

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

FLORIDA ABOLITIONIST and JANE  
DOE,

Plaintiffs,

v.

Case No: 6:17-cv-218-Orl-28TBS

BACKPAGE.COM LLC,  
EVILEMPIRE.COM, BIGCITY.COM,  
CARL FERRER, MICHAEL LACEY and  
JAMES LARKIN,

Defendants.

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**ORDER**

This case comes before the Court without oral argument on Plaintiff, Jane Doe's Motion for Leave to Proceed Anonymously (Doc. 2). The complaint alleges that Jane Doe was a victim of human trafficking during which time she was raped, and otherwise psychologically and physically traumatized (Id., at 1-2). Now, she seeks leave of Court to proceed anonymously in this action (Id., at 2).

The title of the complaint should contain the names of all of the parties. FED. R. CIV. P. 10(a). This requirement "serves more than administrative convenience. It protects the public's legitimate interest in knowing all of the facts involved, including the identities of the parties." Doe v. Frank, 951 F.2d 320, 322 (11<sup>th</sup> Cir. 1992). There is an exception to the rule when "the plaintiff has a substantial privacy right which outweighs the 'customary and constitutionally-embedded presumption of openness in judicial proceedings.'" Id., at 323 (quoting Doe v. Stegall, 653 F.2d 180, 186 (5<sup>th</sup> Cir. 1981)). Courts have found that

the “substantial privacy right” test is satisfied when a plaintiff is “required to disclose information of the utmost intimacy.” Id.

“In evaluating whether a plaintiff has shown that he has such a right, the court ‘should carefully review all the circumstances of a given case and then decide whether the customary practice of disclosing the plaintiff’s identity should yield to the plaintiff’s privacy concerns.’” Plaintiff B v. Francis, 631 F.3d 1310, 1316 (11<sup>th</sup> Cir. 2011) (quoting Stegall, 653 F.2d at 186)).

Jane Doe alleges that she was eleven years old the first time she was trafficked, that she has been raped repeatedly, and sold for sex on Defendants’ website, Backpage.com (Doc. 2 at 1). These matters go far beyond simple embarrassment, they are of a deeply personal and sexual nature. In fact, it is hard to imagine matters of a more sensitive or personal nature. Jane Doe’s allegations make it reasonably foreseeable that the disclosure of her identity in this action will cause her social stigmatization. It is also reasonably foreseeably that the disclosure of Jane Doe’s identity will victimize her in much the same way the Government argues in child pornography cases that the child is victimized each time the pornographic video or photograph depicting the child is viewed.

For these reasons, the Court finds that Jane Doe’s need for anonymity outweighs the presumption of openness in judicial proceedings. Accordingly, the motion is **GRANTED**. Plaintiff Jane Doe will be permitted to proceed anonymously provided however, she will be required to share her identity with Defendants, in a non-public manner. Defendants and their counsel are prohibited from disclosing Jane Doe’s true identity to the general public without prior Court approval.<sup>1</sup>

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<sup>1</sup>Plaintiff also expresses concern that revealing her identity would “inject her name into the contentious debate over online freedom of speech and sex trafficking. The heated nature of this debate

Counsel for Plaintiffs shall cause a copy of this Order to be served on all Defendants.

**DONE and ORDERED** in Orlando, Florida on February 8, 2017.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to Counsel of Record

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creates a significant risk that Jane Doe will face harassment for her role in this litigation.” (Doc. 2 at 4). The Court will require more than a bare assertion before making this finding.