

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
Northern District of California

NEW SENSATIONS, INC.,

No. C 11-2770 MEJ

Plaintiff,

**ORDER STRIKING MOTION TO
QUASH**

v.

DOES 1-1,474,

Docket No. 42

Defendants.

On November 15, 2011, an anonymous defendant noticed a motion to dismiss the complaint, which names only Doe defendants. The litigant identifies himself or herself only as Doe Defendant #173. Because Doe #173 has disclosed no identifying information, there is no way to determine whether the motion was filed by a real party in interest or a stranger to the litigation. As such, the filing is improper. The Clerk of Court shall STRIKE Dkt. Nos. 42 and 43. If Doe #173 wishes to appear in this action anonymously or otherwise, he or she must follow the proper procedures for doing so. At a minimum, the Court and the parties must be informed of the litigant's identity. If the litigant wishes to protect his or her identity from the public, the litigant may use a pseudonym in public filings only after receiving permission for good cause shown. Defendant is advised that the Ninth Circuit court of appeals allows the use of pseudonyms only in the most unusual cases. *See, e.g., Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th Cir. 2000).

IT IS SO ORDERED.

Dated: November 16, 2011



Maria-Elena James
Chief United States Magistrate Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NEW SENSATIONS INC,

Plaintiff,

v.

DOES 1-1474 et al,

Defendant.

Case Number: CV11-02770 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 16, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Doe 173
c/o Benjamin R. Idziak
2905 Corporate Circle
Flower Mound, TX 75028

Dated: November 16, 2011

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk