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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

17 ROY MANOJKUMAR SAMATHANAM,) Case No.: 2:19-cv-02626-JFW-PLA
18 *et al.*,) Hon. John F. Walter
19)
20 Plaintiffs,) **PLAINTIFFS’ UNOPPOSED**
21) **NOTICE OF MOTION AND**
22 v.) **MOTION TO PROCEED**
23) **ANONYMOUSLY;**
24 NANDASENA GOTABAYA) **MEMORANDUM OF POINTS**
25 RAJAPAKSA,) **AND AUTHORITIES**
26)
27 Defendant.) Hearing Date: September 23, 2019
28) Time: 1:30 pm
Location: Courtroom 7A
Judge: Hon. John F. Walter

NOTICE OF MOTION AND MOTION

TO THE HONORABLE COURT, THE DEFENDANT, AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 23, 2019, at 1:30 p.m., or as soon thereafter as this matter may be heard in Courtroom 7A of the above referenced Court, located at 350 W. 1st Street, Los Angeles, California 90012, pseudonymously-named Plaintiffs Ramesh Thevarajan, Shanti Padmanathan, Nimal Jayasuriya, Vidhya Jayakumar, Saman Perera, Ramanan Sivalingam, Suresh Jeyabalan, Mayuran Rajkumar, Senthil Puwaneswaran and Vasanthi Ratnasingham (“Plaintiffs”, for the purposes of this motion), will and hereby do move for an order allowing them to prosecute this action anonymously.

As explained in the accompanying Memorandum of Points and Authorities, (1) the use of pseudonyms is necessary to protect Plaintiffs and their family from social ostracism and severe retaliatory harm by Defendant Gotabaya Rajapaksa (“Defendant”), his supporters in the security services of Sri Lanka, and members of extremist, nationalist groups; (2) there is no prejudice to weigh given that Defendant does not oppose the motion at this stage; and (3) public interest weighs in favor of permitting Plaintiffs to challenge Defendant’s misconduct using pseudonyms.

Plaintiffs’ motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the pleadings and documents filed in this action, and all other matters as may be presented to the Court at or before the hearing on this Motion.

This Motion is made following the conference of counsel pursuant to L.R. 7-3, which was held in person on August 1, 2019. ECF No. 40. As described in the joint statement, Defendant’s counsel agreed not to oppose the motion up to and including a decision denying the motion to dismiss or a Rule 26 conference. The parties further agreed that once that time arrives, they would meet and confer to find a solution that

1 would balance Plaintiffs' need for anonymity with Defendant's need for appropriate fact
2 discovery.

3
4 Dated: August 26, 2019

5 Respectfully submitted,
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INTRODUCTION

1
2 This action is brought under the Torture Victim Protection Act (codified as note
3 following 28 U.S.C. § 1350) alongside various California tort claims. Plaintiffs are
4 survivors of torture perpetrated by the Defendant Gotabaya's subordinates while he
5 was Defense Secretary of Sri Lanka from 2005 to 2015. As described in the Amended
6 Complaint (ECF No. 35), they were brutally tormented at the hands of the Defendant's
7 security forces who, among other tortures, beat, suffocated, raped and branded the
8 Plaintiffs.

9 This case was initially filed on April 5, 2019 by Plaintiff Roy Samathanam, who
10 is a Canadian citizen of Tamil origin. On June 26, 2019, Roy, alongside ten additional
11 plaintiffs using pseudonyms, filed an amended complaint against the Defendant.¹ All
12 ten of the newly added plaintiffs are Sri Lankan citizens who were severely tortured
13 under the watch of the Defendant and who have since fled their home country in fear
14 of persecution. They maintain credible fears that revealing their identities will subject
15 them and their loved ones to serious and potentially deadly reprisal by the Defendant,
16 his supporters in the military and security forces of Sri Lanka, or members of the
17 Sinhala-Buddhist extremist movements in Sri Lanka and abroad.

18
19
20 ¹ Joinder of party by amendment of complaint prior to the filing of a responsive pleading
21 is permitted under [Fed. R. Civ. P. 15\(a\)](#). [Matthews Metals Prods., Inc. v. RBM Precision](#)
22 [Metal Prods., Inc.](#), 186 F.R.D. 581, 583 (N.D. Cal. 1999) (holding that “leave of court
23 is not required for an amendment adding a party prior to the filing of a responsive
24 pleading”); [Taylor v. Countrywide Home Loans, Inc.](#), Case No. 09-cv-05933, 2009 WL
25 [10671584](#), at *2 (C.D. Cal. Dec. 2, 2009) (same); [De Malherbe v. Int'l Union of Elevator](#)
26 [Constructors](#), 438 F. Supp. 1121, 1128 (N.D. Cal. 1977) (same); [Barnes & Noble, Inc.](#)
27 [v. LSI Corp.](#), 823 F.Supp.2d 980, 985 (N.D. Cal. 2011) (recognizing an amended
28 complaint that “merely added certain claims and parties...as [p]laintiffs were permitted
to do under Rule 15(a)”); [In re CBT Grp. PLC Sec. Litig.](#), 98-cv-21014-RMW, 2000 WL
[33339615](#) at *5 n.6 (N.D. Cal. Dec. 29, 2000) (“[A]s this court has previously held,
joinder of a party when amending the pleadings should be analyzed under the liberal
amendment policy of Rule 15”).

1 In addition, nine of the ten anonymous Plaintiffs suffered rape and other forms
 2 of sexual violence while detained in the numerous detention centers operated under the
 3 control of the Defendant. They fear that publicly exposing their names will humiliate
 4 and ostracize them from their close-knit and conservative communities.

5 Accordingly, Plaintiffs move this Court for an order allowing them to proceed
 6 pseudonymously.²

7 **LEGAL STANDARD**

8 Although section 10(a) of the Federal Rules of Civil Procedure generally
 9 requires complaints to identify the names of all parties, it is well-established that trial
 10 courts have discretion to allow parties to proceed anonymously. See [Advanced Textile
 11 Corp., 214 F.3d at 1067](#).

12 According to the Ninth Circuit, parties may use pseudonyms when
 13 “nondisclosure of the party’s identity ‘is necessary...to protect a person from
 14 harassment, injury, ridicule or personal embarrassment.’” [Id. at 1067-68](#) (quoting
 15 [United States v. Doe, 655 F.2d 920, 922 n.1 \(9th Cir. 1981\)](#)); [Doe v. Kamehameha
 16 Schs./Bernice Pauahi Bishop Estate, 596 F.3d 1036, 1043 \(9th Cir. 2010\)](#) (emphasizing
 17 that “physical harm presents the paradigmatic case for allowing anonymity”). Courts
 18 _____

19 ² The Ninth Circuit does not require plaintiffs to obtain leave of court before filing an
 20 anonymous pleading. [Stout v. Int’l Bus. Machs. Corp., Case No. 16-cv-4914-FMO, 2016
 21 WL 4528958, at *1 n.1 \(C.D. Cal. Aug. 30, 2016\)](#); [Doe v. Penzato, Case No. 10-cv-
 22 5154-MEJ, 2011 WL 1833007, at *4 \(N.D. Cal. May 13, 2011\)](#); [E.E.O.C. v. ABM
 23 Indus. Inc., 249 F.R.D. 588, 592 \(E.D. Cal. 2008\)](#) (citing [Does I thru XXII v. Advanced
 24 Textile Corp., 214 F.3d 1058, 1068 \(9th Cir. 2000\)](#)). Rather, plaintiffs are permitted to
 25 file suit under pseudonyms followed by a motion to proceed anonymously. [Doe v.
 26 Amazon.com, Inc., Case No. 11-cv-1709-MJP, 2011 WL 13073281, at *2 \(W.D. Wash.
 27 Dec. 23, 2011\)](#). Courts have reasoned that “[s]uch a rule makes sense, as the initial
 28 complaint is a matter of public record, and once a plaintiff has opened a file number in
 federal court using his or her real name, any attempt to proceed under a pseudonym
 would be pointless.” [Doe v. City of Simi Valley, Case No. 12-cv-8377, 2012 WL
 12507598, at *2 \(C.D. Cal. Oct. 29, 2012\)](#) (internal citation omitted); [Roe v. City of San
 Diego, Case No. 01-cv-1760, 2001 WL 35936313, at *4 \(S.D. Cal. Dec. 21, 2001\)](#).

1 should allow a party to proceed anonymously “when the party’s need for anonymity
2 outweighs prejudice to the opposing party and the public’s interest in knowing the
3 party’s identity.” Advanced Textile, 214 F.3d at 1068.

4 This balancing test generally permits a party to use pseudonyms in three
5 situations: (1) “when identification creates a risk of retaliatory physical or mental
6 harm”; (2) “when anonymity is necessary to preserve privacy in a matter of sensitive
7 and highly personal nature”; and (3) when the anonymous party risks criminal
8 prosecution. Id. At issue here are the first two situations.

9 As explained below, Plaintiffs and their families need protection from retaliation
10 in the form of physical harm, harassment and threats. Disclosing Plaintiffs’ identities
11 will also subject them to public humiliation in a matter that is sensitive and highly
12 personal. Defendant on the other hand, does not oppose this motion and raises no
13 prejudice at this stage in the litigation. Further, public interest will not be undermined
14 by the Plaintiffs’ use of pseudonyms.

15 ARGUMENT

16 In June of 2010, the Defendant declared on international television that he would
17 hang a former army commander if he gave evidence of war crimes in court: “That’s a
18 treason. We will hang him if he do that. [sic]”³ The threat of reprisal hangs over the
19 heads of the Plaintiffs and their families. Anonymity is the only way to protect them
20 from that threat, and from the social stigma that attaches to rape victims in their
21 community.

22 **A. Anonymity is Necessary to Protect Plaintiffs from Retaliatory Harm**

23 Federal courts throughout the country regularly permit anonymity to victims of
24 grave human rights abuses who fear reprisal. *Doe 1, et al. v. Buratai, et al.*, Case No.

26
27 ³ Stephen Sackur, *Sri Lanka threatens to execute General Sarath Fonseka*, BBC
28 HARDtalk, June 7, 2010, <http://news.bbc.co.uk/2/hi/programmes/hardtalk/8725899.stm>.

1 17-cv-1033-DLF (D.D.C. June 2, 2017) (ECF No. 4 at 2-3, 7) (allowing plaintiffs
2 alleging ATS and TVPA claims to proceed anonymously where they fear that using
3 their real names would expose them and their families to risk of death or serious bodily
4 injury by defendants or the Government of Nigeria “especially in light of the
5 allegations of...torture against Defendants which are universal crimes against
6 humanity”); *Jaramillo, et al. v. Naranjo*, Case No. 10-cv-21951-EGT (S.D. Fla. Aug.
7 11, 2010) (ECF No. 45 at 1) (granting motion to proceed anonymously in suit alleging
8 violations of ATS, TVPA, and crimes against humanity); *Jane W, et al. v. Thomas*,
9 Case No. 18-cv-0569-PBT (E.D. Pa. Dec. 17, 2018) (ECF 27 at 1) (same); *John Doe*
10 *I, et al. v. Nestle, S.A., et al.*, Case No. 05-cv-5133-SVW (C.D. Cal. Dec. 3, 2010) (ECF
11 No. 150) (permitting plaintiffs alleging ATS and TVPA claims to proceed using
12 pseudonyms without disclosing their identities to defendants or their counsel).

13 Where a party fears harm based on exposure of his or her identity, the Ninth
14 Circuit has instructed district courts to consider “(1) the severity of the threatened
15 harm; (2) the reasonableness of the anonymous party’s fear; and (3) the anonymous
16 party’s vulnerability to such retaliation.” [Advanced Textile, 214 F.3d at 1068](#). Under
17 the reasonableness factor, a party is “not required to prove” that the harm will in fact
18 be carried out, but rather must show that he or she was threatened and that “a reasonable
19 person would believe that the threat might actually be carried out.” [Id. at 1071](#).

20 *First*, the threatened harm is severe, even deadly. The Plaintiffs were subjected
21 to horrific physical, psychological, and sexual torture while detained by security forces
22 acting under the control of the Defendant. Upon their release, Plaintiffs fled their
23 homes in fear of further persecution and sought asylum overseas. All have family still
24 at risk in Sri Lanka. Nearly all have already had their family members physically
25 assaulted or harassed by the security forces. These threats would only worsen if
26 Plaintiffs’ identities as accusers were revealed:

- 1 • *Ramesh Thevarajan* (FAC at ¶¶ 79-96) was detained, beaten, suffocated, and
2 subjected to sexual violence. **His family has been threatened and harassed by
3 Sri Lankan police as recently as late 2018.**
- 4 • *Shanti Padmanathan* (FAC at ¶¶ 97-113) was detained, beaten, branded,
5 suffocated, and raped. This was followed by over a dozen visits by security
6 forces to the family home, where they arrested a relative, killed the family pet,
7 and threatened to “kill [Shanti] like we killed her dog.” **She has family in Sri
8 Lanka.**
- 9 • *Suresh Jayabalan* (FAC at ¶¶ 114-132) was detained, beaten, burned, and raped
10 among other sexualized tortures. **His family is in Sri Lanka.**
- 11 • *Vidhya Jayakumar* (FAC at ¶¶ 133-165) was abducted by soldiers, raped, and
12 subjected to years of sexual slavery, beatings, and death threats. After her
13 release, she was gang raped by officers at a police station and is sought after by
14 police for ceasing to report to the station where she was raped. **Vidhya has
15 family in Sri Lanka.**
- 16 • *Nimal Jayasuria* (FAC at ¶¶ 166-189) was tortured physically and
17 psychologically in detention, followed by threats from anonymous callers and
18 unknown people roaming around his house after his release. **Nimal has family
19 in Sri Lanka.**
- 20 • *Saman Perera* (FAC at ¶¶ 190-204) was detained and torture, including breaking
21 bones and rape using a pipe with barbed wire inside. **Saman’s family lives in
22 Sri Lanka.**
- 23 • *Senthil Puwaneswaran* (FAC at ¶¶ 205-218) was detained, beaten, branded, and
24 subjected to sexual violence. After he fled the country, **his family in Sri Lanka
25 was repeatedly harassed and threatened** by Sri Lankan authorities who
26 forcibly entered their home, beat his father, and used other intimidation tactics
27 to find out his location.
- 28 • *Ramanan Sivalingam* (FAC at ¶¶ 219-236) was detained, beaten, branded,
suffocated, and raped. **He has family in Sri Lanka.**
- *Vasanthi Ratnasingham* (FAC at ¶¶ 237-245) was detained and raped, burned,
and beaten. After her release, soldiers continued to visit her family home and
sexually harass her. **Her family remains in Sri Lanka.**

- 1
- 2 • *Mayuran Rajkumar* (FAC at ¶¶ 246-255) was detained, beaten, branded, and
- 3 subjected to sexual violence. He sought asylum after his release. **His family**
- 4 **remains in Sri Lanka.**

5 Plaintiffs are not alone in risking their loved ones by alleging human rights

6 abuses in Sri Lanka. According to Yasmin L. Sooka, a former member of the UN

7 Secretary General’s Panel of Experts on Sri Lanka and President of the International

8 Truth and Justice Project, “[t]he intimidation of family members is, among other

9 things, part of an ongoing system to deter witnesses to crimes committed by the

10 security forces from coming forward.” Declaration of Yasmin L. Sooka (“Sooka

11 Decl.”) at ¶16. Ms. Sooka has examined dozens of cases where the families of victims

12 or witnesses have experienced persecution and harassment by state and non-state actors

13 under the former Rajapaksa government and the current administration. *See id.* ¶¶ 13,

14 15, 17-19. Thus, although the Plaintiffs have sought asylum abroad, their family back

15 home remain exposed to grave threats of violence.

16 And even asylum abroad might not shield the Plaintiffs from threats and

17 psychological trauma. The Sri Lankan government has a documented history of

18 surveilling—and threatening—Tamil critics overseas. *See* Sooka Decl. at ¶¶ 21-22.

19 And as the New York Times recently reported, Tamils abroad who speak out about Sri

20 Lanka’s history of ethnic persecution face online death threats and harassment from

21 pro-Rajapaksa and ethno-nationalist vigilantes. *See* Sooka Decl. at ¶ 24.

22 *Second*, their fear of retaliation is reasonable and backed-up by a well-

23 documented pattern of reprisals. In fact, British immigration authorities recognize Sri

24 Lankan witnesses in human rights proceedings as a special category of at-risk asylum

25 seekers. Sooka Decl. at ¶¶ 21, 52.

26 The fear of reprisal is well-founded because torture and other human rights

27 abuses remain prevalent in Sri Lanka. Sooka Decl. at ¶ 11. In July 2018, after visiting

28 Sri Lanka to meet with officials and inspect prisons, the UN Special Rapporteur on the

1 Promotion and Protection of Human Rights While Countering Terrorism reported that
2 torture was “routine” and “systemic.”⁴

3 And the fear is credible since officers identified as torturers in the First Amended
4 Complaint remain in power. *See* Sooka Decl. at ¶¶ 41-44. Prasanna de Alwis, the
5 former Officer in Charge of the Terrorism Investigation Division,⁵ has been promoted
6 to Assistant Superintendent of Police for the Colombo Crimes Division. *Id.* Nishantha
7 de Silva, implicated in the torture of one of the plaintiffs,⁶ is now the Officer in Charge
8 of the Organized Crime Investigation Unit of the Criminal Investigation Department
9 of the police. *Id.* Other Rajapaksa loyalists remain in office, while pro-Rajapaksa
10 militants in the Sinhala-Buddhist extremist movement present a clear and present
11 danger to perceived opponents of Sinhalese nationalism. *See* Sooka Decl. at ¶¶ 19, 36.

12 Under these circumstances, an objectively reasonable person would believe
13 there is a high risk that Plaintiffs and their families would face severe threats to their
14 lives and well-being if Plaintiffs’ identities were exposed.

15 *Third*, the Plaintiffs and their families are highly vulnerable to retaliation. The
16 Plaintiffs are members of frequently persecuted groups: members of the Sri Lankan
17 Tamil minority and perceived Sinhalese opponents of the Rajapaksa political factions.
18 *Cf. Advanced Textile Corp.*, 214 F.3d at 1068, 1072 (noting that certain classes, *e.g.*,
19 migrant workers, children, are particularly vulnerable). And with Plaintiffs’ names
20 revealed, the Defendant and his supporters could easily identify relatives in Sri Lanka.
21 The Defendants’ supporters in the security services—including officers identified in
22

23 ⁴ *Report of the Special Rapporteur on the promotion and protection of human rights*
24 *while countering terrorism*, Human Rights Council, UN Doc. A/HRC/40/XX/Add.3,
25 ¶¶ 24–26, Jul. 23, 2018, https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJuly2018.PDF.

26 ⁵ Prasanna de Alwis is identified as a perpetrator in the FAC at ¶¶ 61, 72, 177, 196-98.

27 ⁶ Nishantha de Silva is identified as personally torturing one of the Plaintiffs in the
28 FAC at ¶¶ 85-86.

1 the FAC—have access to the sensitive biodata contained in the Plaintiffs’ investigative
2 files.⁷ In many instances, Plaintiffs’ family in Sri Lanka have already been visited
3 repeatedly by security forces that threatened and harassed them, asking about the
4 Plaintiffs.

5 **B. Anonymity is Necessary to Protect the Plaintiffs’ Privacy**

6 Courts in the Ninth Circuit have routinely allowed plaintiffs alleging sexual
7 assault to proceed anonymously because the nature of such claims relates to “a matter
8 of sensitive and highly personal nature”. [Advanced Textile Corp., 214 F.3d at 1068](#);
9 [Alyssa C. v. Palo Alto Hous. Corp., Case No. 07-CV-1112-JW, 2007 WL 878524, at](#)
10 [*1 \(N.D. Cal. Mar. 20, 2007\)](#) (“Situations where courts have found sufficient privacy
11 concerns to warrant proceeding under a fictitious name have included such matters as
12 . . . rape.”); [Penzato, 2011 WL 1833007, at *3](#) (“Given Plaintiff’s allegations of sexual
13 assault, the Court finds that these reasons tend to favor allowing her to proceed
14 anonymously”); [Doe v. Rose, Case No. 15-CV-07503-MWF, 2016 WL 9137645, at *2](#)
15 [\(C.D. Cal., June 17, 2016\)](#) (finding that plaintiff’s “allegations of rape entitle her to the
16 protections of anonymity”); [Jordan v. Gardner, 986 F.2d 1521, 1525 n.4 \(9th Cir.](#)
17 [1993\)](#) (“In keeping with the tradition of not revealing names of the victims of sexual
18 assault, we use initials here. . .”).

19 Here, nearly all of the Plaintiffs, men and women, allege they were subjected to
20 sexualized torture including various accounts of rape and sexual slavery. Publicly
21 revealing their identities would cause substantial humiliation and re-traumatization.
22 Moreover, revelation could ostracize the Plaintiffs from their conservative
23 communities due to the stigma attached to victims of sexual violence. For Sri Lankan
24 Tamils, at home and in the diaspora, male victims of rape face a cultural taboo while
25

26
27 ⁷ See FAC at ¶ 83 (Ramesh); ¶105 (Shanti); ¶120 (Suresh); ¶ 154 (Vidhya); ¶ 207
28 (Senthil); ¶ 220 (Ramanan); ¶ 251(Mayuran).

1 female victims face traditional notions of virginity as a precondition of marriage and
2 “purity.” See Sooka Decl. at ¶¶ 25–28.

3 The threats to Plaintiffs’ privacy are especially pronounced where, as here, the
4 Defendant is a high-profile politician who attracts global media attention. *John Doe v.*
5 *Kevin Spacey Fowler et. al*, Case No. 19-CV-00750-RSWL (C.D. Cal. May 14, 2019)
6 (ECF No. 44 at 19) (finding that “[p]laintiff”s vulnerability to humiliation, harassment,
7 and threats, is further exacerbated by the nature of Defendant’s status as a high-profile
8 celebrity and the media attention that comes with it.”). Plaintiffs therefore have a well-
9 founded fear that they could be shamed and retraumatized for having been raped and
10 sexually tortured by the Defendant’s agents.

11 Either a protection or a privacy interest would suffice to warrant anonymous
12 litigation. See [Advanced Textile Corp.](#), 214 F.3d at 1068. Here, both interests exist for
13 Plaintiffs, and to a degree rarely seen in civil litigation. These interests weigh heavily
14 in favor of anonymity.

15 **C. Plaintiffs’ Use of Pseudonyms Does Not Prejudice the Defendant at This**
16 **Stage of the Proceeding**

17 Courts must “determine the precise prejudice at each stage of the proceedings to
18 the opposing party, and whether proceedings may be structured so as to mitigate that
19 prejudice.” *Id.* Mechanisms used to mitigate prejudice include protective orders and
20 jury instructions that are designed to shield the identity of the party seeking anonymity.
21 *Id.*; see also [Alexander v. Falk](#), Case No. 16-cv-02268-MMD, 2017 WL 3749573, at
22 *2 (D. Nev. Aug. 30, 2017) (court entered protective order at discovery stage of
23 proceedings which authorized plaintiffs’ counsel to disclose plaintiffs’ identities to
24 defense counsel on an “attorney’s eyes only” basis, but precluded disclosure of such
25 information to defense counsel’s clients and the public); [James v. Jacobson](#), 6 F.3d
26 233, 238-42 (4th Cir. 1993) (reversing the district court’s “general proposition [that]
27 party-anonymity at trial is simply not permissible” and stating that jury instructions
28

1 which explain the reason for pseudonymity without regard to the merits of the claim
2 “could avoid any prejudice to the defendant flowing from the very fact of
3 pseudonymity.”).

4 Pertinent here is the fact that Defendant presently suffers no prejudice because
5 this case is at its incipient stage of litigation. Courts in this circuit have regularly found
6 minimal to no prejudice during such early stages because the plaintiff’s identity at that
7 time is typically immaterial. In [Doe v. County of El Dorado, Case No. 13-cv-01433-
8 KJM, 2013 WL 6230342, at *5 \(E.D. Cal. Dec. 2, 2013\)](#), the court noted that “[a]t this
9 pre-discovery stage...the court need not yet consider the prejudice defendant will suffer
10 during discovery”. Instead, “the relevant prejudice is that which defendant presently
11 suffers as a result of plaintiff’s anonymity”. *Id.* The court then found that the defendant
12 failed to identify any such prejudice. *Id.*; see also [Advanced Textile Corp., 214 F.3d at
13 1069](#) (holding that defendants would not be prejudiced by not knowing plaintiffs’
14 identities at that early stage of the litigation); *John Doe I, et al. v. Unocal Corp., et al.*,
15 Case No. 96-cv-06959-RSWL (C.D. Cal. Oct. 15, 1996) (ECF No. 5) (prohibiting
16 disclosure of anonymous plaintiffs’ identities to defendants or to any third parties
17 during early stages of proceedings); [Doe v. Kamehameha Sch./Bernice Pauahi Bishop
18 Estate, Case No. 08-cv-00359-JMS, 2008 WL 4755674, at *6 \(D. Haw. Oct. 28, 2008\)](#)
19 (finding that defendants are not prejudiced “[a]t this point in the proceedings” because
20 “no discovery as to damages is necessary” at that time). Indeed, during the parties’
21 meet and confer, defense counsel agreed not to oppose the motion up to and including
22 a decision denying the motion to dismiss or a Rule 26 conference.

23 As Defendant does not oppose this motion, there is no prejudice to weigh, and
24 the balance weighs heavily in favor of the Plaintiffs.

25 **D. Public Interest is Best Served by Permitting the Plaintiffs to Proceed**
26 **Pseudonymously**
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1 Public interest is not undermined by the Plaintiffs' use of pseudonyms. While
2 the issue of torture is a matter of public concern, disclosing the Plaintiffs' names will
3 add little to the public's understanding of the human rights abuses in this case.
4 [Advanced Textile Corp., 214 F.3d at 1072 n.15](#) ("For instance, the question whether
5 there is a constitutional right to abortion is of immense public interest, but the public
6 did not suffer by not knowing the plaintiff's true name in *Roe v. Wade*").

7 On the contrary, forcing victims of torture and rape to identify themselves could
8 have a chilling effect on human rights litigation, which vindicates important public
9 values. The majority of courts in this circuit have permitted anonymity for alleged
10 victims of sexual violence because the "public generally has a strong interest in
11 protecting the identities of sexual assault victims so that other victims will not be
12 deterred from reporting such crimes." [Penzato, 2011 WL 1833007, at *3](#); [Doe K.G. v.](#)
13 [Pasadena Hosp. Ass'n, Case No. 18-CV-8710-ODW, 2019 WL 1612828, at *1 \(C.D.](#)
14 [Cal. Apr. 15, 2019\)](#) (finding that the "public's interest in allowing alleged victims of
15 sexual assault to proceed anonymously outweighs any public interest in the plaintiff's
16 identity"); [Doe. v. Pasadena Hosp. Ass'n, Case No. 18-CV-9648-DDP, 2018 WL](#)
17 [6831533, at *2 \(C.D. Cal. Dec. 26, 2018\)](#) (same).

18 In short, public interest also weighs in favor of anonymity.

19 **CONCLUSION**

20 For the foregoing reasons, Plaintiffs respectfully move this Court for an order
21 allowing them to proceed in this litigation anonymously.
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PROOF OF SERVICE

I, Stephanie Y. Cho, declare that I am over the age of eighteen (18) and not a party to the entitled action. I am an attorney at the law firm of HAUSFELD LLP, and my office is located at 600 Montgomery Street, Suite 3200, San Francisco, CA 94111.

On August 26, 2019, I caused to be served in the manner indicated below, documents described as follows: **PLAINTIFFS’ UNOPPOSED MOTION TO PROCEED ANONYMOUSLY AND MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF YASMIN L. SOOKA; AND PROPOSED ORDER** on the interested party in this action in the manner stated below:

<input checked="" type="checkbox"/>	By CM/ECF
<input checked="" type="checkbox"/>	Pursuant to the Court’s Standing Order No. 6, by facsimile to the following: John C. Ulin Fax: (213)243-4199

Executed on August 26, 2019 at San Francisco, CA.

/s/ Stephanie Y. Cho
Stephanie Y. Cho