

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 17-cv-00067-PAB-CBS

K.M., by and through his next friends, J.M. and B.J.M.;
J.M., individually;
B.J.M., individually;
M.F., by and through her next friend, W.F.;
W.F., individually;
J.S., by and through his next friends, C.S. and F.S.;
C.S., individually;
F.S., individually;
S.K., by and through her next friend, THE ARC OF PUEBLO;
R.W., by and through her next friend, THE ARC OF PUEBLO;
K.S., by and through her next friend, THE ARC OF PUEBLO;
E.P., by and through his next friend, THE ARC OF PUEBLO;
D.M., by and through her next friend, THE ARC OF PUEBLO;
R.L., by and through his next friend, THE ARC OF PUEBLO;
C.H., by and through his next friend, THE ARC OF PUEBLO;
D.S., by and through his next friend, THE ARC OF PUEBLO;
R.P., by and through his next friend, THE ARC OF PUEBLO;
L.V., by and through her next friend, THE ARC OF PUEBLO;
W.S., by and through his next friend, THE ARC OF PUEBLO;
T.J.S., by and through his next friend, THE ARC OF PUEBLO;
B.C., by and through her next friend, THE ARC PIKES PEAK REGION;
P.B., by and through her next friend, THE ARC PIKES PEAK REGION; and
ESTATE OF B.B., by and through its personal representative, THE ARC OF PUEBLO,

Plaintiffs,

v.

JOHN W. HICKENLOOPER, JR., in his official capacity as Governor of Colorado;
COLORADO DEPARTMENT OF HUMAN SERVICES;
REGGIE BICHA;
NIKKI HATCH;
VICKI MANLEY;
SARAH AURICH;
TRACY MYSZAK;
LAURA DEVRIES;
JENNIFER BURKE;
MICHELLE OHNEMUS;
MARIT MELAND;
ISAAC LAWAL;
SARAH LIPPE;

KRISTIE PALUCH;
CARLA JUAREZ;
TONY GHERARDINI; and
JOHN & JANE DOES 1-10,

Defendants.

ORDER

This matter is before the Court on Plaintiffs' Unopposed Motion to Proceed Using Pseudonym [Docket No. 18], wherein plaintiffs move the Court to allow all plaintiffs, except the Arc of Pueblo and the Arc Pikes Peak Region, to proceed under pseudonyms. *Id.* In their complaint, plaintiffs allege that people with severe intellectual or developmental disabilities who resided at Pueblo Regional Center ("PRC") in March 2015 were subjected to forcible strip searches without their consent, "including hands-on genital contact in many cases." Docket No. 1-4 at 3 ¶ 2. Plaintiffs are concerned that having to litigate this case in their own names would "severely embarrass them and invade their privacy." Docket No. 18 at 4. Plaintiffs seek to protect the identities of family members and guardians among the plaintiffs because revealing their names would tend to reveal the names of those plaintiffs who lived at PRC. *Id.* at 5.

The Court finds that this is one of the "exceptional cases involving matters of a highly sensitive and personal nature" where proceeding under a pseudonym is appropriate. *Femedeer v. Haun*, 227 F.3d 1244, 1246 (10th Cir. 2000) (quoting *Doe v. Frank*, 951 F.2d 320, 324 (11th Cir. 1992)). Further, in light of the allegations in the complaint, the Court finds that the public interest does not outweigh the plaintiffs'

privacy interests. See *M.M. v. Zavaras*, 139 F.3d 798, 802 (10th Cir. 1998) (discussing *Lindsey v. Dayton-Hudson Corp.*, 592 F.2d 1118 (10th Cir. 1979)). Accordingly, it is

ORDERED that Plaintiffs' Unopposed Motion to Proceed Using Pseudonym [Docket No. 18] is **GRANTED**.

DATED February 1, 2017.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge