

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

L.W., by and through her parents and next friends, Samantha Williams and Brian Williams; SAMANTHA WILLIAMS; BRIAN WILLIAMS; JOHN DOE, by and through his parents and next friends, Jane Doe and James Doe; JANE DOE; JAMES DOE; RYAN ROE, by and through his parent and next friend, Rebecca Roe; REBECCA ROE; and SUSAN N. LACY, on behalf of herself and her patients,

Plaintiffs,

v.

JONATHAN SKRMETTI, in his official capacity as the Tennessee Attorney General and Reporter; TENNESSEE DEPARTMENT OF HEALTH; RALPH ALVARADO, in his official capacity as the Commissioner of the Tennessee Department of Health; TENNESSEE BOARD OF MEDICAL EXAMINERS; MELANIE BLAKE, in her official capacity as the President of the Tennessee Board of Medical Examiners; STEPHEN LOYD, in his official capacity as Vice President of the Tennessee Board of Medical Examiners; RANDALL E. PEARSON, PHYLLIS E. MILLER, SAMANTHA MCLERRAN, KEITH G. ANDERSON, DEBORAH CHRISTIANSEN, JOHN W. HALE, JOHN J. MCGRAW, ROBERT ELLIS, JAMES DIAZ-BARRIGA, and JENNIFER CLAXTON, in their official capacities as members of the Tennessee Board of Medical Examiners; and LOGAN GRANT, in his official capacity as the Executive Director of the Tennessee Health Facilities Commission,

Defendants.

Civil Action No. 3:23-cv-00376

PLAINTIFFS' MOTION TO PROCEED PSEUDONYMOUSLY

Plaintiffs John Doe, by and through his parents and next friends, Jane Doe and James Doe; Jane Doe; James Doe; Ryan Roe, by and through his parent and next friend, Rebecca Roe; and Rebecca Roe (collectively, “Movants”) hereby move the Court for permission to proceed in this action under the pseudonyms “John Doe,” “Jane Doe,” “James Doe,” “Ryan Roe,” and “Rebecca Roe.”

In support of this motion, Movants rely upon Movants’ supporting memorandum and the entire record in this case and state:

1. Courts “may excuse plaintiffs from identifying themselves in certain circumstances” where “a plaintiff’s privacy interests substantially outweigh the presumption of open judicial proceedings.” *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004).

2. Fed. R. Civ. P. 26(c) authorizes the Court to make any order which justice requires to protect the party or person from “annoyance, embarrassment, oppression, or undue burden or expense” upon motion of a party.

3. In order to protect transgender individuals’ privacy and safety and avoid exposure to discrimination and harassment, it is common for courts to allow transgender individuals, particularly minors, to proceed under pseudonyms. *See, e.g.*, Temporary Order Allowing Pseudonym Litigation, *Bridge v. Okla. State Dep’t of Educ.*, No. CIV-22-00787-JD (W.D. Okla. Sept. 12, 2022), ECF No. 11; *Foster v. Andersen*, No. 18-2552-DDC-KGG, 2019 WL 329548, at *2 (D. Kan. Jan. 25, 2019).

4. Movants’ privacy interests substantially outweigh the presumption of open judicial proceedings because Movants’ transgender identity exposes them and their families to significant risks of substantial harm.

5. Under Local Rule 7.01(a)(3), briefing should be concluded within twenty-one days after service of the summons and complaint, unless otherwise ordered by the Court.

6. A proposed order granting this motion is attached as **Exhibit 1**.

CONCLUSION

For these reasons, Movants request the Court to:

(1) Enter an order (a) permitting Movants to proceed in this action under the pseudonyms “John Doe,” “Jane Doe,” “James Doe,” “Ryan Roe,” and “Rebecca Roe,” (b) barring the disclosure of Movants’ true names or other information that identifies Movants or Movants’ family members, directly or indirectly, and (c) requiring that any documents containing such information be redacted; and

(2) grant any other necessary or proper relief.

Dated: April 21, 2023

s/ Stella Yarbrough
Stella Yarbrough, BPR No. 033637
Lucas Cameron-Vaughn, BPR No. 036284**
Jeff Preptit, BPR No. 038451**
ACLU Foundation of Tennessee
P.O. Box 120160
Nashville, TN 37212
Tel.: 615-320-7142
syarbrough@aclu-tn.org
lucas@aclu-tn.org
jpreptit@aclu-tn.org
Attorneys for the Plaintiffs

Joshua A. Block*
Chase Strangio*
American Civil Liberties Union Foundation
125 Broad Street, Floor 18
New York, NY 10004
Tel.: 212-549-2593
jblock@aclu.org
cstrangio@aclu.org
Attorneys for the Plaintiffs

Sruti J. Swaminathan*
Lambda Legal Defense and Education Fund, Inc.
120 Wall Street, 19th Floor
New York, NY 10005
Tel.: 212-809-8585
sswaminathan@lambdalegal.org
Attorney for the Plaintiffs

Avatara A. Smith-Carrington*
Lambda Legal Defense and Education Fund, Inc.
1776 K Street N.W., 8th Floor
Washington DC 20006
Tel.: 202-804-6245
asmithcarrington@lambdalegal.org
Attorney for the Plaintiffs

**motions to appear pro hac vice pending*
***application for admission pending*

Respectfully submitted,

Tara Borelli*
Lambda Legal Defense and Education Fund,
Inc.
1 West Court Square, Ste. 105
Decatur, GA 30030
Tel.: 404-897-1880
tborelli@lambdalegal.org
Attorney for the Plaintiffs

Joseph L. Sorkin*
Dean L. Chapman, Jr.*
Kristen W. Chin*
Richard J. D'Amato*
Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
New York, NY 10036
Tel.: 212-872-1000
jsorkin@akingump.com
dchapman@akingump.com
kristen.chin@akingump.com
rdamato@akingump.com
Attorneys for the Plaintiffs

Elizabeth D. Scott*
Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street, Suite 1800
Dallas, TX 75201
Tel.: 214-969-2800
edscott@akingump.com
Attorney for the Plaintiffs

Christopher J. Gessner*
David Bethea*
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street N.W.
Washington, DC 20006
Tel.: 202-887-4000
cgessner@akingump.com
dbethea@akingump.com
Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on April 21, 2023, a true and correct copy of the foregoing has been served on all defendants via in-person service on the Tennessee Attorney General at the following address:

500 Dr MLK Jr Blvd
Nashville, TN 37219

s/ Stella Yarbrough

Stella Yarbrough

EXHIBIT 1

Proposed Order

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

L.W., by and through her parents and next friends, Samantha Williams and Brian Williams; SAMANTHA WILLIAMS; BRIAN WILLIAMS; JOHN DOE, by and through his parents and next friends, Jane Doe and James Doe; JANE DOE; JAMES DOE; RYAN ROE, by and through his parent and next friend, Rebecca Roe; REBECCA ROE; and SUSAN N. LACY, on behalf of herself and her patients,

Plaintiffs,

v.

JONATHAN SKRMETTI, in his official capacity as the Tennessee Attorney General and Reporter; TENNESSEE DEPARTMENT OF HEALTH; RALPH ALVARADO, in his official capacity as the Commissioner of the Tennessee Department of Health; TENNESSEE BOARD OF MEDICAL EXAMINERS; MELANIE BLAKE, in her official capacity as the President of the Tennessee Board of Medical Examiners; STEPHEN LOYD, in his official capacity as Vice President of the Tennessee Board of Medical Examiners; RANDALL E. PEARSON, PHYLLIS E. MILLER, SAMANTHA MCLERRAN, KEITH G. ANDERSON, DEBORAH CHRISTIANSEN, JOHN W. HALE, JOHN J. MCGRAW, ROBERT ELLIS, JAMES DIAZ-BARRIGA, and JENNIFER CLAXTON, in their official capacities as members of the Tennessee Board of Medical Examiners; and LOGAN GRANT, in his official capacity as the Executive Director of the Tennessee Health Facilities Commission,

Defendants.

Civil Action No. 3:23-cv-00376

**[PROPOSED] ORDER AUTHORIZING MOVANTS TO PROCEED
PSEUDONYMOUSLY**

This matter came before the court on Movants' motion for permission to proceed in this action under the pseudonyms "John Doe," "Jane Doe," "James Doe," "Ryan Roe," and "Rebecca Roe."

The Court, having considered Movants' motion, Movants' supporting memorandum, and the entire record in this case, and having considered Defendants' opposition thereto, finds there is good cause to grant Movants' motion and hereby **ORDERS:**

1. Movants may proceed in this action under the pseudonyms "John Doe," "Jane Doe," "James Doe," "Ryan Roe," and "Rebecca Roe."

2. Movants' counsel shall disclose Movants' true names and, to the extent otherwise discoverable under the Federal Rules of Civil Procedure, other information that identifies Movants or Movants' family members, directly or indirectly ("Identifying Information"), upon request to Defendants' counsel and the Court.

3. All publicly-filed documents shall identify Movants only by Movants' pseudonyms.

4. All documents filed with the Court that contain Movants' name or Identifying Information shall be redacted.

5. Defendants' counsel may disclose Identifying Information to Defendants, Defendants' employees, and experts retained in this action, but only to the minimum extent necessary to litigate this action.

6. Individuals to whom Identifying Information is disclosed shall not further disclose that information to any other person without first obtaining written confirmation from Movants' counsel that such disclosure is necessary to litigate this action.

7. Under no circumstances shall any person disclose Identifying Information to the media without the express written consent of Movants' counsel.

8. Before disclosing Identifying Information to any person for purposes of litigating this action, Defendants' counsel shall give that person a copy of this order, require that person to read this order, specifically point out to that person the provisions of section 6 and 7 of this order, and specifically warn that person that violation of this order may result in sanctions for contempt of court.

9. If any specific issues related to non-disclosure of Identifying Information arise during the course of litigation, the parties shall seek to resolve those issues without court intervention. If the parties cannot agree, they shall seek further clarification from this Court.

[Magistrate] [District] Judge