

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF YORK)	SIXTEENTH JUDICIAL CIRCUIT
)	
Jane Doe #5, individually, and now over the)	
age of eighteen (18) and Jane Roe #5, as the)	Civil Action No.: 2024-CP-46-00583
parent and natural guardians of Jane Doe #5)	
while she was under the age of eighteen (18),)	
)	
Plaintiff,)	PLAINTIFFS' MOTION TO
vs.)	PROCEED UNDER PSEUDONYMS
)	
Morningstar Fellowship Church, Richard)	
Joyner, David Yarnes, Douglas Lee,)	
Comenius School for Creative Leadership)	
("CSCL") and Sandra Woods)	
)	
Defendants.)	
)	

Plaintiffs Jane Doe No. 5 and Jane Roe No. 5 hereby move for an order permitting them to proceed in this civil action under pseudonyms. Jane Doe No. 5 alleges in this action that, during her teenage years and before she turned eighteen years old, she was sexually abused and harassed by classmates at Defendant Comenius School for Creative Leadership ("CSCL"). The Complaint further alleges that rather than taking action to protect Jane Doe No. 5, Morningstar and the individual defendants (Morningstar leaders and CSCL principal Woods) attacked Jane Doe No. 5's morals and claimed she was at fault for the harm done to her. Plaintiffs should be allowed to proceed anonymously for several reasons including:

1. **Protection of Privacy:** Victims of sexual assault have a heightened need for privacy due to the sensitive and personal nature of the abuse. Protecting their identity helps safeguard their mental health and emotional well-being.
2. **Avoiding Further Trauma:** Public disclosure of Plaintiffs' identity can lead to additional trauma. Anonymity can protect Plaintiffs from the stigma, embarrassment, and potential harassment that could arise from public knowledge of the abuse.

3. Encouraging Reporting of Abuse: Allowing anonymity can encourage the reporting of such abuse. Victims and their families might be more willing to come forward if they know that their identity will be protected.

ARGUMENT

South Carolina law has “long recognized the need for confidentiality in cases dealing with sensitive and personal subject matter.” Doe v. Howe, 362 S.C. 212, 217, 607 S.E.2d 354, 356 (Ct. App. 2004). In fact, courts recognize the need to judicially protect the name of victims in cases involving sexual abuse of children. Id. (citing Doe by Roe v. Orangeburg Cnty. Sch. Dist., 335 S.C. 556, 518 S.E.2d 259 (1999) and Doe by Doe v. Greenville Hosp. Sys., 323 S.C. 33, 448 S.E.2d 564 (Ct. App. 1994); see also S.C. Code Ann. 16-3-730 (barring publication of criminal sexual conduct victims). Borrowing from Fourth Circuit precedent, Doe v. Howe identified several factors bearing on the propriety of allowing a party to proceed anonymously:

1. Whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature;
2. Whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties;
3. The ages of the persons whose privacy interests are sought to be protected;
4. Whether the action is against a governmental or private party; and, relatedly,
5. The risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

362 S.C. at 217-18, 607 S.E.2d 356-57 (citing James v. Jacobson, 6 F.3d 233, 238 (4th Cir. 1993)).

These factors are not exhaustive, and a court should “carefully review all the circumstances of a given case and then decide whether the customary practice of disclosing the plaintiff’s identity should yield to the plaintiff’s privacy concerns.” Doe v. Pittsylvania County, 844 F. Supp.2d 724, 729 (W.D. Va. 2012) (citations omitted).

All of the James factors support Plaintiffs' motion. Plaintiffs do not seek merely "to avoid the annoyance and criticism that may attend any litigation." Rather, they seek to protect Jane Doe No. 5's privacy in a sensitive and highly personal matter: namely, the sexual assault and harassment she suffered as a teenager. Requiring Plaintiffs to identify themselves would inevitably result in their harm. Second, if Plaintiffs are not allowed to proceed anonymously, "retaliatory physical or mental harm" is a serious risk. Jane Doe No. 5's identification may subject her to ridicule by peers who may malign her for exposing the actions of Morningstar, its leaders, and the CSCL principal. As a result of this lawsuit, Plaintiffs could be subjected to public shaming and retaliatory conduct if identified.

Third, Jane Doe No. 5's youth at the time of the incidents further weighs in favor of anonymity. Jane Doe No. 5 was in just seventh grade when the misconduct she alleges began. (Compl. ¶ 179). As the court of appeals noted in Doe v. Howe, our courts and our legislature have made special note of the need to protect the identities of child sex abuse victims. 362 S.C. at 217, 607 S.E.2d 356. Accordingly, Jane Doe No. 5's youth weighs heavily in in favor of permitting Plaintiffs to sue anonymously. Finally, anonymity will impose no unfairness on Defendants as Morningstar is well aware of Jane Doe No. 5's identity. See also Doe v. Merten, 219 F.R.D. 387, 394 n.22 (E.D. Va. 2004) ("Caselaw indicates that any risk of unfairness to a defendant as a consequence of allowing a plaintiff to proceed anonymously is minimized when the issues raised are purely legal and do not depend on identifying the specific parties.") (internal quotation marks and citation omitted).

CONCLUSION

In sum, all of the pertinent factors support maintaining Jane Doe No. 5's anonymity as she seeks compensation for sexual assault and harassment suffered while she was a child. Defendants

cannot identify any harm they would face if Plaintiffs are permitted to proceed under pseudonyms.
Accordingly, Plaintiffs' motion should be granted.

Respectfully submitted,

s/S. Randall Hood
S. Randall Hood
Chad A. McGowan
McGowan, Hood, Felder & Phillips, LLC
1539 Health Care Drive
Rock Hill, SC 29732
(803) 327-7800
rhood@mcgowanhood.com
cmcgowan@mcgowanhood.com

Attorneys for Plaintiffs

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