

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

S.K., et al.,
 Plaintiffs,
 v.
JUPITER RESEARCH, LLC, et al.,
 Defendants.

Case No. 24-cv-09090-SVK

**ORDER ON PLAINTIFFS’ MOTION
TO PROCEED PSEUDONYMOUSLY**

Re: Dkt. No. 3

Before the Court is Plaintiffs’ motion to proceed under pseudonyms and for a protective order. Dkt. 3 (the “Motion”). For the reasons that follow, the Court **GRANTS** the Motion without prejudice to any Defendant’s ability to seek to unseal Plaintiffs’ identities once the Defendants appear in this action.

I. BACKGROUND

Plaintiffs are three individuals who have indirectly purchased vaporized cannabis oil from Defendants. *See* Dkt. 1 (complaint) ¶¶ 18-30. They claim that they paid supercompetitive prices for such products as a result of Defendants’ anticompetitive conduct. *See generally* Dkt. 1.

Shortly after filing the complaint, Plaintiffs filed the Motion, seeking permission to proceed pseudonymously in this case “due to the significant risk of social stigma, retaliatory physical and mental harm, and to protect them from harassment, injury, ridicule or personal embarrassment.” Dkt. 3 at 3. Plaintiffs state that their identities will be disclosed to Defendants under an anticipated protective order. Dkt. 5.

II. LEGAL STANDARD

“The normal presumption in litigation is that parties must use their real names.” *Doe v. Kamehameha Schs./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir. 2010) (citations omitted); *see also* Fed. R. Civ. P. 10(a) (“The title of the complaint must name all parties”).

1 However, parties may “proceed anonymously when special circumstances justify secrecy.” *Does I*
2 *thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000) (citations omitted).
3 Specifically, parties may “use pseudonyms in the ‘unusual case’ when nondisclosure of the party’s
4 identity ‘is necessary . . . to protect a person from harassment, injury, ridicule or personal
5 embarrassment.’” *Id.* at 1067-68 (citations omitted).

6 “[A] party may preserve his or her anonymity in judicial proceedings in special
7 circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and
8 the public’s interest in knowing the party’s identity.” *Id.* at 1067. “The Ninth Circuit has
9 identified three circumstances where this may be the case: (1) when identification creates a risk of
10 retaliatory physical or mental harm; (2) when anonymity is necessary to preserve privacy in a
11 matter of a sensitive and highly personal nature; and (3) when the anonymous party is compelled
12 to admit his or her intention to engage in illegal conduct, thereby risking criminal prosecution.”
13 *M.J.R. v. United States*, No. 23-cv-05821-VKD, 2023 WL 7563746, at *1 (N.D. Cal. Nov. 14,
14 2023) (citing *Advanced Textile Corp.*, 214 F.3d at 1068). “When a party fears retaliation, the
15 court balances: (1) the severity of the threatened harm, (2) the reasonableness of the anonymous
16 parties’ fears, (3) the anonymous party’s vulnerability to retaliation, (4) the prejudice to the
17 opposing party, and (5) whether the public’s interest in the case requires that litigants reveal their
18 identities.” *M.J.R.*, 2023 WL 7563746, at *1 (citing *Kamehameha*, 596 F.3d at 1042).

19 **III. DISCUSSION**

20 In the Motion, Plaintiffs have addressed the relevant factors that support allowing them to
21 proceed anonymously in this case. A court in this District has held that associating a Plaintiff with
22 a combination of mental conditions including substance use disorder “would necessarily expose
23 Plaintiff to social stigma and would threaten future job opportunities that he may pursue.” *Doe v.*
24 *United of Omaha Life Ins. Co.*, No. 23-cv-02307-JST, 2023 WL 5919287, at *1 (N.D. Cal. Aug.
25 21, 2023). Although Plaintiffs in the present case do not allege that they suffer from a substance
26 use disorder or other mental conditions, they nevertheless assert that disclosure of their identities
27 “will expose Plaintiffs to severe social stigmas surrounding cannabis use, associating them
28 unnecessarily with substance abuse or substance abuse disorder.” Dkt. 3 at 5. Plaintiffs argue that

1 their fear of harm, including social stigma and professional setbacks, are reasonable “[g]iven the
2 strong beliefs that are often tied to cannabis consumption.” *Id.* at 5-6.

3 Plaintiffs argue that Defendants will not be prejudiced if Plaintiffs are permitted to proceed
4 anonymously because Plaintiffs’ identities will be disclosed to Defendants under a forthcoming
5 protective order. Dkt. 3 at 6. Under such circumstances, pseudonymity may not “impede
6 Defendants’ ability to develop their case.” *United of Omaha*, 2023 WL 5919287, at *1.

7 Plaintiffs also explain that the public interest will not be harmed if they are permitted to
8 proceed pseudonymously because their identities are not central to the issues raised in this
9 litigation and because forcing them to litigate stigmatizing claims publicly would disincentivize
10 litigants from challenging anticompetitive practices such as those alleged here. *See* Dkt. 3 at 6-7.
11 Plaintiffs also represent that “[t]he parties will need to only redact Plaintiffs’ names and other
12 identifying information, while allowing pleadings, briefs, and relevant documents to be submitted
13 publicly, which promotes public access to the record as a whole.” *Id.* at 7. Such considerations
14 weigh in favor of allowing Plaintiffs to proceed pseudonymously. *See United of Omaha*,
15 2023 WL 5919287, at *2.

16 **IV. CONCLUSION**

17 For the foregoing reasons, the Court **GRANTS** the Motion. However, Defendants have
18 not yet appeared in this case or had an opportunity to be heard on the issues raised by the Motion.
19 This order is without prejudice to a later motion by any Defendant seeking to unseal the Plaintiffs’
20 identities. *See, e.g., Doe v. Risch*, No. 18-cv-04583-SBA, Dkt. 14 at 2 (N.D. Cal. Aug. 13, 2018).
21 Unless and until the Court orders otherwise, Plaintiffs may continue to identify themselves in this
22 action using their initials, all filings on the docket may reference Plaintiffs using only their initials,
23 and no Party may publicly disclose Plaintiffs’ identities.

24 **SO ORDERED.**

25 Dated: January 8, 2025

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28 SUSAN VAN KEULEN
United States Magistrate Judge