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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JANE DOE,

Plaintiff,

v.

CISSY STEELE, et al.,

Defendants.

Case No. 20-cv-1818-MMA (MSB)

**MOTION GRANTING IN PART
PLAINTIFF’S MOTION FOR
PROTECTIVE ORDER AND LEAVE
TO PROCEED ANONYMOUSLY**

[Doc. No. 4]

Jane Doe (“Plaintiff”) brings this action against multiple Defendants alleging that she was targeted and groomed for “for the sole purpose of sex trafficking her, in violation of the [Trafficking Victims Protection Reauthorization Act].” Doc. No. 12 (“FAC”) ¶ 1. Plaintiff now moves for a protective order and leave to proceed anonymously. *See* Doc. No. 4. A group of Defendants—Diabolic Video Productions, Inc.; Black Ice LTD; Zero Tolerance Entertainment, Inc.; and Third Degree Films (collectively, “Video Defendants”)—have filed an opposition to Plaintiff’s motion. *See* Doc. No. 16. Plaintiff has not filed a reply. The Court found the matter suitable for determination on the papers and without oral argument pursuant to Federal Rule of Civil Procedure 78(b) and Civil

1 Local Rule 7.1.d.1. *See* Doc. No. 18. For the reasons set forth below, the Court
2 **GRANTS IN PART** Plaintiff’s motion.

3 **I. BACKGROUND**

4 Plaintiff’s action arises from sex trafficking allegations against one individual and
5 several pornographic film studios and websites. *See* FAC ¶¶ 20–31.

6 Representing herself as a talent agent and promising to make Plaintiff a model,
7 Cissy Steele (“Steele”) allegedly targeted and groomed Plaintiff for sex trafficking. *See*
8 *id.* ¶¶ 1, 2. Plaintiff claims Steele “coerced and lured [Plaintiff] to move into her home”
9 where Steele then used “psychological manipulation and coercion, intimidation tactics,
10 threats, and physical violence to control, dominate and exploit [Plaintiff].” *Id.* ¶¶ 3, 4.
11 Plaintiff further avers that Steele forced Plaintiff to engage in “commercial sex acts” and
12 then forced Plaintiff to give the profits to her. *Id.* ¶ 5. Additionally, Plaintiff alleges that
13 Steele forced her to perform in pornographic videos for adult film companies against her
14 will. *See id.* ¶ 6. The film companies paid Steele directly and failed to pay Plaintiff for
15 her involuntary work. *Id.* Additionally, Plaintiff alleges that the pornographic film
16 studios and websites participated in Steele’s sex trafficking venture because they knew,
17 or should have known, Steele was trafficking Plaintiff and “knowingly benefited from her
18 illegal venture by selling videos and posting videos through online websites that featured
19 Jane Doe for profit.” *Id.* ¶¶ 7–8.

20 Based on these allegations, Plaintiff has brought seven causes of action: (1)
21 violation of the Trafficking Victims Protection Act (“TVPA”), 18 U.S.C. § 1591(a); (2)
22 participation in a venture in violation of the TVPA, 18 U.S.C. § 1591(a); (3) financially
23 benefiting from sex trafficking in violation of the TVPA, 18 U.S.C. § 1595; (4)
24 conspiracy to commit violation of the TVPA, 18 U.S.C. § 1594; (5) violation of record
25 keeping requirements, 18 U.S.C. § 2257; (6) preliminary and permanent injunction; and
26 (7) violations of California Labor Code §§ 201, 226.8, 1194. *Id.* ¶¶ 136–188. Plaintiff
27 claims she uses “a pseudonym to protect her identity because of the sensitive and highly
28 personal nature of this matter” and because of the “serious risk of retaliatory harm

1 because Steele has continued to contact [Plaintiff] and her family, threatening physical
2 violence against her.” *Id.* ¶¶ 15, 16. Plaintiff now moves for a protective order and leave
3 to proceed anonymously. *See* Doc. No. 4.

4 **II. LEGAL STANDARD**

5 A plaintiff’s use of a fictitious name “runs afoul of the public’s common law right
6 of access to judicial proceedings and Rule 10(a)’s command that the title of every
7 complaint ‘include the names of all the parties.’” *Does I thru XXIII v. Advanced Textile*
8 *Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000) (citations omitted) (quoting Fed. R. Civ. P.
9 10(a)). “This presumption is loosely related to the public’s right to open courts, and the
10 right of private individuals to confront their accusers.” *Doe v. Kamehameha*
11 *Sch./Bernice Pauahi Bishop Estate*, 596 F.3d 1036, 1042 (9th Cir. 2010) (citations
12 omitted).

13 The Ninth Circuit permits parties “to use pseudonyms in the ‘unusual case’ when
14 nondisclosure of the party’s identity ‘is necessary . . . to protect a person from
15 harassment, injury, ridicule or personal embarrassment.’” *Advanced Textile Corp.*, 214
16 F.3d at 1067–68 (quoting *United States v. Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1980)).
17 “[A] party may preserve his or her anonymity in judicial proceedings in special
18 circumstances when the party’s need for anonymity outweighs prejudice to the opposing
19 party and the public’s interest in knowing the party’s identity.” *Id.* at 1068. When a
20 pseudonym is used to protect the anonymous party from retaliation, courts determine
21 whether anonymity is necessary through analyzing three factors: “(1) the severity of the
22 threatened harm; (2) the reasonableness of the anonymous party’s fears; and (3) the
23 anonymous party’s vulnerability to such retaliation.” *Id.* (citations omitted). In
24 determining prejudice, courts must “determine the precise prejudice at each stage of the
25 proceedings to the opposing party, and whether proceedings may be structured so as to
26 mitigate that prejudice.” *Id.* Finally, courts must determine “whether the public’s
27 interest in the case would be best served by requiring that the litigants reveal their
28 identities.” *Id.*

1 When the party seeking anonymity meets this burden, the court “should use its
2 powers to manage pretrial proceedings and to issue protective orders limiting disclosure
3 of the party’s name to preserve the party’s anonymity to the greatest extent possible
4 without prejudicing the opposing party’s ability to litigate the case.” *Id.* at 1069
5 (citations omitted).

6 **III. DISCUSSION**

7 **A. Motion for Leave to Proceed Anonymously**

8 Plaintiff seeks the Court’s leave to bring her action anonymously as well as “a
9 protective order, pursuant to Federal Rules of Civil Procedure 26(c), to ensure that
10 Defendants keep Plaintiff’s identity confidential throughout the pendency of the lawsuit
11 and thereafter.” Doc. No. 4-1 at 2.¹ She also wants “redaction of her personally
12 identifying information from the public docket and assurances that Defendants will not
13 use or publish, Plaintiff’s identity pursuant to the protective order.” *Id.* at 10. In the final
14 sentence of her motion, Plaintiff further requests the Court “order that any release or
15 deliberate disclosure of Plaintiff’s identity by Defendants, to anyone outside of their legal
16 representatives, be sanctionable and accountable to the fullest extent of the law.” *Id.*

17 To assess whether Plaintiff should proceed anonymously, the Court must balance
18 Plaintiff’s need against prejudice to Defendants’ and the public’s interest. The Court
19 addresses each interest in turn.

20 **1. Plaintiff’s Need for Anonymity**

21 First, the Court considers Plaintiff’s need for anonymity. Plaintiff argues that
22 disclosing her identity would reveal highly sensitive and personal information. Doc. No.
23 4-1 at 5. In particular, Plaintiff points to her allegations that she was forced and coerced
24 into sex trafficking, having sex for profit under the threat of violence to her and her
25 family, and engaging in a relationship with adult film companies. *Id.* at 6 (citing Doc.
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28 ¹ All citations refer to the pagination assigned by the CM/ECF system.

1 No. 1 ¶¶ 46–52). Plaintiff further asserts that disclosure would worsen the psychological
2 harm she already suffers. *See id.* She contends that disclosure would bring Plaintiff into
3 the public spotlight, which would cause “severe embarrassment” and would make her
4 more vulnerable to the trauma she escaped. *See id.* 7, 8.

5 Plaintiff’s allegations demonstrate her need to proceed anonymously. Plaintiff is a
6 survivor of human trafficking. *See* FAC ¶¶ 1–5. She was subjected to “psychological
7 manipulation and coercion, intimidation tactics, threats, and physical violence.” *Id.* ¶¶ 4;
8 *see also id.* 41, 43, 57. When Plaintiff did not adhere to Steele’s orders, Steele threatened
9 Plaintiff and her family and physically abused Plaintiff. *See id.* ¶¶ 43, 51, 57, 62. These
10 threats included threatening to kill Plaintiff and her dog if she did not cooperate. *See id.*
11 ¶¶ 43, 62. Steele forced Plaintiff prostitute herself and pass the profit to Steele. *See id.*
12 ¶¶ 5, 47–53. Steele further forced Plaintiff to perform in pornographic videos. *See id.*
13 ¶¶ 6, 56–57. Steele forced Plaintiff to take “illicit drugs” to make her dependent on
14 Steele. *Id.* ¶ 63. Steele’s threats continued after Plaintiff escaped her control:

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16 69. After Jane Doe escaped Steele’s control, Steele began calling Jane Doe’s
17 mother and neighbor, threatening them and Jane Doe if she did not return.
18 Steele made threatening calls to Jane Doe’s neighbor and mother almost
19 every week after Jane Doe left her control.

20 70. Steele threatened to find Jane Doe and hunt her down if she did not
21 return and/or if she did not remain silent about Steele’s sex trafficking
22 scheme.

22 *Id.* ¶¶ 69–70.

23 Based on these allegations, the Court finds that Plaintiff has a high need for
24 anonymity. *See B.M. v. Wyndham Hotels & Resorts, Inc.*, No. 20-cv-00656-BLF, 2020
25 WL 4368214, at *10 (N.D. Cal. July 30, 2020) (finding the plaintiff’s need for anonymity
26 weighs in favor of granting the request when she was sex trafficked as a minor and the
27 case involved sensitive and highly personal information); *Doe v. Penzato*, No. CV10-
28 5154 MEJ, 2011 WL 1833007, at *3 (N.D. Cal. May 13, 2011) (finding the plaintiff had

1 a high need for anonymity where she alleged she was the victim of human trafficking,
2 forced labor, and sexual battery). Plaintiff’s proffered rationale for her motion rests on
3 the highly sensitive and personal nature of her allegations. Therefore, the Court finds that
4 Plaintiff has alleged sufficient facts to show that she has a high need for anonymity.

5 **2. Prejudice to Defendants**

6 Second, the Court considers prejudice to Defendants that would occur if Plaintiff
7 proceeds anonymously. Plaintiff argues that her requested relief will not prejudice
8 Defendants because her name will be provided to Defendants “subject to a protective
9 order that prohibits disclosure to any third parties.” Doc. No. 4-1 at 9. Plaintiff contends
10 that there is no other mechanism to protect her identity. *Id.* at 10. Video Defendants
11 respond that “[c]omplete anonymity will hinder the investigation and discovery efforts.”
12 Doc. No. 16 at 7; *see also id.* at 8. Video Defendants further contend that anonymity
13 would “cast[] a shadow of speculation and suspicion on its business and its employees.”
14 *Id.* at 7. They take particular issue with Plaintiff’s request for sanctions for “any release
15 or deliberate disclosure of Plaintiff’s identity by Defendants, to anyone outside of their
16 legal representatives.” *Id.* at 8 (quoting Doc. No. 4-1 at 10). They contend that this relief
17 is overbroad and would hinder discovery as well as is punitive because Plaintiff does not
18 allege Video Defendants threatened, coerced, or retaliated against her. *See id.* Video
19 Defendants point out that they have used Plaintiff’s image and stage name over the last
20 ten years and waiting to unmask her legal name will not cure prejudice. *See id.* In
21 further arguing that Plaintiff’s requested relief is prejudicial, Video Defendants note that
22 adhering to Plaintiff’s wishes would prevent them from contacting potential witnesses.
23 *See id.* at 9–10.

24 Here, the Court must “determine *the precise prejudice at each stage* of the
25 proceedings to the opposing party, and whether proceedings may be structured so as to
26 mitigate that prejudice.” *Advanced Textile Corp.*, 214 F.3d at 1068 (emphasis added).
27 Video Defendants’ objections focus on prejudice during the discovery and later phases of
28 the litigation. *See* Doc. No. 16 at 8, 9. The action is currently at the pleadings stage:

1 Plaintiff has filed her FAC, and Defendants have not yet answered. Video Defendants
2 have not shown how Plaintiff's use of a pseudonym at this stage of the litigation is
3 prejudicial or, even if they did, how such prejudice outweighs the heavy need for Plaintiff
4 to proceed anonymously. As to Video Defendants' argument regarding "a shadow of
5 speculation and suspicion on its business and its employees," Doc. No. 16 at 7, the Court
6 finds this argument unavailing because they will still face public exposure regardless of
7 whether Plaintiff proceeds anonymously and Plaintiff's allegations would otherwise
8 remain unchanged. *See Penzato*, 2011 WL 1833007, at *4.

9 Moreover, Plaintiff does not necessarily foreclose total disclosure of her full name:
10 she expresses willingness to provide her name to Defendants subject to a protective order.
11 *See* Doc. No. 4-1 at 9. The Court finds that a protective order and case management
12 discussions would mitigate Defendants' concerns over discovery and investigation given
13 that "it is foreseeable that anonymity would raise problems for discovery" and
14 "anonymity need not, and should not, impede either party's ability to develop its case."
15 *Jane Roes 1-2 v. SFBSC Mgmt., LLC*, 77 F. Supp. 3d 990, 996 (N.D. Cal. 2015).

16 Therefore, the Court finds that the prejudice against Defendants is low given that
17 the action is in the pre-discovery stage and the Court can manage the pretrial proceedings
18 to mitigate problems that anonymity may raise. *See SFBSC Mgmt., LLC*, 77 F. Supp. 3d
19 at 996 (quoting *Advanced Textile Corp.*, 214 F.3d at 1069, 1072).

20 **3. Public Interest in Knowing Plaintiff's Identity**

21 Third, the Court considers whether the public interest would best be served by
22 Plaintiff revealing her identity. Plaintiff asserts that the public would not be harmed
23 because there is a superior interest in allowing victims to bring their claims "without the
24 defendants deterring them from pursuing their claims by forcing the Plaintiff's public
25 identification." Doc. No. 4-1 at 8. She argues a central deterrent to reporting sex crimes
26 is victims' fear of having their identity exposed and that the public interest is better
27 served when the victims feel comfortable to come forward. *Id.* In essence, she contends
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1 “[c]ompelling the identification of Plaintiff will deter other sex trafficking litigation.” *Id.*
2 at 9.

3 The Court finds that proceeding anonymously “serves strong public interest
4 because other victims will not be deterred from reporting such crimes.” *Wyndham Hotels*
5 *& Resorts, Inc.*, 2020 WL 4368214, at *10; *see also Heineke v. Santa Clara Univ.*, No.
6 17-cv-05285-LHK, 2017 WL 6026248, at *22 (N.D. Cal. Dec. 5, 2017); *Penzato*, 2011
7 WL 1833007, at *5. Additionally, the public interest is not threatened by withholding a
8 plaintiff’s identity where “there is nothing about the Plaintiff’s identity which makes it
9 ‘critical to the working of justice’ and the basic facts of the case will be on public
10 record.” *Wyndham Hotels & Resorts, Inc.*, 2020 WL 4368214, at *10 (quoting *SFBSC*
11 *Mgmt., LLC*, 77 F. Supp. 3d at 996). Therefore, the Court finds that the public interest
12 would be best served if Plaintiff is permitted to proceed anonymously.

13 **4. Conclusion**

14 After weighing Plaintiff’s high interest in needing anonymity, the relatively low
15 prejudice to Defendants at the pre-discovery stage of litigation, and the strong public
16 interest in allowing Plaintiff to proceed anonymously, the Court finds that Plaintiff has
17 met her burden to proceed under the “Jane Doe” pseudonym. Accordingly, the Court
18 **GRANTS** Plaintiff’s motion to proceed anonymously under the pseudonym “Jane Doe”
19 in her public filings.

20 **B. Motion for a Protective Order**

21 In addition to seeking to proceed anonymously, and as noted above, Plaintiff
22 further seeks a “a protective order, pursuant to Federal Rules of Civil Procedure 26(c), to
23 ensure that Defendants keep Plaintiff’s identity confidential throughout the pendency of
24 the lawsuit and thereafter.” Doc. No. 4-1 at 2. Relatedly, Plaintiff further requests the
25 Court “order that any release or deliberate disclosure of Plaintiff’s identity by
26 Defendants, to anyone outside of their legal representatives, be sanctionable and
27 accountable to the fullest extent of the law.” *Id.* at 10. Video Defendants oppose any
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1 court order that limits their ability to engage in discovery and conduct an investigation
2 into the allegations. *See* Doc. No. 16 at 10.

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4 In cases where plaintiff has demonstrated a need for anonymity, the district
5 court should use its powers to manage pretrial proceedings under Rule 16(b)
6 and to issue protective orders limiting disclosure of the party’s name under
7 Rule 26(c) “to preserve the party’s anonymity to the greatest extent possible
without prejudicing the opposing party’s ability to litigate the case.”

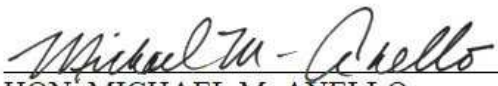
8 *Wyndham Hotels & Resorts, Inc.*, 2020 WL 4368214, at *9 (first citing *Advanced Textile*
9 *Corp.*, 214 F.3d at 1069; and then citing Fed. R. Civ. P. 16(b)) (quoting Fed. R. Civ. P.
10 26(c)). Because protective orders often pertain to discovery and Plaintiff seeks one
11 pursuant to Federal Rule of Civil Procedure 26(c), the Court finds that her request for a
12 protective order should be addressed to the Magistrate Judge when the pleadings have
13 closed. *See* CivLR 72.1.b; Berg Civ. Chambers R. IV.C, VI, VII; *see also Wyndham*
14 *Hotels & Resorts, Inc.*, 2020 WL 4368214, at *10 (“[A]ny discovery issues (if presented
15 at all) are matters for another day.”). Accordingly, the Court declines to rule on
16 Plaintiff’s request for a protective order and refers the matter to the assigned Magistrate
17 Judge for consideration in due course.

18 **IV. CONCLUSION**

19 For the foregoing reasons, the Court **GRANTS IN PART** Plaintiff’s motion. The
20 Court **GRANTS** leave for Plaintiff to proceed anonymously under the pseudonym “Jane
21 Doe” in her public filings. The Court **ORDERS** all publicly filed materials in this action
22 refer to Plaintiff as “Jane Doe.” The Court declines to rule on Plaintiff’s request for a
23 protective order and refers the matter to the assigned Magistrate Judge for consideration
24 in due course.

25 **IT IS SO ORDERED.**

26 Dated: November 13, 2020

27 
28 HON. MICHAEL M. ANELLO
United States District Judge