

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p>		<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Alhambra Courthouse 150 West Commonwealth Avenue, Alhambra, CA 91801</p>		<p align="center">FILED Superior Court of California County of Los Angeles 05/21/2025 David W. Slayton, Executive Officer / Clerk of Court By: <u> R. Rully </u> Deputy</p>
<p>PLAINTIFF/PETITIONER: Jane Doe</p>		
<p>DEFENDANT/RESPONDENT: Carlos Suarez</p>		
<p align="center">CERTIFICATE OF MAILING</p>		<p>CASE NUMBER: 24NNCV00276</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Hearing on Demurrer - without Motion to Strike (6666);

Hear...) of 05/21/2025 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Alhambra, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Jane Doe
11151 VALLEY BLVD #4886
El Monte, CA 91734

Jamie R. Schloss
ANDERSON & LeBLANC, APLC
123 E. 9th Street, Suite 105
Upland, CA 91786

Dated: 05/22/2025

David W. Slayton, Executive Officer / Clerk of Court

By: R. Rully
Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Northeast District, Alhambra Courthouse, Department V

24NNCV00276

JANE DOE vs CARLOS SUAREZ

May 21, 2025

8:30 AM

Judge: Honorable Sarah J. Heidel

Judicial Assistant: R. Rully

Courtroom Assistant: K. Carrillo

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Jane Doe

For Defendant(s): Jamie Schloss, for Carlos Suarez via LA CourtConnect

NATURE OF PROCEEDINGS: Hearing on Demurrer - without Motion to Strike (6666);

Hearing on Motion for Leave to Proceed Under a Pseudonym (0767);

Hearing on Motion for Protective Order (4178);

Hearing on Motion to Compel Further Discovery Responses to Plaintiff's first set of discovery requests (8099)

MOVING PARTY: Plaintiff JANE DOE

RESPONDING PARTY: Defendant CARLOS SUAREZ

The court considered the moving papers, opposition, and reply.

BACKGROUND

This case arises from an allegation of sexual assault. According to the complaint, plaintiff Jane Doe met defendant online and the two arranged to meet for dinner. Following dinner, and after an evening of heavy drinking, plaintiff alleges defendant raped her. On March 13, 2024, plaintiff brought this action against defendant Carlos Suarez (aka Charlie Suarez) (defendant) alleging (1) sexual battery in violation of Civil Code section 1708.5, (2) gender violence in violation of Civil Code section 52.4, (3) Ralphs Civil Rights Act – violation of Civil Code section 51.7, (4) interference with exercise of civil rights – violation of Civil Code section 52.1, (5) invasion of privacy, and (6) intentional infliction of emotional distress.

On April 10, 2024, plaintiff was placed on the Judicial Council's list of Vexatious Litigants pursuant to Code of Civil Procedure section 391.7.

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Deputy Sheriff: None

On March 6, 2025, the court granted defendant's motion for plaintiff to post security and ordered plaintiff to furnish security in the amount of \$100,000.00 by April 6, 2025. Plaintiff failed to furnish security. In preparation for a non-appearance case review scheduled for April 7, 2025, on April 3, 2025, defendant filed an application for the dismissal of the action pursuant to Code of Civil Procedure section 391.4 and requested an order resolving plaintiff's motion for leave to proceed under pseudonym on the papers. The court now considers plaintiff's motion for leave to proceed by pseudonym and defendant's application for dismissal.

Plaintiff filed the motion for leave to proceed under a pseudonym on June 3, 2024. Defendant filed his opposition on January 21, 2025. Plaintiff filed her reply on January 28, 2025.

REQUEST FOR JUDICIAL NOTICE

Defendant requests that the court take judicial notice of court documents that are a part of other proceedings involving plaintiff from the California Superior Court, County of Orange; the California Courts of Appeal; the United States District Court, the United States Courts of Appeals, and the California Judicial Council, including the following:

- Exhibits A through W which are documents used by Mr. Czodor in Luo v. Czodor, OSC Case No. 30-2023-001327847 ("Luo IV") from which Judge Strickroth issued the Vexatious Litigant Order.
- Exhibits X to DD which include moving and opposition papers considered by Judge Strickroth which include the pertinent orders declaring plaintiff a vexatious litigant found at Exhibits AA, BB, and CC. Exhibit DD is the vexatious litigants list.
- Exhibits EE and FF are minute orders from the instant action.
- Exhibits GG through MM are court documents from LASC Case no. 21STCV44756 Jane Doe v. County of Los Angeles.
- Exhibit NN is the first amended complaint from the United States District Court Central District of California, O.L. v City of El Monte-USDC 2:20-cv-00797

The court takes judicial notice of these documents pursuant to Evidence Code section 452 subdivision (d) paragraphs (1) and (2).

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LEGAL STANDARD

“The names of all parties to a civil action must be included in the complaint.” (Department of Fair Employment and Housing v. Superior Court of Santa Clara County (2022) 82 Cal.App.5th 105, 109.) “That requirement extends to real parties in interest—anyone with a substantial interest in the subject matter of the action.” (Id.) An “important constitutional right is implicated when a party is allowed to proceed anonymously: the right of access to court proceedings. Among the guarantees of the First Amendment to the United States Constitution is that court proceedings are open and public.” (Id. at 110.) “The right of public access applies not only to criminal cases, but also to civil proceedings.” (Id. at 111.) “[T]he right to access court proceedings necessarily includes the right to know the identity of the parties.” (Id.) “[L]itigating by pseudonym should occur only in the rarest of circumstances.” (Id. at 112.)

A request to proceed under a pseudonym is subject to the same analysis as a motion to seal court records. (Department of Fair Employment and Housing, supra, 82 Cal.App.5th at 111.) The sealing of court records is governed by California Rules of Court rules 2.550 and 2.551. (Mercury Interactive Corp. v. Klein (2007) 158 Cal.App.4th 60, 68.) The presumption of open access to court records does not apply to “records that are required to be kept confidential by law.” (Cal. Rules of Court, rule 2.550(a)(3).) A party seeking to seal a court record or seeking to file a record under seal must do so by motion or application supported by a declaration showing facts justifying the record’s sealing. (Cal. Rules of Court, Rule 2.551(b)(1).)

California Rule of Court, Rule 2.550(d) states: “The court may order that a record be filed under seal only if it expressly finds facts that establish: (1) There exists an overriding interest that overcomes the right of public access to the record; (2) The overriding interest supports sealing the record; (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest.” (Cal. Rules of Court, Rule 2.550(d).) Once sealed, a record can only be unsealed by order of court. (Cal. Rules of Court, rule 2.551(h)(1).) So long as it remains under seal, all parties must refrain from filing anything not under seal that would disclose the sealed matter. (Cal. Rules of Court, rule 2.551(c).) If a party files a new document referring to sealed matter, it must submit an unredacted version of the document under seal and a redacted one for the public record. (Cal. Rules of Court, rule 2.551(b)(5); H.B. Fuller Co. v. Doc (2007) 151 Cal.App.4th 879, 889.)

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DISCUSSION

A. Motion to Proceed Under Pseudonym

Plaintiff requests a protective order granting her leave to proceed under a pseudonym in this action on the grounds that plaintiff's need for anonymity outweighs any prejudice to defendant and the public's interest is served by protecting plaintiff's identity.

California Rules of Court rule 2.550(d) states: "The court may order that a record be filed under seal only if it expressly finds facts that establish: (1) There exists an overriding interest that overcomes the right of public access to the record; (2) The overriding interest supports sealing the record; (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest." (Cal. Rules of Court, rule 2.550(d).)

"When a party to a civil action asks to proceed under a fictitious name, the trial court must determine whether that party's privacy concerns outweigh the First Amendment right of public access to court proceedings." (Department of Fair Employment and Housing, *supra*, 82 Cal.App.5th at 108.) If the court finds that there is an overriding interest that will likely be prejudiced without the use of a pseudonym, and there is not a feasible way to protect that interest with less impact on the constitutional right of access, then the court may grant the request for anonymity. (Id. at 111.) "In deciding the issue the court must bear in mind the critical importance of the public's right to access judicial proceedings. Outside of cases where anonymity is expressly permitted by statute, litigating by pseudonym should occur 'only in the rarest of circumstances'. [Citations.]" (Id. at 111-12.)

Plaintiff argues that the sensitive and personal nature of her claims justify the protection of her privacy and psychological well-being. She maintains that disclosure of her identity could not only embarrass her but cause her more emotional harm, affect her job prospects, and bring unwanted attention to herself. Plaintiff states that in July 2022, her identity was involuntarily disclosed in connection with sexual assault which led to death threats and harassment; she has felt compelled to change her place of residence and her phone number out of concern for safety. (Decl. of Jane Doe, ¶ 3.) She argues that defendant will not be prejudiced if plaintiff proceeds under a pseudonym because plaintiff's identity is already known to defendant, as he filed his answer including her true name; therefore, his ability to mount a defense would not be obstructed by her identity being shielded from the public. (Decl. of Jane Doe, ¶ 5.)

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Defendant argues that plaintiff's true name is already a matter of public record in several matters. For example, in the Doe v. Newsom complaint, plaintiff references the sexual assault allegations against defendant, and in the matter of Doe v. County of Los Angeles (LASC Case no. 20STCP03258, plaintiff is identified as the same plaintiff from Doe v. Newsom. (Exhs. Q; RR.) In professor Volokh's article, The Law of Pseudonymous Litigation (2022) 73 Hastings L.J. 1353, plaintiff's name was included as an example of a litigant whose use of pseudonymity impedes investigation into her trustworthiness and past litigation. After that, plaintiff sued professor Volokh. (Exh. MM; Luo v. Volokh (2024) 102 Cal.App.4th 1312.

Defendant provides that the other cases where plaintiff is named includes: Xingfei Luo v. County of Los Angeles (LASC Case no. 20STCP3258; affirmed in the appellate case Luo v. County of Los Angeles, Case no. B323457); Luo v. Wang (2023) 71 F.4th 1289 in Colorado; and Luo v. Czodor (Orange County Superior Court Case no. 30-2023-01327847), the case in which defendant prevailed on his motion to name plaintiff a vexatious litigant. Plaintiff's name is also published on the vexatious litigant list by the Judicial Council. Defendant argues that as her name is already public record, a sealing or pseudonym order is not appropriate.

The court finds that although plaintiff does have some interest in maintaining her privacy, plaintiff has already been identified in connection with numerous sexual assault allegations are already a part of the public record, including the court cases identified above, there is no overriding interest for plaintiff to proceed under a pseudonym. Moreover, allowing plaintiff to proceed under a pseudonym could enable her to evade judicial oversight under the vexatious litigant rules by obscuring her litigation history and identity across multiple cases. The public and the courts have a legitimate interest in ensuring transparency and consistency in identifying litigants, particularly where there may be a pattern of abusive or repetitive filings. Accordingly, the court denies plaintiff's motion for a protective order seeking leave to proceed under a pseudonym.

B. Application for Dismissal of Action

On March 6, 2025, the court granted defendant's motion for plaintiff to post security and ordered plaintiff to furnish security in the amount of \$100,000.00 by April 6, 2025. Plaintiff failed to furnish security. Under Code of Civil Procedure section 391.4, "[w]hen security that has been ordered furnished is not furnished as ordered, the litigation shall be dismissed as to the defendant for whose benefit it was ordered furnished." (Code Civ. Proc., § 391.4.) Accordingly, the action is dismissed as to defendant Carlos Suarez.

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Based on the foregoing, the court DENIES plaintiff's motion for leave to proceed under a pseudonym, this ruling is stayed by the court for sixty days, at the request of the Plaintiff, to provide time for the plaintiff to seek a writ with regard to the disclosure of her true name.

The court dismisses the action pursuant to Code of Civil Procedure section 391.4.

The Court orders the Complaint filed by Jane Doe on 03/14/2024 dismissed With Prejudice.

This dismissal is pursuant to Pursuant to C.C.P. Section 391.4.

Order to Show Cause Re: Whether Plaintiff Will Seek a Writ Preventing Disclosure of Her True and Correct Name is scheduled for 07/22/25 at 08:30 AM in Department V at Alhambra Courthouse.

The Clerk shall give notice.

Certificate of Mailing is attached.