

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOHN DOE,

Plaintiff,

v.

The UNITED STATES AIR FORCE,
et al.,

Defendants.

CIVIL ACTION NO.
2:07-CV-0842-RDP

**DEFENDANTS' MOTION FOR ORDER REQUIRING PLAINTIFF TO
PROCEED USING HIS REAL NAME AND ALLOWING DEFENDANTS
TO RE-FILE MEMORANDUM OF LAW AND SUBMISSION OF
EVIDENCE PREVIOUSLY FILED UNDER SEAL**

Come now all of the named defendants herein, by and through counsel, Alice H. Martin, United States Attorney for the Northern District of Alabama, and moves this Court for entry of an order requiring Plaintiff to proceed in this litigation without the cloak of anonymity and allowing the defendants to re-file unsealed copies of the Defendants' Memorandum of Law and Submission of Evidence, previously-filed herein under seal.

1. Plaintiff filed this litigation anonymously as "John Doe." On July 18, 2007, this Court ordered Plaintiff to "**SHOW GOOD CAUSE** why he has a substantial privacy right which outweighs the customary and constitutionally embedded presumption of

openness in judicial proceedings such that this court should permit him to remain anonymous.” *Show Cause Order*, entered July 18, 2007 (doc. 7).

2. Counsel for the plaintiff responded to the Show Cause Order by asserting the following in conclusory fashion: (a) “[the plaintiff’s] area of expertise places him in [sic] an greatly increased possibility of danger from sources known and unknown;” (b) “the plaintiff desires to remain anonymous and therefore not being placed in the public eye as a possible terrorist target due to the information he uncovered and delivered to the United States Government during his term of duty as an intelligence agent for the armed services;” (c) “the plaintiff contends that information he uncovered during his term of duty, has in the past and could in the future, be of value to foreign governments and terrorists organizations alike; (d) “[the plaintiff] feels that if his anonymity does not continue then he would be placed in very precarious situations;” (e) “[t]he [p]laintiff does not desire to spend the rest of his life having to ‘look over his shoulder’ to protect both home and life; (f) “[t]he [p]laintiff’s Complaint filed May 7, 2007 stated that one reason the Plaintiff wished to remain anonymous was that he feared ‘that if his identity is disclosed at this point in time, harassment by the news media, and other individuals not involved in this case would become uncontrollable.’” (g) “that the Plaintiff contends that as a member of “intelligence of the armed services, revealing his true identity would put the U S Air

Force in the position of fiercely defending their position in open court;” (h) that the Plaintiff contends that revealing his true identity at this time would hinder any possibility of settlement negotiations with the Defendants named in the Complaint. *Plaintiff’s Response to Show Cause Order*, filed 7/23/2007 (doc 9).

3. The plaintiff has failed to demonstrate his need for anonymity. The plaintiff’s reasons for maintaining anonymity appear unsubstantiated and conclusory. His purported concerns for his own safety and for his proclaimed desire to avoid media exposure ring hollow in light of his own apparent posting on an internet website. Upon being advised by the plaintiff’s counsel of “John Doe’s” identity, counsel for the defendants confirmed the existence of a posting on an internet website, which preceeds the filing of the complaint in this case, purportedly made by the plaintiff, using his real name, summarizing some of the same allegations alleged in this litigation, and providing a phone number. The plaintiff’s message on the website states that it is his goal to bring his allegations to the attention of the public and invites media wishing to break the story to contact him. Counsel for defendant is prepared to submit the web posting and internet address to the Court as the Court deems appropriate.

4. The defendants know of no reason that the plaintiff should be allowed to proceed anonymously in this litigation. In fact, allowing the plaintiff to proceed

anonymously places a greater strain and unfair burden on counsel for the defendants in defending this litigation. In support of their previously-filed motion to dismiss, or alternatively, for summary judgment, the defendants were required to file under seal a supporting memorandum of law and submission of evidence. The only reason the supporting documents were filed by the defendants under seal is because the Court in this case has not yet, as of this date, removed plaintiff's cloak of anonymity. The defendants submit that allowing the plaintiff to proceed anonymously will not facilitate settlement or resolution of this case.

5. Further, in the interests of allowing the court to fully and fairly consider the defendant's previously-filed dispositive motion and supporting documents, the defendants request that this court enter an order allowing for the re-filing of the defendant's supporting memorandum of law and submission of evidence, both of which were separately-filed UNDER SEAL with the Clerk of the Court. The only information which should remain confidential in this case is the plaintiff's social security number, which is contained in certain documents included in the evidentiary submission.

WHEREFORE, the defendants respectfully move the Court for an order requiring the plaintiff to discard his cloak of anonymity, ordering the plaintiff to proceed in this litigation using his real name, and allowing the defendants to re-file

unsealed copies of their previously submitted defendants' supporting memorandum of law and submission of evidence. The order should further require the defendants to redact the plaintiff's social security number from any of evidentiary materials prior to re-filing the submission of evidence.

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s/ Edward Q. Ragland
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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James R Bosarge, Jr, Esq.

/s Edward Q. Ragland

Edward Q. Ragland

Assistant United States Attorney