

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN ACADEMY OF PEDIATRICS, *et al.*,

Plaintiffs,

vs.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the Department of Health
and Human Services, *et al.*,

Defendants.

Case No. 1:25-cv-11916

**THIRD INDIVIDUAL PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO PROCEED UNDER PSEUDONYM AND FOR PROTECTIVE ORDER**

The Third Individual Plaintiff seeks a Covid-19 vaccine for her two minor children despite the directive of the Secretary of the Department of Health and Human Services (“Secretary”) rescinding the recommendation that healthy children routinely get vaccinated against Covid-19, brings this motion seeking leave to participate as a plaintiff in the above-captioned action under a pseudonym.

The attached amended complaint sets forth how the Defendants’ actions in rescinding the Centers for Disease Control and Prevention (“CDC”) recommendation that healthy children receive a vaccination against Covid-19 is arbitrary and capricious and contrary to law and that Defendants’ action rescinding that recommendation put her and her children at current and future risk for contracting a Covid-19 infection, experiencing severe symptoms of the same, and possibly dying. Third Individual Plaintiff seeks to bring this action under a pseudonym because the facts in the Complaint relate to sensitive information about the Third Individual Plaintiff’s medical condition, and the health history of her children. Additionally, Third Individual Plaintiff seeks to

bring this action under a pseudonym out of fear of the effect of publicity on her personal and professional lives and to avoid participating in a chilling effect on similarly-situated individuals who seek to hold federal health officials to account for unlawful overreaches and attacks on science. For these reasons and the reasons set forth below, Third Individual Plaintiff respectfully asks the Court to grant her motion to proceed under a pseudonym.

I. BACKGROUND

Third Individual Plaintiff is mother of two minor children. Declaration in Support of Third Individual Plaintiff's Motion for Preliminary Injunction and Declaratory Relief and for Expedited Consideration at ¶¶ 2 (filed contemporaneously with this Motion and attached hereto as Exhibit A for the Court's convenience). She is joining this lawsuit because challenging the Secretary's directive to rescind the recommendation that healthy children receive a Covid-19 vaccine will benefit her, her children personally, and other parents and children. She has seen news coverage of politically-motivated violence in the past several weeks and months involving challenges to government policies. *Id.* at 6. The frequency and severity of politically-motivated attacks scares her and discourages her from taking actions that publicize her views on topics that have been politicized, such as vaccine safety and federal vaccine policy. *Id.* at 6. If required to proceed under her legal name, she would likely be harassed by individuals in her personal life whom she tries to avoid speaking about politically-charged topics as well as strangers. *Id.* at ¶¶ 6–7. If required to proceed under her legal name, her life will be unsafely disrupted emotionally by individuals and organizations seeking to prevent her from maintaining her views that the Covid-19 vaccine is a safe and effective way to protect children from Covid-19 infection, severe Covid-19 symptoms, and death. *Id.* at ¶ 6. If required to participate in the above-captioned litigation under her legal name, she risks her personal physical safety and that of her children from agents who would target

them for a politically-motivated attack. *Id.* at ¶ 7. If required to participate in the above-captioned litigation under her legal name, that fact will require disclosing personal medical choices she makes on behalf of her children to the public, which are sensitive to her and her children and to which she would not want the public to know about. *Id.* at ¶ 6–7. Her fear that participating in the above-captioned litigation under her legal name will cause her severe emotional, reputational, professional, and even physical harm to the extent that she doubts she will elect to proceed with her claims if she is not permitted to move forward under a pseudonym. *See id.* at ¶ 6.

II. LEGAL STANDARD

In general, pseudonymity in litigation is permitted only in “exceptional circumstances” and courts must balance the public’s interest in open judicial fora with the privacy interest on a case-by-case basis and the party seeking pseudonymity bears the burden of rebutting the strong presumption against it. *Doe v. Mass. Inst. of Tech.*, 46 F.4th 61, 70, 73 (1st Cir. 2022); *Doe v. United States*, Case No. 1:24-cv-1145, ECF No. 20 (D. Mass. Oct. 15, 2024). The First Circuit lacks a formalized test for when a party can proceed pseudonymously. *Mass. Inst. of Tech.*, 46 F.4th 70. Rather, courts in the First Circuit “enjoy broad discretion to identify the relevant circumstances in each case and to strike the appropriate balance between the public and private interests” in deciding to permit pseudonymity. *Id.* Broadly, courts within the First Circuit permit pseudonymity in several general categories: (1) cases where the would-be-Doe “reasonably fears that coming out of the shadows will cause him [or her] severe harm (either physical or psychological); (2) “cases in which identifying the would-be-Doe would harm ‘innocent nonparties’”; and (3) “cases in which anonymity is necessary to forestall a chilling effect on future litigants who may be similarly situated.” *Mass. Inst. of Tech.*, 46 F.4th at 71 (collecting cases).

III. ARGUMENT

The Court should permit the Third Individual Plaintiff to proceed under a pseudonym for four reasons. First, revealing the Third Individual Plaintiff's identity will expose her and her children to risk of harassment and attack by individuals for whom vaccination has become a political, rather than health issue. Second, denying Third Individual Plaintiff's motion will have a chilling effect on other individuals coming forward in opposition to the attacks by federal officials on science at the expense of public health. Third, granting Third Individual Plaintiff's motion will not prejudice Defendants in any way because, if the Court grants her motion, the Third Individual Plaintiff will file a copy of the operative complaint that includes her legal name under seal and provide a copy of the same to Defendants.

A. Revealing Third Individual Plaintiff's Identify Risks her Personal Safety and the Safety of her Children

The Court should permit the Third Individual Plaintiff to proceed pseudonymously to protect her and her children's physical and emotional safety.

News media are reporting that political violence is on the rise in the United States; in April 2025, PBS News ran a story summarizing some of the recent political violence. *See e.g., The growing list of political violence in the U.S.*, PBS NEWS (Apr. 14, 2025) <https://www.pbs.org/newshour/politics/the-growing-list-of-political-violence-in-the-u-s>. The article details the arson attack on Pennsylvania's governor's mansion, protesters launching Molotov cocktails at Tesla showrooms, the two known assassination attempts on Donald Trump's life, the March 2025 fire at the New Mexico Republican Party headquarters, the shooting at the Democratic National Committee office in Arizona last fall, the hammer attack on Nancy Pelosi's husband, and the events at the Capitol on January 6, 2021 to name just a few. *Id.* Since then, Minnesota State Representative Melissa Hortman was murdered along with her husband and

Minnesota State Senator John Hoffman and his wife were also shot at their home. *Slain Minnesota lawmakers Melissa Hortman lies in state at Capitol in St. Paul*, PBS NEWS (June 27, 2025) <https://www.pbs.org/newshour/politics/watch-live-slain-minnesota-lawmaker-melissa-hortman-lies-in-state-at-capitol-in-st-paul>; see also, *Understanding the root causes and possible solutions for rising political violence*. PBS News. (June 17, 2025) <https://www.pbs.org/newshour/show/understanding-the-root-causes-and-possible-solutions-for-rising-political-violence> (reporting that, according to experts, increased polarization and heated rhetoric from public figures is exacerbating a trend of targeted political violence in the United States). National Public Radio reported on July 1, 2025 that almost three quarters of Americans polled view politically-motivated violence as a “major problem.” *Poll: Most feel democracy is threatened and political violence is a major problem*. NPR. (July 1, 2025) <https://www.npr.org/2025/07/01/nx-s1-5452527/poll-democracy-trump-immigration>.

The Third Individual Plaintiff is among those who fear politically-motivated violence for herself and for her children. Unfortunately for public health, the science that underpins vaccines has become politically charged which has led to politically-motivated violence aimed at proponent of the covid-19 vaccine. See e.g., *Shooter attacked CDC headquarters to protest COVID-19 vaccines, authorities say*, PBS NEWS (Aug. 12, 2025) <https://www.pbs.org/newshour/nation/shooter-attacked-cdc-headquarters-to-protest-covid-19-vaccines-authorities-say>; Pearl Steinzor, *COVID-19 Vaccine Politicization Fueled hesitancy, Impacted Vulnerable Groups*, AMERICAN JOURNAL OF MANAGED CARE (Mar. 13, 2025) <https://www.ajmc.com/view/covid-19-vaccine-politicization-fueled-hesitancy-impacted-vulnerable-groups>. As a result, Third Individual Plaintiff is scared to come forward publicly in this lawsuit because she fears politically-motivated violence by individuals who disagree with her

beliefs on vaccines safety and efficacy and the propriety and method of the Secretary's decision to rescind the CDC's recommendation that healthy children be vaccinated against Covid-19. She fears that by proceeding as a party plaintiff in her legal name, she puts her own physical safety at risk and the safety of her children. *See e.g., Doe v. Brandeis Univ.*, 2019 WL 13550592, at *1 (D. Mass. May 15, 2019) (permitting the plaintiff proceed pseudonymously in the public record for fear of social stigmatization).

Furthermore, if required to proceed as a plaintiff in her legal name, her sensitive medical information including information about her children's health and decisions will be made public, which will cause Third Individual Plaintiff a significant emotional toll. Third Individual Plaintiff makes a point not to talk about politics or politically-charged topics with her family, friends, and colleagues. She is proceeding in this lawsuit to protect the health of her minor children. She should not be required to choose between protecting her children and sacrificing some of the most intimate details of their lives to the public eye in order to redress public officials overreaching their authority and interfering with her ability to protect children. *See also, Doe v. City of Springfield*, 2025 WL 1424333, at *1 (D. Mass. May 16, 2025) (granting pseudonymity where disclosing the identity of a mother would result in disclosing the identity of the child-victim).

B. Revealing Third Individual Plaintiff's Identity Risks a Chilling Effect on Similarly Situated Individuals Holding Federal Health Officials to Account for Their Unlawful Overreaches

If the Court denies her motion to proceed pseudonymously, it places the Third Individual Plaintiff in a lose-lose situation with respect to her physical safety: she has to either pick to proceed to resign her right to access Covid-19 vaccine for herself and her children or else put her and her children at risk for politically-motivated attacks. That Sophie's choice is the exact type of conundrum that creates a chilling effect on other similarly-situated individuals from bringing suit to assert their rights. *See e.g., Doe v. United States*, Case No. 1:24-cv-11445-JEK, ECF No. 20 (D.

Mass Oct. 15, 2024) (permitting pseudonymity for the plaintiff who was a victim of sexual violence on the basis that the scrutiny of proceeding publicly would deter other victims from stepping forward).

IV. CONCLUSION

For the reasons explained above, the Third Individual Plaintiff's circumstances warrant proceeding pseudonymously and therefore, the Third Individual Plaintiff respectfully asks the Court to (1) grant her motion to proceed under the pseudonym "Jane Doe 3" and refer to her minor children as "Jimmy Doe" and "Timmy Doe"; (2) enter a protective order prohibiting any defendant from disclosing Plaintiff's identity or the identity of her minor children unless such disclosure is necessary to defend against this action; (3) order all unsealed public filings shall refer to the Individual Plaintiff as "Jane Doe 3" and to her minor children as "Jimmy Doe," "Timmy Doe," or "Child Does" and that the filing party shall redact all personal identifiers and information about her or her baby that would, alone or with other disclosed information, reveal her identity or the identity of her minor children in accordance with Federal Rule of Civil Procedure 5.2; and (4) order that any nonparty who is informed of the Third Individual Plaintiff's identity or the identity of her minor children shall be bound by the Court's order and shall receive a copy of the same.

An unredacted copy of the operative pleading will be filed under seal separately with the court and served on Defendant.

Dated: September 3, 2025

Respectfully submitted,

By: /s/ James J. Oh

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document was filed and served through the ECF system upon the following parties on this 3rd day of September 2025:

Robert F. Kennedy, Jr., in his official capacity
as Secretary of Health and Human Services

Marty Makary, in his official capacity as
Commissioner of the Food and Drug
Administration

Jay Bhattacharya, in his official capacity as
Director of the National Institutes of Health

Jim O'Neill, in his official capacity as Acting
Director Centers for Disease Control and
Prevention

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/s/ James J. Oh
James J. Oh

**IN THE UNITED STATES DISTRICT COURT
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AMERICAN ACADEMY OF PEDIATRICS, *et al.*,

Plaintiffs,

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ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the Department of Health
and Human Services, *et al.*,

Defendants.

Case No. 1-25-cv-11916

**THIRD INDIVIDUAL PLAINTIFF’S MOTION TO PROCEED UNDER PSEUDONYM
AND FOR PROTECTIVE ORDER**

The Third Individual Plaintiff, a parent of two minor children, seeks a COVID-19 vaccine to her minor children before they return to school for the 2025–2026 school year despite the directive of the Secretary of the Department of Health and Human Services (“Secretary”) rescinding the recommendation that healthy children routinely get vaccinated against Covid-19 (the “Secretarial Directive”), brings this motion seeking leave to participate as a plaintiff in the above-captioned action under a pseudonym.

For the reasons explained in the accompanying memorandum of law, the Third Individual Plaintiff’s circumstances warrant proceeding pseudonymously and therefore, Third Individual Plaintiff respectfully asks the Court to (1) grant her motion to proceed under the pseudonym “Jane Doe 3” (2) enter a protective order prohibiting any defendant from disclosing Third Individual Plaintiff’s identity unless such disclosure is necessary to defend against this action; (3) order all unsealed public filings shall refer to the Third Individual Plaintiff as “Jane Doe 3” or “Doe 3” and her children as “Jimmy Doe” and “Timmy Doe” and that the filing party shall redact all personal

identifiers and information about her that would, alone or with other disclosed information, reveal her identity or the identity of her baby in accordance with Federal Rule of Civil Procedure 5.2; and (4) order that any nonparty who is informed of the Third Individual Plaintiff's identity or the identity of her children shall be bound by the Court's order and shall receive a copy of the same.

Counsel for Third Individual Plaintiff has counsel for Defendant to ascertain the position of counsel for Defendants on Third Individual Plaintiff's Motion to Proceed Under Pseudonym and for Protective Order.

A copy of the Complaint bearing Third Individual Plaintiff's legal name will be provided to the Court under seal contemporaneously with this Motion. If the Court grants Third Individual Plaintiff's Motion, Individual Plaintiff will serve a copy of the Complaint bearing the Third Individual Plaintiff's full legal name on Defendants subject to the Court's protective order.

Dated: September 3, 2025

Respectfully submitted,

By: /s/ James J. Oh

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**LOCAL RULE . CERTIFICATE REGARDING THRID INDIVIDUAL PLAINTIFF'S
MOTION TO PROCEED UNDER PSEUDONYM AND FOR PROTECTIVE ORDER**

I, James J. Oh, certify that on September 3, 2025 I provided a copy of the foregoing to the following individuals to provide notice contemporaneous with filing this motion:

Isaac Belfer
Trial Attorney
Consumer Protection Branch
U.S. Department of Justice
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Isaac.C.Belfer@usdoj.gov

Prior to filing the motion, on August 18, 2025 and again on September 3, 2025, I emailed the above-named individuals on behalf of the Defendants to meet and confer on this motion. Defendants stated in an email to undersigned on September 3, 2025 that they take no position on the aforementioned motion.

/s/ James J. Oh

James J. Oh

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I hereby certify that this document was filed and served through the ECF system upon the following parties on this 3rd day of September 2025:

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Jay Bhattacharya, in his official capacity as
Director of the National Institutes of Health

Jim O'Neill, in his official capacity as Acting
Director Centers for Disease Control and
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