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Attorneys for DEFENDANTS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

SONYA RENEE, et al.,  
 Plaintiffs,  
 v.  
 MARGARET SPELLINGS, et al.,  
 Defendants.

Case No. 3:07-cv-04299-PJH

**[Proposed] ORDER TO PROCEED  
 UNDER FICTITIOUS NAMES**

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1 In response to the Court’s guidance provided at the hearing on January 30, 2008, and in  
2 accordance with the Court’s directive at that hearing as reflected in the minute order, Plaintiffs  
3 and Defendants, through their undersigned counsel, jointly submit the following proposed order:  
4

5 1. Plaintiff Jane Doe, a minor, by her *guardian ad litem* John Doe; Plaintiff B. Doe,  
6 a minor, by her *guardian ad litem* N. Doe; and N. Doe in her capacity as a separate, individual  
7 plaintiff, have moved the Court to allow them to proceed in this litigation using fictitious names  
8 [docket no. 39].

9 2. The Court has determined that neither General Order No. 53 nor other authority  
10 presented by Plaintiffs, under the facts and circumstances of this case, permits non-minor  
11 plaintiffs to proceed anonymously in this action where they are proceeding in an individual  
12 capacity.

13 3. However, General Order No. 53 regarding protecting the identities of minor  
14 plaintiffs is applicable here and supports permitting the minor plaintiffs—and implicitly their  
15 *guardians ad litem*—to proceed under fictitious names in this action. Although General Order  
16 No. 53 states that the initials of the minors must be used, Defendants do not object to the persons  
17 known as Jane Doe, her *guardian ad litem* John Doe, B. Doe, and—where proceeding solely as a  
18 *guardian ad litem*—her *guardian ad litem* N. Doe using their fictitious “Doe” designations in  
19 this litigation. Accordingly, the Court grants permission for Jane Doe, her *guardian ad litem*  
20 John Doe, B. Doe, and her *guardian ad litem* N. Doe to file papers with the Court using their  
21 fictitious “Doe” designations.

22 4. The Court will not permit N. Doe, nor any other undocumented non-minor  
23 plaintiff, to proceed in this action under a fictitious name where she is acting in her capacity as  
24 an individual plaintiff. Should N. Doe continue in this action in her capacity as an individual  
25 plaintiff, she must reveal her true name in papers filed with the Court.

26 5. This Order shall not apply to any information that plaintiffs are required to  
27 produce to defendants under the Federal Rules of Civil Procedure or other applicable law.  
28

6. All pleadings and other documents in the public record of this case will refer to the two minor Doe plaintiffs and their *guardians ad litem* by their "Doe" designations and will not contain any reference to their actual names. Because it is unnecessary for the Doe plaintiffs or their *guardians ad litem* to file any declarations containing their actual names, the Court denies Plaintiffs' request to file portions of the Doe plaintiffs' declarations under seal and will accordingly destroy the sealed documents in its possession. Plaintiffs will refile the declarations at issue using the Doe designation.

Agreed as to form and respectfully submitted,

Date: February 6, 2008

By: John T. Affeldt  
JOHN T. AFFELDT  
Attorney for Plaintiffs

Date: February 6, 2008

By: \_\_\_\_\_  
MICHAEL HYDE  
Attorney for Defendants

**ORDER**

ACCORDINGLY, FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Date: February \_\_\_\_, 2008

By: \_\_\_\_\_  
JUDGE PHYLLIS J. HAMILTON  
United States District Court

1 6. All pleadings and other documents in the public record of this case will refer to  
2 the two minor Doe plaintiffs and their *guardians ad litem* by their "Doe" designations and will  
3 not contain any reference to their actual names. Because it is unnecessary for the Doe plaintiffs  
4 or their *guardians ad litem* to file any declarations containing their actual names, the Court  
5 denies Plaintiffs' request to file portions of the Doe plaintiffs' declarations under seal and will  
6 accordingly destroy the sealed documents in its possession. Plaintiffs will refile the declarations  
7 at issue using the Doe designation.

8  
9 Agreed as to form and respectfully submitted,

10  
11 Date: February 6, 2008 By: \_\_\_\_\_  
12 JOHN T. AFFELDT  
13 Attorney for Plaintiffs

14  
15 Date: February 6, 2008 By: *Michael Hyde*  
16 MICHAEL HYDE  
17 Attorney for Defendants

18  
19  
20 **ORDER**

21 ACCORDINGLY, FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

22  
23  
24 Date: February 8, 2008 By: \_\_\_\_\_  
25 JUDGE PHYLLIS J. HAMILTON  
26 United States District Court  
27   
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ORDER TO PROCEED UNDER FICTITIOUS NAMES  
CASE NO. 3:07-cv-04299-PJH

**PROOF OF SERVICE**

1  
2 I hereby certify that on February 6, 2008, a true and correct copy of the following  
3 documents were served using the Court's ECF system upon the following attorneys for the  
4 Defendants:

5  
6 Peter D. Kiesler  
7 Scott N. Schools  
8 Sheila M. Liever  
9 Michael Q. Hyde  
10 Civil Division, Federal Programs Branch  
11 United States Department of Justice  
12 20 Massachusetts Ave., N.W., Room 7132  
13 P.O. Box 883  
14 Washington, D.C. 20044

15  
16  
17 **1. [Proposed] ORDER TO PROCEED UNDER FICTITIOUS NAMES**

18 I declare under penalty of perjury that the foregoing is true and correct, and that I  
19 executed this proof of service in San Francisco, California, this 6<sup>th</sup> day of February, 2008.

20 Dated: February 6, 2008

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JOYCE HEINAN  
Declarant