

Doe v. United States Air Force et al

**IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOHN DOE, an individual,)
Plaintiff,)

v.)

CASE NO. CV-07-P-0842-S

The UNITED STATES AIR FORCE, a)
government agency d/b/a USAF XOI-RE, or)
d/b/a The AIR INTELLIGENCE AGENCY,)
a/k/a A.I.A.; et al.)

**OBJECTION TO MOTION FOR ORDER REQUIRING PLAINTIFF
TO PROCEED USING HIS REAL NAME**

Comes now, John Doe, by and through his attorney of record, James R. Bosarge, Jr. and moves this Honorable Court to deny the Defendant’s Motion for Order Requiring Plaintiff to Proceed Using His Real Name and shows the following for the relief herein requested:

1. A Show Cause Order regarding Plaintiff’s anonymity, entered July 18, 2007 was answered on July 23, 2007, wherein Plaintiff stated generally that making his name public might subject him to physical harm from sources known and unknown (e.g. terrorist organization, etc.)

2. Plaintiff also states in his Show Cause response that he desired to avoid possible harassment by the news media and other individuals not involved in this cause, and that Plaintiff’s legal counsel has to date refused to reveal the identity of John Doe to several news media contacts.

3. Plaintiff further contends that revealing his true identity as a member of

the intelligence service of the armed services would put the United States Air Force in the position of fiercely defending their position in open court and hinder any possibility of settlement negotiations with the Defendants.

4. Defendants filed the above stated Motion For Order Requiring Plaintiff To Proceed Using His Real Name on October 17, 2007 and requested that they be allowed to re-file memorandum of law documents and submission of evidence previously filed under seal.

5. The Defendants concluded that Plaintiff had failed to demonstrate the need for anonymity and that his reasons for maintaining anonymity appear “unsubstantiated and conclusory”.

6. The reasons given for anonymity are conclusory because there is no way to substantiate that any terrorist or other organization might target the Plaintiff unless said organizations were willing to divulge their plans in some form that would be acceptable as evidence in this cause.

7. In the Defendant’s argument to lift anonymity, they state that the Plaintiff’s “purported concerns for his own safety and for his proclaimed desire to avoid media exposure ring hollow in light of his own apparent posing on an internet website”.

8. The “Blog” at which the Defendants point came about because the Plaintiff sent an email to an investigative group when he was still trying to ascertain whether to file a lawsuit or simply go public by contacting the appropriate Congressional offices. The Plaintiff never expected the short paragraph regarding a portion of his case to become an item on the Internet. In any case, that short item, which spoke only in broad terms and likely not linked with the present suit, appeared in December 2005.

9. Plaintiff, without argument from the Defendants, stands by his further contention that allowing him to remain John Doe enhances the possibility of settlement, which will allow the Defendants to keep embarrassing information out of the public eye and out of the public court records.

10. Defendant's state in their motion that the Plaintiff's anonymity "places a greater strain and unfair burden on counsel for the defendants in defending this litigation" and yet have failed to explain how the anonymity affects defense against the Plaintiff's charges. The Defendants reasons for removing the anonymity appear unsubstantiated and conclusory.

WHEREFORE PREMISES CONSIDERED, Your Movant prays that this Honorable Court will enter an Order denying the Defendant's Motion For Order Requiring Plaintiff To Proceed Using His Real Name and thereby protect the Plaintiff from known and unknown events in the future.

Your Plaintiff prays for all other such general and different relief as may be required in equity and good conscience.

Respectfully submitted,

_____/s/James R. Bosarge, Jr. ____
James R. Bosarge, Jr., Esquire
THE BOSARGE LAW FIRM P.C.
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Birmingham, Alabama 35203
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on counsel for the Defendants, Edward Q. Ragland, Assistant United States Attorney, 1801 Fourth Avenue North, Birmingham, Alabama 35203 by using the CM/ECF system which will send notification of such filing to all parties concerned.

____s/James R. Bosarge, Jr.____
James R. Bosarge, Jr, Esquire