

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

FALLS CHURCH MEDICAL)	
CENTER, LLC, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:18-cv-428-HEH
)	
M. NORMAN OLIVER, Virginia)	
Health Commissioner, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

(Granting Plaintiffs’ Motion to Join an Additional Party and Amend Complaint and Plaintiffs’ Motion for a Protective Order)

THIS MATTER is before the Court on two Motions (ECF Nos. 30, 32), both filed by Plaintiffs on August 16, 2018. In their first Motion, Plaintiffs move to join an additional party and amend their Complaint. In their second Motion, they move for this Court to enter a protective order enabling Dr. Jane Doe to proceed under a pseudonym. Thus, in essence, Plaintiffs are seeking to join an additional permissive plaintiff to the case, they are requesting leave of Court to amend their Complaint (ECF No. 1) to reflect this addition, and they are requesting that the Court protect the new plaintiff’s identity by permitting her to proceed anonymously.

Pursuant to this Court’s August 1, 2018 Scheduling Order (ECF No. 27) and Fed. R. Civ. P. 15(a)(2), and finding it appropriate to do so, the Court hereby GRANTS Plaintiffs’ Motion to Join an Additional Party and Amend Complaint (ECF No. 30).

Regarding the second Motion, permitting a party to proceed under a pseudonym, such as “Dr. Jane Doe,” is a “rare dispensation,” that is within the Court’s discretion. *Co. Doe v. Pub. Citizen*, 749 F.3d 246, 273 (4th Cir. 2014) (quoting *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993)). This Court has “an independent obligation to ensure that extraordinary circumstances support such a request by balancing the party’s stated interest in anonymity against the public’s interest in openness and any prejudice that anonymity would pose to the opposing party.” *Doe*, 749 F.3d at 274. The non-exhaustive list of factors that the Court considers when deciding whether a party should be permitted to proceed anonymously includes, “whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties,” the age of the moving party, whether the opposing party is governmental or private in nature, and the risk of unfairness to the opposing party. *Id.* at 273 (quoting *Jacobson*, 6 F.3d at 238).

Having reviewed the reasons set forth in Plaintiffs’ Motion and being satisfied that no argument is necessary prior to ruling on it, the Court hereby GRANTS Plaintiffs’ Motion for a Protective Order for Dr. Jane Doe to Proceed under Pseudonym (ECF No. 32). *See* Fed. R. Civ. P. 78. In granting this Motion, the Court finds that the “reasonable fear of harassment, intimidation, and physical harm to [Dr. Jane Doe] and the members of her family,” (Mem. in Supp. Pl.’s Mot. 4, ECF No. 33) outweighs the public’s interest in openness and knowing the names of the litigants. In addition, the Court finds that there is little risk of unfairness to the Defendants, each of whom is a government official, by permitting Dr. Jane Doe to proceed under this pseudonym.

Accordingly, Plaintiffs are DIRECTED to file their Amended Complaint within **fourteen (14) days** of this Order. Further, the Clerk is DIRECTED to send a copy of this Order to all counsel of record.

It is so ORDERED.



/s/

Henry E. Hudson
Senior United States District Judge

Date: Aug. 20, 2018
Richmond, Virginia