintiff’s fears of harm resulting from possible disclosure of his transgender status justified) (collecting cases); *Doe v. Genesis HealthCare*, 535 F. Supp. 3d 335, 340 (E.D. Pa. 2021) (concluding that plaintiff’s fears of discrimination were justified based on “statistical evidence and media reports describing the danger faced by transgender individuals in the community” and plaintiff’s personal experiences). This Court so finds.

Third, the fact that Janie Doe is only eleven years old also weighs heavily in favor of granting leave to proceed under pseudonym. (ECF No. 1 ¶ 1); *see James*, 6 F.3d at 238; *see also Doe v. Doe*, 85 F.4th at 214–15 (explaining that district court correctly noted that minors are “entitled to special protection based on age”). Further, because the identification of Janie Doe’s parents would “easily lead to identification of the minor plaintiff[,],” *see Doe v. United States*, 2017 WL 11610523, at \*3, Plaintiff’s parents may proceed pseudonymously as well.

Fourth, Janie Doe brings this action against only government entities and government officials sued in their official capacity, rather than against private parties or government officials sued in their individual capacity. (*See generally* ECF No. 1.) This, too, weighs in favor of permitting Janie Doe to file pseudonymously. *See James*, 6 F.3d at 238; *compare Doe v. Doe*, 85 F.4th at 215 (acknowledging that inclusion of private parties weighs against allowing a plaintiff to proceed under pseudonym).

Fifth, little risk of unfairness to other parties exists in allowing Janie Doe to proceed under pseudonym. *See James*, 6 F.3d at 238. Here, Defendants are aware of Janie Doe’s identity because they have received and filed, under seal, documents containing Janie’s true identity.

(*See, e.g.*, ECF Nos. 21–22, 35–37.) Accordingly, this case presents little risk of unfairness in discovery or with respect to trial preparation. *See Doe v. Doe*, 85 F.4th at 216.

**III. Conclusion**

For the foregoing reasons, the Court GRANTS the Motion. (ECF No. 23.) The Complaint SHALL remain filed under pseudonym until further order of this Court.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

Date: **07/29/2024**  
Richmond, Virginia

  
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M. Hannah Lauck  
United States District Judge