

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JANE DOE and JOHN DOE,  
Plaintiffs,  
  
v.  
  
Ivo Tanku Tapang,  
Defendant.

Case No. 18-cv-07721-NC

**ORDER GRANTING  
PLAINTIFFS' MOTION TO  
PROCEED UNDER  
PSEUDONYM**

Re: Dkt. No. 4

Plaintiffs Jane Doe and John Doe bring nine counts on behalf of themselves and others similarly situated against defendant Ivo Tanku Tapang for the deaths of their parents, children, and siblings resulting from Tapang's alleged terrorist activity in Cameroon. Dkt. No. 1 at 3. Plaintiffs moved to proceed under pseudonyms in this case due to safety concerns. Dkt. No. 4. The Court GRANTS plaintiffs' motion to proceed under pseudonyms. The plaintiffs' real names may be designated "Attorney's Eyes Only" and must be disclosed only to defense counsel under the Northern District's Model Protective Order.

**I. BACKGROUND**

Plaintiffs seek redress for the defendant's alleged leadership of a terrorist organization having resulted in the deaths of their loved ones. Dkt. No. 1. Plaintiffs allege that defendant Tapang is a leader of the Ambazonia Defense Forces ("ADF"), a group which plaintiffs state has "engaged in countless acts of terrorism, including killings,

1 kidnappings, torture, and even cutting hands of students that go to school.” Dkt. No. 4 at  
 2 3. This lawsuit is of particular concern because plaintiffs claim that Tapang and the ADF  
 3 have recently posted threats on social media against lawyers or individuals who file suit  
 4 against them. *Id.* at 2. They are concerned that “Tapang may hire a hit squad to eliminate  
 5 them,” or that “their loved ones, family members and business interests in Cameroon will  
 6 be severely harmed, burnt, or killed under defendants [sic] orders.” *Id.* at 5.

## 7 **II. LEGAL STANDARD**

8 It is in the Court’s discretion to allow pseudonyms. *See Jane Roes 1–2 v. SFBSC*  
 9 *Mgmt., LLC*, Case No. 14-361677-LB, 77 F. Supp. 3d 990, 993 (N.D. Cal. 2015). In the  
 10 Ninth Circuit, parties may use pseudonyms in unusual cases where doing so is “necessary .  
 11 . . to protect a person from “harassment, injury, ridicule, or personal embarrassment.”  
 12 *Does I thru XXIII v. Advanced Textiles Corp.*, 214 F.3d 1058, 1067–8 (9th Cir. 2000)  
 13 (citing *United States v. Doe*, 655 F.2d 920 (9th Cir. 1981)). The Court must balance the  
 14 risk facing the party seeking anonymity against possible both prejudice to the opposing  
 15 party and against the public’s interest in open courts and judicial records generally. *See*  
 16 *Janes Roes 1–2*, 77 F. Supp. 3d at 993. Courts have allowed plaintiffs to use pseudonyms  
 17 in three situations:

- 18 “(1) when identification creates a risk of retaliatory physical or mental harm;
- 19 (2) when anonymity is necessary to preserve privacy in a matter of sensitive and
- 20 highly personal nature; and
- 21 (3) when the anonymous party is compelled to admit his or her intention to engage
- 22 in illegal conduct, thereby risking criminal prosecution.”

23 *Id.* (citations omitted) (quoting *Advanced Textiles Corp.*, 214 F.3d at 1068). The Court is  
 24 to weigh the following factors in making this determination:

- 25 “(1) the severity of the threatened harm;
- 26 (2) the reasonableness of the anonymous party’s fears; and
- 27 (3) the anonymous party’s vulnerability to such retaliation.” *Advanced Textiles*,

28 214 F.3d at 1068.

**III. DISCUSSION**

Here, the plaintiffs contend that their identification creates a risk of retaliatory physical harm of the greatest degree—that is, death or at least severe bodily injury to themselves or their loved ones. The first factor, the severity of the threatened harm, thus heavily favors permitting pseudonyms here. The second factor, the reasonableness of those fears, is bolstered by the plaintiffs’ exhibits showing, at least, connections between Tapang and the ADF and associated violent activity. *See* Dkt. No. 1, Exs. A–D. The third factor, plaintiffs’ vulnerability, is evidenced by the deaths of the plaintiffs’ immediate family members allegedly at the hands of the ADF.

The prejudice to the defendant in not knowing the plaintiffs’ identities is significantly mitigated by the plaintiffs’ proposal to disclose their real names to defense counsel under an “Attorney’s Eyes Only” standard. The public will still be able to learn “the issues” of this case and openly access “the court’s performance in resolving them.” *Doe v. Stegall*, 653 F.2d 180, 185 (5th Cir. 1981). Without making any findings as to the allegations contained in the complaint, the Court is persuaded here that plaintiffs should be permitted to proceed anonymously.

**IV. CONCLUSION**

The Court GRANTS the motion to proceed under pseudonym. The plaintiffs may file a proposed protective order using the Northern District’s Model Protective Order, available on the Court’s website, and may file future documents under seal in accordance with that protective order following Civil Local Rule 79-5.

**IT IS SO ORDERED.**

Dated: January 28, 2019

  
NATHANAEL M. COUSINS  
United States Magistrate Judge