

DOCKET NO: WWM-CV21-5012142-S : SUPERIOR COURT
JANE DOE : JUDICIAL DISTRICT OF WINDHAM
v. : AT DANIELSON, CONNECTICUT
HYDE SCHOOL AT S. WOODSTOCK, INC : JUNE 8, 2021

JUDGE'S DECISION

BEFORE THE HONORABLE ANN E. LYNCH, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

ATTORNEY JOHN RILEY
Moore, O'Brien & Foti
891 Straits Turnpike
Middlebury, CT 06762

Representing the Defendants:

ATTORNEY DAVID HILL
David G. Hill & Associates, LLC
180 Glastonbury Boulevard, Suite 202
Glastonbury, CT 06033

ATTORNEY CALVIN KIN-MENG WOO
Verrill Dana, LLP
355 Riverside Avenue
Westport, CT 06881

Recorded By:
Jaucqueta Santerre

Transcribed By:
Jaucqueta Santerre
Court Recording Monitor
120 School Street
Danielson, CT 06239

1 THE COURT: The Court is prepared to rule on the
2 motion. Pseudonyms may be used only if all four
3 prongs of Connecticut Practice Book 11-20a are met.
4 The burden of proof rests on the proponent of the
5 motion to use a pseudonym to establish that the use
6 of the pseudonym is necessary to protect an interest
7 which overrides the presumption of public access.
8 And the case for that cite is *Doe v. Vargas*, 96 Conn.
9 App. 399, 411 at 2006. The trial court must also
10 determine the existence of a substantial privacy
11 interest that outweighs the public interest in open
12 judicial proceedings and to articulate any factual
13 findings that would support such a conclusion. And
14 that is at the same case, *Doe v. Vargas* at H412. The
15 Second Circuit has provided a non-exhaustive list of
16 factors that its trial courts should use in
17 determining whether the plaintiff's interest in
18 anonymity outweighs the public interest in
19 disclosure. And this case that has been looked to by
20 other Connecticut cases is *Sealed Plaintiff v. Sealed*
21 *Defendant*, 537 F.3rd 185, at page 190; it's a 2008
22 Second Circuit case.

23 The factors that could be looked at is, number
24 one, whether the litigation involves matters that are
25 highly sensitive and of a personal nature; Court
26 finds that in this particular instance, given that
27 the allegations are that the plaintiff was sexually

1 assaulted at a summer camp when she was 16, the Court
2 finds that that first factor is met.

3 Number two, whether identification poses a risk
4 of mental harm to the party seeking to proceed
5 anonymously or, even more critically, to innocent
6 non-parties; the Court finds that the plaintiff has
7 met that second prong or factor indicating that she
8 has been diagnosed with PTSD. She is still --

9 THE COURT MONITOR: Your -- Your Honor.

10 THE COURT: Yes.

11 THE COURT MONITOR: I'm sorry to interrupt.
12 You're breaking up a bit.

13 THE COURT: I'm sorry. Okay.

14 THE COURT MONITOR: I'm sorry.

15 THE COURT: Is that -- is that better,
16 Jaucqueline?

17 THE COURT MONITOR: It seems when you turn away
18 towards the monitor, it -- it gets worse.

19 THE COURT: Okay. I'll try and get close cause
20 I'm reading from notes.

21 THE COURT MONITOR: Yes.

22 THE COURT: All right. Court finds that the
23 second prong was met as well. The plaintiff has
24 testified that she is currently receiving mental
25 health care. She was previously diagnosed with Post
26 Traumatic Stress Disorder. She's still actively
27 engaged in treatment for Post Traumatic Stress

1 Disorder. She has made considerable progress with
2 her therapist for her PTSD, but she still has a lot
3 of issues. She has testified that having her name
4 attached to this lawsuit that is readily searchable
5 and available on the internet would cause -- gives
6 her cause that she might regress in therapy. She
7 indicated that a concern that people could be talking
8 about her in connection with this lawsuit, she is
9 concerned, would cause her anxiety. So the Court
10 feels that the second factor is met.

11 The Court -- another factor that the Court
12 should consider is whether the plaintiff is
13 particularly vulnerable to the possible harms of
14 disclosure. The Court finds that that factor again
15 is met in this case for the reasons previously
16 stated.

17 Whether the suit is challenging the actions of
18 the government or that of private parties; in this
19 particular case, the lawsuit, I believe, is against
20 private parties. So that factor weighs in the favor
21 of allowing Ms. Doe to continue to proceed with the
22 pseudonym.

23 Whether the defendant is prejudiced by allowing
24 the plaintiff to press his claims anon -- her claims
25 anonymously, whether the nature of the prejudice, if
26 any, differs at any particular stage of the
27 litigation, whether any prejudice can be mitigated by

1 the Court; Court finds that the defendants do not
2 object and are not claiming prejudice to allowing the
3 plaintiff to continue to proceed.

4 Whether the plaintiff's identity has thus far
5 been kept confidential; the Court will note that
6 plaintiff has -- plaintiff's counsel had filed an
7 initial application to proceed and file this case
8 with the pseudonym and that options were taken so
9 that this matter is currently being held in a closed
10 courtroom, Virtual Courtroom Two. So the Court finds
11 that that factor has been met.

12 Eighth factor, whether the public's interest in
13 this litigation is furthered by requiring the
14 plaintiff to disclose her identity; Court finds that
15 there is no public interest that would be furthered
16 by requiring Ms. Doe to disclose her identity.

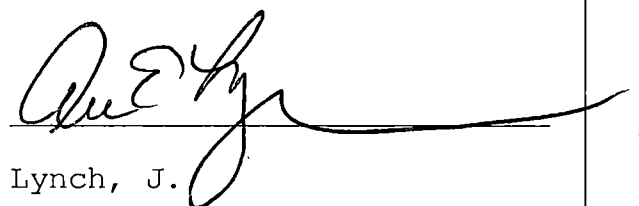
17 Finally, whether -- because of the purely legal
18 nature of the issues presented or otherwise, there is
19 a typically weak public interest in knowing the
20 litigants' identities; the Court finds that in this
21 case the Jane Doe's interest in keeping her identity
22 outweighs any public interest that they may have in
23 knowing Ms. Doe's identity.

24 Whether there are alternative mechanisms for
25 protecting the confidentiality of the plaintiff; the
26 Court finds that there is no alternative mechanism by
27 which we can keep Ms. Doe's confidentiality private.

1 And trial courts -- the Court will also note the
2 trial courts in this state have granted pseudonym
3 status to victims of sexual abuse who were minors at
4 the time of the request. In this particular case,
5 Ms. Doe did testify that she was 16 at the time.
6 That case is *Doe v. Firn*; it was a case by Judge
7 Fischer out of Ansonia-Milford at Milford; also *Doe*
8 *v. Town of Fairfield*, and that's a case by Judge
9 Gilardi out of Bridgeport. And this -- courts have
10 also extended the right to proceed anonymously to
11 victims of sexual abuse who were minors at the time
12 of the abuse but who are now adults. And that is *Doe*
13 *v. Di -- Dioc -- Diocese Corporation*, 43 Conn. Sup.
14 152 at 1994 where the Court granted the adult
15 plaintiff's motion to proceed anonymously in an
16 action against the defendant's churches for sexual
17 abuse beginning when the plaintiff was twelve years
18 old.

19 For the -- for all these reasons as stated by
20 the Court, Court grants the plaintiff's motion. They
21 can proceed using a pseudonym.

22 * * * *

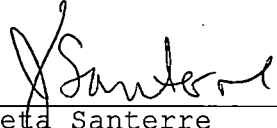
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26 Lynch, J.
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C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Windham, Danielson, Connecticut, before the Honorable Ann E. Lynch, Judge, on the 8th day of June, 2021.

Dated this 17th day of June, 2021 in Danielson,
Connecticut.



Jaucqueta Santerre
Court Recording Monitor