

1

2

3

UNITED STATES DISTRICT COURT

4

DISTRICT OF NEVADA

5

* * *

6

JANE DOE,

Case No. 3:24-cv-00065-MMD-CSD

7

Plaintiff,

ORDER

8

v.

9

JOSEPH LOMBARDO, in his capacity as
Governor of the State of Nevada, *et al.*,

10

Defendants.

11

I. SUMMARY

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Anonymous Plaintiff “Jane Doe” filed this action to challenge Nevada’s system of legalized prostitution, asserting claims against four Nevada establishments licensed to sell sexual services (“Brothel Defendants”)¹, their respective counties (“County Defendants”), and Nevada’s Governor and Attorney General (“State Defendants”), under the Thirteenth Amendment and the Trafficking Victims Protection Reauthorization Act (“TVPRA”), 18 U.S.C. §§ 1591(A)(1)-(2), 1595. (ECF No. 1 (“Complaint”).) On August 16, 2024, the Court dismissed Plaintiff’s claims against State and County Defendants—as well as her prospective relief claims against Brothel Defendants—and issued an order to show cause (“OSC”) directing Plaintiff to demonstrate standing to bring her remaining damages claims against Brothel Defendants. (ECF No. 112 (“August Order”).) On October 18, 2024, the Court issued an order finding that Plaintiff satisfied the OSC as to her TVPRA claims, denying her motion for a protective order and leave to proceed

¹Brothel Defendants are Western Best, Inc. d/b/a Chicken Ranch (“Chicken Ranch”); Desert Rose Club, LLC (“Desert Rose Club”); Hacienda Rooming House, Inc. d/b/a Bella’s Hacienda Ranch (“Bella’s Hacienda Ranch”); Mustang Ranch Productions, LLC d/b/a Mustang Ranch Lounge, LLC (“Mustang Ranch”), and Lance Gilman, owner of Mustang Ranch, in his individual capacity (collectively, “Mustang Ranch Defendants”).

1 pseudonymously (ECF No. 73), and directing her to disclose her identity to proceed. (ECF
2 No. 141 (“October Order”).)

3 Now before the Court is Plaintiff’s motion for reconsideration of the portion of the
4 October Order denying leave to proceed under a pseudonym. (ECF No. 145 (“Motion for
5 Reconsideration”)².) In the alternative, Plaintiff requests that the Court certify an
6 interlocutory appeal. (*Id.*) Also before the Court is Defendant Desert Rose Club’s motion
7 for sanctions. (ECF No. 153 (“Motion for Sanctions”).³) For the reasons explained below,
8 the Court denies both motions and sets a new deadline for Plaintiff to file a notice
9 disclosing her identity.

10 **II. BACKGROUND**

11 Plaintiff Doe is an anonymous individual residing in Nevada who alleges that she
12 experienced sex trafficking while working at four separate licensed Nevada brothels over
13 the course of six years. (ECF No. 1.) In her original Complaint, Doe asserted Thirteenth
14 Amendment constitutional claims, as well as statutory claims for perpetrating and
15 benefiting from sex trafficking under 18 U.S.C. §§ 1591(A)(1) and 1595 of the TVPRA,
16 seeking both injunctive relief and damages. (*Id.* at 42-44.) The Court dismissed all claims
17 against State and County Defendants⁴ and certified final judgment as to those
18 defendants. (ECF No. 158.)

19 In its August Order, the Court dismissed Plaintiff’s prospective relief claims against
20 Brothel Defendants and directed Plaintiff to show cause as to her standing to bring
21 damages claims against them. (ECF No. 112.) Given the OSC, the Court declined to
22 reach Defendants’ argument that Plaintiff’s use of a pseudonym violated Fed. R. Civ. P.
23 10(a), warranting dismissal as an independent threshold issue. (*Id.*) The Court similarly

24
25 ²Western Best responded (ECF No. 149) and Mustang Ranch Defendants, Bella’s
26 Hacienda Ranch, and Desert Rose Club joined the response (ECF Nos. 150, 151, 152).
27 Plaintiff replied. (ECF No. 154.)

28 ³Plaintiff responded (ECF No. 155) and Desert Rose Club replied (ECF No. 156).

⁴The Court dismissed claims against Defendant Gilman in his official capacity as
County Commissioner, but has not dismissed claims against him in his individual capacity
as owner of Mustang Ranch.

1 deferred ruling on Plaintiff's motion for a protective order and leave to proceed
2 pseudonymously (ECF No. 73 ("Motion for Protective Order")). (ECF No. 112.)

3 On August 30, 2024, Plaintiff responded to the OSC. (ECF No. 115.) Addressing
4 this response in its October Order, the Court found that Plaintiff failed to demonstrate
5 standing to seek damages under the Thirteenth Amendment, but that she satisfied the
6 OSC as to her statutory TVPRA damages claims. (ECF No. 141 at 5-9.) Turning to the
7 Motion for Protective Order, the Court found that Plaintiff failed to demonstrate her interest
8 in anonymity outweighed other relevant factors. (*Id.* at 9-15.) The Court thus denied
9 Plaintiff's request to proceed under the pseudonym "Jane Doe" and directed her to file a
10 notice disclosing her true identity within 15 days if she wished to proceed with her TVPRA
11 claims. (*Id.*)

12 Instead of filing a notice disclosing her identity, Plaintiff filed the instant Motion for
13 Reconsideration. (ECF No. 145.) In the alternative, she requests that the Court permit her
14 to seek interlocutory appeal. (*Id.*) Separately, Defendant Desert Rose Club moved for
15 sanctions against Doe and her attorneys on the basis that both the Complaint and the
16 response to the OSC are legally and factually baseless. (ECF No. 153.)

17 **III. DISCUSSION**

18 **A. Motion for Reconsideration**

19 Plaintiff argues the Court should reconsider its decision barring her from
20 proceeding anonymously as "Jane Doe" under this district's local rules.⁵ (ECF No. 145.)
21 See LR 59-1(a) ("The court possesses the inherent power to reconsider an interlocutory
22 order for cause, so long as the court retains jurisdiction.").

23 A party seeking reconsideration must "state with particularity the points of law or
24 fact that the court has overlooked or misunderstood. Changes in legal or factual
25 circumstances that may entitle the movant to relief also must be stated with particularity."
26 *Id.* Reconsideration is appropriate if "(1) there is newly discovered evidence that was not
27 available when the original motion or response was filed, (2) the court committed clear

28 _____
⁵Fed. RR. Civ. P. 59 and 60 govern reconsideration of case-dispositive orders.

1 error or the initial decision was manifestly unjust, or (3) if there is an intervening change
2 in controlling law.” *Id.* In general, such motions are disfavored, and “[a] movant must not
3 repeat arguments already presented.” LR 59-1(b)-(c). *See also Brown v. Kinross Gold,*
4 *U.S.A.*, 378 F. Supp. 2d 1280, 1288 (D. Nev. 2005) (“A motion for reconsideration is not
5 an avenue to re-litigate the same issues and arguments upon which the court already has
6 ruled.”).

7 In its October Order, the Court found that Doe was not entitled to proceed under a
8 pseudonym because she failed to adequately justify a deviation from the bedrock
9 standard that court cases are public events. (ECF No. 141 at 9-11.) *See Fed. R. Civ. P.*
10 10(a) (providing that a complaint must include the names of all parties in its title); *Does I*
11 *thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th Cir. 2000) (holding that
12 when determining whether rare circumstances justify use of a pseudonym, courts
13 consider whether (1) the party’s need for anonymity outweighs (2) the prejudice to the
14 opposing party and (3) the public’s interest in knowing the party’s identity). Balancing the
15 interests set out by the Ninth Circuit in *Advanced Textile Corp.*, 214 F.3d at 1067-68, the
16 Court concluded that Doe’s private interest in anonymity weighed slightly in her favor, the
17 public interest factor was neutral or weighed slightly in Defendants’ favor, and the
18 prejudice factor weighed in Defendants’ favor. (ECF No. 141 at 9-15.)

19 Doe now seeks reconsideration based on (1) “new, relevant facts not available
20 when she filed her motion for a protective order,” (2) “clear error in considering factors
21 outside the Ninth Circuit’s standard,” and (3) “manifest injustice.” (ECF No. 145 at 5.) *See*
22 LR 59-1(a). The Court considers each argument in turn and declines to reconsider its
23 ruling.

24 **1. Newly discovered evidence**

25 Plaintiff first argues that “there is newly discovered evidence that was not available
26 when the original motion or response was filed” regarding potential harm which could
27 result from disclosure of her identity. (ECF No. 145 at 5-6.) She attaches a declaration to
28 support her position that she is vulnerable to abuse by sex buyers and that her earlier

1 statements on this point are not conclusory. (ECF No. 145-1.) The Court fails to find,
2 however, any new facts in either the Motion for Reconsideration or the attached
3 declaration which alter its analysis in the October Order—especially given that the Court
4 already found that Plaintiff’s personal interest in privacy weighs at least mildly in her favor.

5 To start, a party may not present new evidence in a motion for reconsideration
6 merely to bolster previously-submitted arguments that the Court already considered and
7 found unconvincing. See *Brown*, 378 F. Supp. 2d at 1288; *Coastal Transfer Co. v. Toyota*
8 *Motor Sales, U.S.A.*, 833 F.2d 208, 211-12 (9th Cir. 1987) (noting in the context of Rules
9 59 and 60 that “newly discovered” evidence does not include evidence previously in a
10 moving party’s possession or which could have been discovered with reasonable
11 diligence). Here, Doe largely re-packages many of the retaliation arguments the Court
12 already evaluated. (See, e.g., ECF No. 145-1 at 8 (referring to fear about “various forms
13 of potentially debilitating harassment and other retaliation”).)

14 In addition, it is unclear how some of the ostensibly new evidence in the
15 declaration—for example, Plaintiff’s statements about experiences of harm from sex
16 buyers in her local area at the current time—implicates a causal relationship with the
17 *disclosure of her identity in the instant action*. (See *id.* at 7 (“Given the hundreds of sex
18 buyers who raped and committed other violence against me in many locations, including
19 the area where I live now, I remain in fear for my physical safety . . . “[a]t least one sex
20 buyer has subjected me to other abuses since I left the brothels”).) Plaintiff further
21 contends that “[a]fter [she] filed her motion for a protective order, a sex buyer who heard
22 about this lawsuit attempted to uncover her identity, exactly as she predicted,” pointing to
23 Proposed Intervenor Defendant Greer’s filings in this action (ECF Nos. 121 at 4, 132 at
24 6).⁶ (ECF No. 145 at 5.) But even if the Court now weighs Greer’s statements—including
25 the fact that he purportedly went to one or more brothels and “asked around” as to Doe’s
26 identity—Plaintiff fails to support how any specific danger would materialize if he
27 succeeded in discovering her identity. See *Doe v. Kamehameha Sch./Bernice Pauahi*

⁶The Court denied Greer’s motion to intervene. (ECF No. 158.)

1 *Bishop Est.*, 596 F.3d 1036, 1043 (9th Cir. 2010) (analyzing the fear of severe harm
2 alongside the reasonableness of that fear). More broadly, Plaintiff asserts that the
3 “number of . . . abusers is vast and given the nature of their abuse, there is no way to
4 track down and determine with certainty who may or may not pose a threat.” (ECF No.
5 145 at 6.) But without more specificity as to the nature of the threat, this argument
6 amounts to a request that Plaintiff be allowed to proceed anonymously based on vague
7 speculation.

8 Plaintiff also argues that, because her claims about trafficking do not arise under
9 employment-related statutes, Defendants misplace their focus on the fact that she no
10 longer works in the brothel industry and will not face economic retaliation. (ECF Nos. 145,
11 154.) But this is relevant to the extent it bears on the absence of allegations regarding
12 how exactly Brothel Defendants or those associated with them would exert control over
13 Plaintiff if her identity were revealed. In other words, it goes to the reasonableness of the
14 fears identified. See *Kamehameha Sch.*, 596 F.3d at 1043; *4 Exotic Dancers v. Spearmint*
15 *Rhino*, Case No. CV 08-4038ABCSSX, 2009 WL 250054, at *3 (C.D. Cal. Jan. 29, 2009).
16 See also *Advanced Textile Corp.*, 214 F.3d (finding strong private interest in anonymity
17 where foreign workers were “extremely vulnerable” to deportation and retaliation in the
18 workplace).⁷ In short, Plaintiff does not present any meaningful new evidence.⁸

19 **2. Clear error**

20 Plaintiff next argues that the Court committed clear error by resting its analysis on
21 two factors which are outside the Ninth Circuit’s standard in *Advanced Textile Corp.*: (1)
22 “public ability to assess the credibility of a sex trafficking victim” and (2) “public discussion
23

24 ⁷To the extent Plaintiff states that she would be willing to submit further evidence
25 for in camera review—for example, regarding her fear of members of organized crime
26 who frequent the Desert Rose Club—the Court will not provide repeated opportunities to
27 present new evidence not adequately described, particularly at this stage of litigation.

28 ⁸Plaintiff notes that “[w]hile at the brothel, she did not use her real name, but had
a stage name, which further underscores the dangers that sex buyers pose to her.” (ECF
No. 145 at 6.) While the use of a stage name is relevant to a private interest factors, it
does not fundamentally alter the Court’s analysis.

1 of a civil rights case”. (ECF No. 145 at 6-8.) See *Advanced Textile Corp.*, 214 F.3d at
2 1067-72 (describing public and private interest factors). The Court finds no clear error in
3 its consideration of relevant factual circumstances—and more importantly, the subfactors
4 Plaintiff paraphrases were not, contrary to Doe’s contention, dispositive to the Court’s
5 holistic anonymity balancing.

6 Plaintiff first contends that the Court improperly considered the public’s interest in
7 assessing Doe’s credibility, which does not fit within the basic public interest in open
8 judicial proceedings. (ECF No. 145 at 6-7.) Here, Plaintiff emphasizes that “the main value
9 behind having open legal proceedings is the public’s ability to scrutinize the government,
10 not the litigants.” (*Id.* at 7.) See *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555,
11 592 (1980) (“[O]pen trials are bulwarks of our free and democratic government: public
12 access to court proceedings is one of the numerous checks and balances of our system,
13 because contemporaneous review in the forum of public opinion is an effective restraint
14 on possible abuse of judicial power[.]”) (internal citations removed).

15 It is true that, as the Ninth Circuit found in *Advanced Textile Corp.*, the mere fact
16 that a case is of major public import does not weigh against a plaintiff’s anonymity where
17 it is unclear “how disguising plaintiffs’ identities [would] obstruct public scrutiny of the
18 important issues in th[e] case.” 214 F.3d at 1072. And credibility in a narrow sense is
19 generally evaluated by a jury and not by the public. Nevertheless, the public’s interest in
20 restraint on “abuse of judicial power” extends to judicial power wielded in favor of both
21 plaintiffs and defendants. See *Richmond*, 448 U.S. at 592. And given the unique
22 procedural history of this action, the Court’s discussion on this point in the October Order
23 primarily relates to a risk that disguising Plaintiff’s identity may obstruct contemporaneous
24 public scrutiny into the foundations of a concerted challenge to a legislatively-enacted
25 system of brothels in Nevada. See *Kamehameha Sch.*, 596 F.3d at 1043 (noting general
26 public interest in “*understanding* the judicial process”) (quoting *Kamakana v. City of*
27 *Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir.2006)) (emphasis added). Even setting this
28

1 aside, however, the Court balanced multiple considerations⁹ to determine that the public
2 interest factor was neutral or weighed slightly in Defendants' favor. (ECF No. 141.)

3 Plaintiff also argues that the Court committed clear error by giving improper weight
4 to "public discussion of a civil rights case" which "is similarly outside the relevant
5 standard." (ECF No. 145 at 7.) The Court does not explicitly refer to "discussion of a civil
6 rights case" anywhere in its October Order, but Doe seems to mean the section of the
7 Order addressing Plaintiff's actions to publicize her case, including through press
8 conferences and online publications (ECF No. 141 at 13-15). There, the Court found that
9 Doe's intentional steps to seek publicity cut against her represented need for privacy, also
10 impacting the prejudice factor. (*Id.* at 14-15.) See *Doe v. City of Las Vegas*, Case No.
11 2:19-cv-00382-GMN-BNW, 2019 WL 2601554, at *2 (D. Nev. June 25, 2019). Doe argues
12 that "[t]he press conference that the court referenced . . . not only does not contain any
13 identifying information about the Plaintiff, it barely discusses the Plaintiff's story at all,
14 relying almost entirely on the Complaint's claims about Nevada's systemic legalized
15 prostitution regime" and thus that the Court improperly denied privacy protections. (ECF
16 No. 145 at 7-8.)

17 Again, however, the Court considered Plaintiff's attempts to generate press as only
18 one aspect of its analysis of her interest in anonymity (ultimately finding the private
19 interest factor *avored* Plaintiff) and never presumed that Plaintiff was the sole focus of
20 the publicity. Moreover, the fact that the press conference at issue dealt "almost entirely"
21 on the Complaint's claims about Nevada's systemic legalized prostitution regime also
22 supports the public's interest in access to more details about the challenge. And to the
23 extent the Court considered publicity in its analysis of prejudice to Defendants, the Court

24
25
26 _____
27 ⁹The Court considered Doe's arguments as to the countervailing public interest in
28 allowing victims to bring cases against sex traffickers and their facilitators and in seeing
those cases resolved on their merits, and took into consideration that the public interest
in access was lessened because injunctive relief claims had already been dismissed.
(ECF No. 141.)

1 already considered that the terms of a protective order could mitigate some amount of
2 prejudice.¹⁰

3 In short, the Court fails to find any error justifying reconsideration in its
4 consideration of multiple individually non-determinative factors, especially given the
5 presumption of open access. Plaintiff also argues that the Court “effectively sets aside a
6 stipulation between Plaintiff Jane Doe and Chicken Ranch in which they agreed to stay
7 Chicken Ranch’s response deadline until a protective order was entered.” (ECF No. 145
8 at 8.) But this argument was detailed for the first time in Plaintiff’s reply (ECF No. 85 at 3)
9 to Chicken Ranch’s opposition to the Motion for Protective Order, and does not provide a
10 basis for reconsideration.¹¹

11 3. Manifest injustice

12 Finally, Plaintiff argues that refusing privacy protections would amount to manifest
13 injustice. (ECF No. 145 at 8-10.) See LR 59-1(a)(2). She argues that it is against public
14 policy to penalize victims of civil rights abuses seeking redress, and that the Court’s ruling
15 is extraordinary because in the balance of cases involving trafficking, courts have
16 permitted pseudonymity. (*Id.*) In its October Order, however, the Court already analyzed
17 the circumstances distinguishing this case from others involving trafficking and violations
18 of other federal statutes. The Court again finds no reason to reconsider that analysis.

21 ¹⁰Plaintiff argues that if Brothel Defendants are worried about facing negative
22 press, “then the solution is to have a mutual protective order that protects them as well.”
23 (ECF No. 145 at 8.) But this does not go to the press’s impact on an analysis of *Plaintiff’s*
24 privacy interest, nor does a mutual protective order dissolve all prejudice to Brothel
25 Defendants. Plaintiff’s cited case on this point does not refer to a mutual protective order.
See *Doe #1 v. MG Freesites, LTD*, 676 F. Supp. 3d 1136, 1148 (N.D. Ala. 2022) (sex
trafficking allegations involving plaintiffs who were minors at the time of the alleged
misconduct).

26 ¹¹Plaintiff bases this argument on an April 29, 2024, stipulation, in which Chicken
27 Ranch stipulated that “Defendants’ deadline to file a responsive pleading will extend
28 indefinitely until a motion for protective order has been entered, granted, and the name
of Plaintiff revealed to the Defendants” and “Defendants will then have fourteen days from
the issuance of a protective order to file a responsive pleading.” (ECF Nos. 53, 85 at 3.)
The Court is not convinced that the stipulation amounts to an agreement to a protective
order, as opposed to an extension in deadline tied to disclosure of Plaintiff’s identity.

1 To support her manifest injustice argument, Plaintiff primarily cites *Advanced*
2 *Textile Corp.*, asserting that “fear of ...reprisals will frequently chill [a person’s] willingness
3 to challenge...violations of their rights,” 214 F.3d at 1072-73, and contending that “[l]ike
4 the suit in *Advanced Textile Corp.*, this case is premised on a federal statute designed to
5 come forward and seek redress in federal court.” (ECF No. 145 at 9.) But in *Advanced*
6 *Textile Corp.*, the “chilling” effect was heightened because the plaintiffs were “extremely
7 vulnerable” foreign garment workers seeking redress under the Fair Labor Standards Act
8 for violations by their *current* employers – there was a direct risk of deportation or other
9 significant reprisals.¹² See 214 F.3d at 1068-73. As the Court noted in the October Order,
10 Doe does not allege that she has continued exposure to Brothel Defendants (either as a
11 employee or otherwise) that heightens her vulnerability to retaliation related to disclosure
12 of her identity. And the other cases Plaintiff cites here are largely distinguishable with
13 regard to the degree of specific sensitive material involved. *See also Fleites v. MindGeek*
14 *S.A.R.L.*, Case No. CV-2104920-CJC-AD SX, 2021 WL 2766886, at *2 (C.D. Cal. June
15 28, 2021) (finding pseudonymity appropriate in case where plaintiffs alleged that sexually
16 explicit videos of them were uploaded online).

17 As it acknowledged in its October Order, the Court must take privacy interests in
18 sex trafficking actions seriously. But the Court must also refrain from hastily concluding
19 that any case involving sex-related allegations automatically meets the standard for
20 pseudonymity. Plaintiff asserts that “[t]he court drew exactly the wrong inference from the
21 systemic nature of the claims in plaintiff’s lawsuit” because “[i]f a person is challenging an
22 abusive social structure, she faces potentially greater retaliation than someone who is
23 just going after an individual person or even a single corporation.” (ECF No. 145 at 9.)
24 The Court reiterates, here, that the existence of a systemically abusive structure does not

25
26 ¹²In *Advanced Textile Corp.*, the Ninth Circuit found that that the district court erred
27 by failing to consider an extreme risk of retaliation and plaintiffs’ highly vulnerable status
28 and, at the same time, “failing to decide whether the public’s interest was best served by
requiring plaintiffs to reveal their identities” beyond reference to widespread implications
to the public at large. 214 F.3d at 1072-73. Taken together, the privacy factors favoring
anonymity in *Advanced Textile Corp.* were significantly stronger than those claimed here,
and the public interest factors were weaker.

1 create a presumption that any individual plaintiff is at a risk of harm significant enough to
2 justify deviation from the baseline standards of civil procedure. Accordingly, the Court
3 denies Plaintiff’s Motion for Reconsideration.

4 **B. Interlocutory Appeal**

5 Doe also argues, in the alternative, that the Court should certify its October Order
6 for interlocutory appeal. (*Id.* at 10-17.) A district court may certify an order for interlocutory
7 appeal under 28 U.S.C. § 1292(b) if the order: “(1) involves “a controlling question of law”;
8 (2) on which there is “substantial ground[s] for difference of opinion”; and (3) “an
9 immediate appeal from the order may materially advance the ultimate termination of the
10 litigation[.]” *Id.* See also *In re Cement Antitrust Litig.*, 673 F.2d 1020, 1026 (9th Cir. 1981).
11 Doe does not satisfy these criteria.

12 Doe first argues there are controlling questions of law at issue regarding privacy
13 protections for sex trafficking victims. (ECF No. 145 at 10-17.) See *Cement Antitrust Litig.*,
14 673 F.2d at 1026 (providing that a controlling question of law is one that would materially
15 affect a case’s outcome). Plaintiff specifically asserts that two controlling questions exist:
16 “whether sex trafficking victims should generally be permitted to proceed
17 pseudonymously and under a protective order, and whether the public advocacy factors
18 the Court relied on should be part of any balancing analysis.” (ECF No. 145 at 12.) But
19 Defendants argue—and the Court agrees—that a multi-factorial discretionary
20 determination like the one the Court made here does not implicate a controlling question
21 of law, let alone an unsettled one (ECF No. 149 at 16.) See *Kamehameha Sch.*, 596 F.3d
22 at 1042 (reviewing a district court’s weighing of anonymity factors). As the Court has
23 discussed, the public advocacy factors Doe identifies as problematic did not control the
24 Court’s holistic finding. The Court also declines to certify an unnecessarily broad question
25 about whether plaintiffs bringing suit under the TVPRA “in general” may precede under a
26 pseudonym (especially when courts in this circuit and others have consistently treated
27 the pseudonymity inquiry as discretionary across many statutes).
28

1 Because Plaintiff fails to meet the first criteria under 28 U.S.C. § 1292(b), the Court
2 need not reach the other factors. The Court also notes, however, that Plaintiff’s second
3 argument—that substantial grounds for difference of opinion *on a controlling question of*
4 *law* exist given other federal court ruling involving sex trafficking victims—is unpersuasive
5 for the same reasons. *See also Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111
6 (2009). The Court’s analysis was based on factual rather than legal considerations; that
7 other courts may disagree on an interpretation of those facts does not justify an
8 interlocutory appeal.

9 Doe further argues that the Court should certify an appeal because the Court’s
10 determination will be “effectively unreviewable on appeal from final judgment.” *Advanced*
11 *Textile Corp.*, 214 F.3d at 1066 (quoting *Midland Asphalt Corp. v. United States*, 489 U.S.
12 794, 799 (1989)). Indeed, courts have sometimes reviewed denials of pseudonymity
13 under the collateral order doctrine. *See, e.g., Advanced Textile Corp.*, 214 F.3d at 1066
14 (reviewing order dismissing the case with leave to amend under collateral order doctrine);
15 *Kamehameha Sch.*, 596 F.3d at 1041; *Doe v. Coll. of New Jersey*, 997 F.3d 489, 493 (3d
16 Cir. 2021). Whether an order is an appealable collateral order—a subclass of interlocutory
17 orders—involves a distinct factor-based analysis not detailed in the instant Motion and
18 separate from certification under 28 U.S.C. § 1292(b). *See Cohen v. Beneficial Indus.*
19 *Loan Corp.*, 337 U.S. 541 (1949) (finding certain collateral orders appealable as a
20 practical construction of the finality rule in 28 U.S.C. § 1291); *Advanced Textile Corp.*,
21 214 F.3d at 1066 (describing requirements that a collateral order “[1] conclusively
22 determine the disputed question, [2] resolve an important issue completely separate from
23 the merits of the action, and [3] be effectively unreviewable on appeal from a final
24 judgment”) (internal citations omitted). The Court declines to make a determination on the
25 appealability of the October Order beyond the arguments discussed under 28 U.S.C. §
26 1292(b) in the Motion.¹³

27 _____
28 ¹³The Court notes, however, that Defendants concede that if Plaintiff chooses not
to disclose her identity and this action is dismissed without prejudice, the dismissal order
will be reviewable in itself under 28 U.S.C. § 1291.

1 In sum, the Court denies the Motion for Reconsideration and Plaintiff's alternative
2 request for certification of an interlocutory appeal. To the extent Plaintiff also requests a
3 stay in the deadline to disclose her identity pending resolution of the instant Motion, the
4 Court will grant that request. If Plaintiff wishes to proceed in this action, she must file a
5 notice disclosing her identity within 15 days from the date of this order. If she does not file
6 a notice, the Court will dismiss her remaining claims against Brothel Defendants without
7 prejudice.

8 C. Motion for Sanctions

9 Defendant Desert Rose Club moves for sanctions against Plaintiff and her
10 attorneys at the National Center on Sexual Exploitation under Fed. R. Civ. P. 11. (ECF
11 No. 153.) See Fed. R. Civ. P. 11(b)(1)-(3) (providing that in presenting any document to
12 the court, an attorney must certify that to the best of his or her knowledge, information,
13 and belief, and "after any inquiry, reasonable under the circumstances," the document is
14 not being filed for an improper purpose, "the claims, defenses, and other legal contentions
15 there are warranted by existing law," and the allegations and other factual contentions
16 have evidentiary support). Desert Rose Club seeks attorneys' fees and other costs on the
17 basis that Doe's claims are frivolous and malicious as alleged in the Complaint, and as
18 presented in response to the OSC. (ECF No. 153 at 2.) See Fed. R. Civ. P. 11(c)(2)
19 (providing that a court has discretion to impose appropriate sanctions).

20 Desert Rose Club primarily asserts that a "cursory review" by Doe's attorneys
21 would reveal that many of Plaintiff's allegations are factually false or misleading, as well
22 as legally frivolous. (ECF No. 153 at 2.) But at this stage in the litigation, the Court cannot
23 determine that Plaintiff's Complaint or response to the OSC are legally or factually
24 baseless such that sanctions are warranted. See *Christian v. Mattel, Inc.*, 286 F.3d 1118,
25 1127 (9th Cir. 2002) (quoting *Buster v. Greisen*, 104 F.3d 1186, 1190 (9th Cir.1997))
26 (providing that where a complaint is the primary focus of proceedings under Rule 11, a
27 court must consider (1) whether the complaint is objectively legally or factually baseless,
28 and (2) if the attorney has conducted a "reasonable and competent inquiry" before signing

1 and filing it). Desert Rose Club primarily objects to portions of the Plaintiff's filings which
2 implicate factual disagreements. For example, they take issue with Plaintiff's allegations
3 as to threats by brothel personnel, asserting that statements about gang affiliations and
4 debt have been fabricated. (ECF No. 153 at 2, 3-5 (contesting the allegation that Desert
5 Rose Club took 50% of fees from Plaintiff and asserting that "the attorneys would have
6 known that every sex worker is made aware of the 50% payout system before they begin
7 work".) These factual issues cannot be resolved without discovery, and Desert Rose
8 Club has moved for sanctions prior to filing an answer or Rule 12 motion. Similarly, the
9 Court cannot conclude that Plaintiff's TVPRA claims against Brothel Defendants are
10 legally baseless at this stage.

11 In short, sanctions are an extraordinary remedy, and Desert Rose Club does not
12 show they are justified here. *See Euram Realty, Inc. v. Dunn*, 15 F.3d 1084, 1084 (9th
13 Cir. 1993). The Court thus denies the Motion for Sanctions.¹⁴

14 **IV. CONCLUSION**

15 The Court notes that the parties made several arguments and cited to several
16 cases not discussed above. The Court has reviewed these arguments and cases and
17 determines that they do not warrant discussion as they do not affect the outcome of the
18 issues before the Court.

19 It is therefore ordered that Plaintiff's motion for reconsideration or in the alternative,
20 for certification of an interlocutory appeal (ECF No. 145) is denied.

21 It is further ordered that Plaintiff must file a notice disclosing her identity for the
22 public docket within 15 days from the date of this order if she wishes to proceed with her
23 remaining TVPRA claims as described in the Court's October 18, 2024, order (ECF No.
24 141). If Plaintiff fails to timely file such a notice, the Court will presume she does not wish
25 to disclose her identity and will dismiss the case without prejudice.

26
27
28 ¹⁴To the extent Plaintiff argues the motion was brought in bad faith and asks for attorneys' fees in connection with defending it, the Court also finds insufficient reason to conclude that Desert Rose Club acted in bad faith.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

It is further ordered that remaining Brothel Defendants which have not answered the Complaint will have 15 days from the date on which Plaintiff files a notice disclosing her identity to file an answer or other responsive pleading. In that event, the Court defers to the Magistrate Judge to establish a scheduling order to allow this case to proceed.

It is further ordered that Defendant Desert Rose Club's motion for sanctions (ECF No. 153) is denied.

DATED THIS 4th Day of April 2025.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE