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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JANE DOE,  
  
Plaintiff,  
  
v.  
  
HARTFORD FIRE INSURANCE  
COMPANY EMPLOYEE INCOME  
PROTECTION PLAN,  
  
Defendants.

No. 2:17-cv-01714-KJM-EFB

ORDER

Plaintiff sues her former employer for terminating her long-term disability benefits. Because the case involves personal medical information, plaintiff now requests leave to proceed under the fictitious “Jane Doe” name. Request, Sept. 5, 2017, ECF No. 6. As explained below, the case involves intensely personal medical details regarding the in-vitro conception of and gestational surrogacy of her son. The court therefore finds sufficient cause to GRANT plaintiff’s request.

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1 I. BACKGROUND

2 In her complaint, plaintiff requested to proceed as “Jane Doe.” Compl., Aug. 17,  
3 2017, ECF No. 1. Finding no express justification for the request, the court ordered plaintiff to  
4 show cause. Min. Order, Aug. 29, 2017, ECF No. 3. Her timely response outlines the basis for  
5 her request. Response, Sept. 5, 2017, ECF No. 4. Plaintiff seeks anonymity because this case  
6 will publicize private medical details about the conception and gestation of her minor son.  
7 *Id.* at 1. Plaintiff previously had a medically necessary hysterectomy, which she alleges obliged  
8 her and her husband to have their son through in-vitro fertilization and gestational surrogacy. *Id.*  
9 These facts, though ostensibly irrelevant to her long-term disability benefits based on orthopedic  
10 and neurological conditions unrelated to infertility, are relevant here because defendants deny the  
11 hysterectomy drove plaintiff’s conception decision. *Id.* This suit, therefore, will expose  
12 plaintiff’s private medical records related to these intimate subjects.

13 II. DISCUSSION

14 Courts assess requests to proceed anonymously using a three-factor balancing test.  
15 *See Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). The test  
16 weighs plaintiff’s need for anonymity against any prejudice such anonymity would pose to the  
17 defendant and to the public interest. *Id.*

18 Anonymity is allowed when necessary “to preserve privacy in a matter of sensitive  
19 and highly personal nature.” *Id.* (citation and quotation marks omitted). Although the Ninth  
20 Circuit has yet to confront a factually analogous anonymity request, *Advanced Textile* cites  
21 several persuasive examples of the types of privacy concerns warranting anonymity. *Id.* (citing  
22 *James v. Jacobson*, 6 F.3d 233, 241 (4th Cir. 1993) (holding district judge abused discretion in  
23 denying plaintiff’s request to sue anonymously because case would reveal to “particularly  
24 vulnerable pre-adolescen[ts]” that their conception was by artificial insemination and that  
25 “James” was not their biological father); *Doe v. United Services Life Ins. Co.*, 123 F.R.D. 437  
26 (S.D.N.Y. 1988) (allowing plaintiff to sue insurance company anonymously to protect against  
27 identification as homosexual); *Doe v. Deschamps*, 64 F.R.D. 652, 653 (D. Mont. 1974)  
28 (permitting plaintiff in abortion suit to use pseudonym based on pregnancy’s personal nature));

1 *but see Doe v. Hallock*, 119 F.R.D. 640 (S.D. Miss. 1987) (anonymity not warranted in sexual  
2 discrimination and harassment suit against private parties where no privacy interest beyond  
3 personal embarrassment identified). The decision is committed to the trial court's sound  
4 discretion. *Advanced Textile*, 214 F.3d at 1069 (finding district court abused its discretion by  
5 denying anonymity request without considering nonresident foreign workers' vulnerability to  
6 retaliation should their identities be exposed).

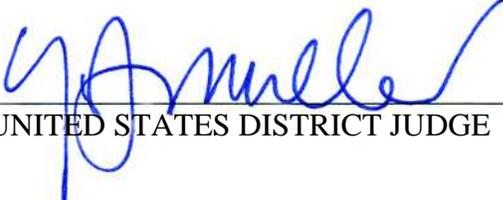
7 The facts here warrant anonymity. Shielding plaintiff's identity will prevent  
8 unwarranted publication of details related to a woman's infertility and a minor child's conception  
9 and gestation. Anonymity will not prejudice defendants because they know plaintiff's identity.  
10 Tying plaintiff's identity to the facts of this case advances no compelling public interest. Rather,  
11 the public has a greater interest in this case proceeding to the merits; denying anonymity could  
12 drive plaintiff to abandon this case to protect her family's privacy, thus hindering the public  
13 interest. *See id.* at 1073 (noting this concern).

14 Based on the intensely private facts at issue here and the absence of a compelling  
15 interest in exposing plaintiff's identity, the court DISCHARGES its order to show cause and  
16 GRANTS plaintiff's request for leave to proceed anonymously.

17 IT IS SO ORDERED.

18 This resolves ECF Nos. 3, 6.

19 DATED: September 11, 2017.

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23 UNITED STATES DISTRICT JUDGE  
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