

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends, JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MITCH LINGO, and LISA WILLIAMS, in
their official capacities as board members of the Iowa City
Community School District; SIOUX CITY COMMUNITY
SCHOOL DISTRICT; ROD EARLEYWINE, in his
official capacity as Sioux City Community School District
Superintendent; DAN GREENWELL, LANCE EHMCKE,
JAN GEORGE, TREYLA LEE, JOHN MEYERS, BOB
MICHAELSON, and EARL MILLER, in their official
capacities as board members of the Sioux City Community
School District; URBANDALE COMMUNITY SCHOOL
DISTRICT; ROSALIE DACA, in her official capacity as
Urbandale Community School District Superintendent;
KATHERINE HOWSARE, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, STEVE
RICHMAN, JOSH VAN RSWYK, CARISSA
WILLIAMS, and MARGARET YOUNG, in their official
capacities as board members of the Urbandale Community

Case No. 4:23-cv-474

**PLAINTIFFS' MOTION
FOR LEAVE TO
PROCEED UNDER
PSEUDONYMS AND FOR
A PROTECTIVE ORDER**

School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, MICHAEL ANDRESKI, ELIZABETH LARSON, LILA P. MONTOYA STARR, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

Plaintiff Robert Smith, by his parents and next friends, Jane and John Smith, and Plaintiff James Doe, by his parent and next friend, John Doe, by and through their undersigned counsel, respectfully move this Court pursuant to Federal Rules of Civil Procedure 10(a) and 26(c) for an order granting them leave to proceed under pseudonyms and for a protective order limiting disclosure of their identities to counsel for Defendants. They state the following in support:

1. Pursuant to Local Rule 7(d), Plaintiffs submit a Brief in Support of this Motion as an attachment and incorporate the same by this reference.
2. Pursuant to Local Rule 5A(g)(6), Plaintiffs submit a proposed order as an attachment.

3. Plaintiffs Robert Smith and James Doe¹ are transgender minors who challenge Iowa Senate File 496, along with other minor Plaintiffs and their parents and Plaintiff GLBT Youth in Iowa Schools Task Force.

4. Plaintiffs Robert Smith and James Doe seek leave to proceed under pseudonyms to protect their privacy and safety as minors and to avoid exposure to discrimination and harassment.

5. Plaintiffs Jane and John Smith and John Doe seek leave to proceed under pseudonyms to protect the identities of their children.

6. Although Federal Rule of Civil Procedure 10(a) and Local Rule 10(d) generally require the names of the litigants be stated within the caption, this Court has the authority to allow Plaintiffs to proceed under a pseudonym upon demonstrating “a substantial privacy right which outweighs the customary and constitutionally-embedded presumption of openness in judicial proceedings.” *Doe v. Grinnell Coll.*, No. 4:17-cv-079-RGE-SBJ, 2017 WL 11646145, at *2 (S.D. Iowa July 10, 2017) (quoting *Doe v. Frank*, 951 F.2d 320, 323 (11th Cir. 1992) (internal quotation marks omitted)).

7. Courts “balancing the plaintiff’s privacy interests, the prejudice to the defendant, and the public interest,” typically consider a number of factors, including “whether the litigation involves matters that are highly sensitive and of a personal measure,” “whether the plaintiff is particularly vulnerable to the possible harms of disclosure, particularly in light of his age,” “whether the defendant is prejudiced by allowing the plaintiff to press his claims anonymously,”

¹ To protect their privacy pending consideration of this Motion, Plaintiff James Doe and his parent and next friend, John Doe, and Plaintiff Robert Smith and his parents and next friends, Jane and John Smith, have in this Motion and in the Complaint and other initial filings used the pseudonyms for which they seek leave by this Motion. Should the Court deny this Motion, Plaintiffs James Doe and Robert Smith will consider dismissing their claims or amending the Complaint and other filings to use the names by which they and their parents and next friends are known.

and “whether the public’s interest in the litigation is furthered by requiring the plaintiff to disclose his identity[.]” *Doe v. Drake Univ.*, No. 4:16-cv-00623-RGE-SBJ, 2017 WL 11404865, at *2 (S.D. Iowa June 13, 2017) (quoting *Sealed Plaintiff v. Sealed Defendant #1*, 537 F.3d 185, 189–90 (2d. Cir. 2008)). As Plaintiffs’ accompanying Brief in Support demonstrates more fully, all these factors weigh in favor of granting Plaintiff’s present Motion.

8. To protect Plaintiffs’ interests in privacy to the greatest extent possible while also preserving Defendants’ ability to prepare their defense, Plaintiffs propose a protective order under Federal Rule of Civil Procedure 26(c) that defines the circumstances under which and purposes for which Plaintiffs’ identities may be revealed to Defendants, through their counsel, and this Court. Plaintiffs have shown the good cause necessary for such order modifying the ordinary proceedings of discovery and disclosure as necessary to protect the Plaintiffs from “annoyance, embarrassment, oppression, or undue burden or expense.” *See Fed. R. Civ. P. 26(c)(1)*.

9. Given this Motion is filed contemporaneous with Plaintiffs’ opening filings, the undersigned has not had opportunity to consult with Defendants’ counsel. Accordingly, the undersigned is unable to state under Local Rule 7(k) whether Defendants consent to this Motion and the proposed Protective Order. Should the undersigned determine—after having identified all Defendants’ counsel through their appearances and consulting with them—that this Motion will be unresisted, Plaintiff will submit timely notice to this Court of this fact.

Accordingly, for these reasons and those expressed more fully in Plaintiffs’ Brief in Support, Plaintiffs respectfully request this Court grant this Motion, enter the proposed Protective Order, and order all such other and further relief as this Court deems just and appropriate.

Dated: November 28, 2023

Respectfully submitted



/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

The foregoing paper also will be served along with the Complaint and Summons on all Defendants.

Dated: November 28, 2023

/s/Thomas D. Story
Thomas D. Story