

IN THE SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY DISTRICT COURT
CIVIL DEPARTMENT

DANIEL DOE, MATTHEW MOE, KYLE
KOE, NICHOLAS NOE, CAMERON
BROYLES, and DAKOTA WEST,

Plaintiffs,

v.

STATE OF KANSAS, *ex rel* KRIS
KOBACH, Attorney General; KANSAS
DEPARTMENT OF REVENUE, KANSAS
DIVISION OF VEHICLES; DEANN
WILLIAMS, Director of Vehicles,
Department of Revenue, in her official
capacity; MARK BURGHART, Secretary of
Kansas Department of Revenue, in his official
capacity; KANSAS DEPARTMENT OF
ADMINISTRATION; and ADAM
PROFFITT, Secretary of Department of
Administration, in his official capacity,

Defendants.

Case No. DG-2026-CV-000112
Div. No. 4

**PLAINTIFFS KYLE KOE AND NICHOLAS NOE’S BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYMS**

Plaintiffs bring this lawsuit seeking declaratory and injunctive relief against the enforcement of Kansas Senate Bill 244 (“the Act” or “SB 244”) as a violation of multiple provisions of the Kansas Constitution. Plaintiffs Kyle Koe and Nicholas Noe have important interests in protecting highly sensitive, private information about themselves, and ensuring that

they are not subject to discrimination, harassment, or violence because of their transgender identity or participation in this lawsuit. Because these interests outweigh any public interest in knowing their identities, Plaintiffs Kyle Koe and Nicholas Noe should be permitted to proceed pseudonymously.

FACTUAL BACKGROUND

Plaintiffs in this litigation are individuals challenging SB 244 for violations of Sections 1, 2, 11 and 18 of the Kansas Bill of Rights, as well as violations of Article II, Section 16 of the Kansas Constitution. The original Petition was filed by Plaintiffs Daniel Doe and Matthew Moe on February 26, 2026. On March 9, 2026, this Court granted Plaintiffs' Motion to Proceed Under Pseudonym, permitting Plaintiffs Daniel Doe and Matthew Moe to proceed pseudonymously. Contemporaneously with this Motion, Plaintiffs are filing an Amended Petition adding four additional Plaintiffs. Two of these additional Plaintiffs, Kyle Koe and Nicholas Noe, wish to remain anonymous in this litigation due to their fear of harassment, discrimination, and violence against themselves or their immediate families, as well as their desire to not reveal sensitive and personal medical information to the public.

LEGAL ARGUMENT

Typically, filings must state the names of all parties. K.S.A. § 60-210(a). However, “where an important privacy interest outweighs the public interest in the identity of the plaintiff, the plaintiff should be allowed to proceed anonymously.” *Unwitting Victim v. C.S.*, 273 Kan. 937, 944 (2002) (citing *M.M. v. Zavaras*, 139 F.3d 798, 802–03 (10th Cir. 1998)).

In *Unwitting Victim*, the Supreme Court of Kansas adopted a nine-factor balancing test this Court must use to determine whether a party's privacy interests outweigh the public interest in their identities. *See id.* at 948–50. Six of these factors fall on the plaintiff-interest side of the scale, in favor of allowing pseudonymous litigation:

- (1) the extent to which the identity of the litigant has been kept confidential;
- (2) the bases upon which disclosure is feared or sought to be avoided, and the substantiality of these bases;
- (3) the magnitude of the public interest in maintaining the confidentiality of the litigant's identity;
- (4) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigant's identities;
- (5) the undesirability of an outcome adverse to the pseudonymous party and attributable to his refusal to pursue the case at the price of being publicly identified; and
- (6) whether the party seeking to sue pseudonymously has illegitimate ulterior motives.

Id. at 948.

The remaining three of the nine factors fall on “the other side of the scale,” reflecting the public interest in open court proceedings, in opposition to pseudonymity:

- (1) the universal level of public interest in access to the identities of litigants;
- (2) whether, because of the subject matter of this litigation, the status of the litigant as a public figure, or otherwise, there is a particularly strong interest in knowing the litigant's identities, beyond the public's interest which is normally obtained; and
- (3) whether the opposition to pseudonym by counsel, the public, or the press is illegitimately motivated.

Id.

In this case, Plaintiffs' privacy interests far outweigh “the countervailing public interest militating against pseudonymity.” *Id.* at 947. Plaintiffs Koe and Noe are transgender individuals. If this motion were denied, this Court would require public disclosure of not only Plaintiffs' transgender status, but also their highly sensitive and private medical information. It would also open Plaintiffs to harassment, discrimination, or even violence. Likewise, it would put Plaintiffs' loved ones at risk of similar harm. The general public interest in open-court proceedings does not outweigh Plaintiffs' interests in keeping this information private and in avoiding such possible harm. As a result, this Court should grant this Motion.

A. Plaintiffs have substantial privacy interests that outweigh any public interest in disclosing their identities.

1. Plaintiffs' identities have been kept confidential.

Plaintiffs Koe and Noe have substantial interest in keeping their identities private and have not publicly disclosed their participation in this lawsuit. Their identities have been kept confidential and will continue to remain confidential if this Court grants their motion.

2. Disclosure of Plaintiffs' identities would jeopardize their safety.

Requiring Plaintiffs Koe and Noe to disclose their identities would reveal their transgender status to the public. Other courts have “recognized the highly personal and sensitive nature of a person’s transgender status and thus have permitted transgender litigants to proceed under pseudonym.” *Foster v. Andersen*, No. 18-2552-DDC-KGG, 2019 WL 329548, at *2 (D. Kan. Jan. 25, 2019); *see also Doe v. City of Detroit*, No. 18-cv-11295, 2018 WL 3434345, at *2 (E.D. Mich. July 17, 2018) (collecting cases and noting that “an individual’s transgender identity can carry enough of a social stigma to overcome the presumption in favor of disclosure”). This is particularly true in cases in which a “plaintiff challenges the government or government activity,” as compared to accusing a specific individual of wrongdoing. *See, e.g., Hersom v. Crouch*, 2:21-CV-00450, 2022 WL 908503, *2 (S.D. W.Va. Mar. 28, 2022) (citing *W. M. v. Braskem Am., Inc.*, No. 3:20-cv-00141, 2020 WL 1492544, *2 n.2 (S.D. W. Va. Mar. 26, 2020)).

Anonymity is appropriate when litigants have a “strong interest in protecting their privacy or avoiding physical harm.” *Unwitting Victim*, 273 Kan. at 947 (quoting *Doe v. Provident Life and Acc. Ins. Co.*, 176 F.R.D. 464, 466–67 (E.D. Pa. 1997)). The anonymity provided by a pseudonym prevents that annoyance, embarrassment, and oppression from fully landing on Plaintiffs, but forcing them to proceed with their true names would remove that

minimal protection to their peace and privacy by revealing their identities to the public. Identifying information provides the general public with the information necessary to escalate the risks of annoyance, embarrassment, and oppression by doxing Plaintiffs. “Doxing is the intentional public release onto the Internet of personal information about an individual by a third party, often with the intent to humiliate, threaten, intimidate, or punish the identified individual.”¹ Such personal information includes “information establishing the identity of a formerly anonymous individual.” *Id.* at 199–200. Doxing often functions to “prevent [the targeted individuals] from participating in social, political, and public activity.” *Id.* at 206. It also “vilifies the subject, inspiring further harassment” and increases “the ease with which someone may be physically harassed or harmed.” *Id.* Doxing has “significant associations” with “anxiety, depression and stress.”² Revealing Plaintiffs’ true identities to the public in the course of this litigation exposes them to an increased risk of unwanted media attention and a real danger of doxing.

It cannot be disputed that transgender people in this country, and in Kansas in particular, experience harassment, discrimination, and violence based on their identities, and that a fear of such treatment in response to public disclosure of Plaintiffs’ identities is reasonable. *See, e.g.*, National Center for Transgender Equality, 2015 U.S. Transgender Survey: Kansas State Report, [https://transequality.org/sites/default/files/docs/usts/USTSKSStateReport\(1017\).pdf](https://transequality.org/sites/default/files/docs/usts/USTSKSStateReport(1017).pdf) (noting that 2015 survey results showed 83% of K-12 students in Kansas who were perceived as

¹ David M. Douglas, *Doxing: A Conceptual Analysis*. *Ethics and Info. Tech.* 18:199–210, p. 199. (28 June 2016) (last accessed Feb. 25, 2026 at link.springer.com).

² Qiqi Chen, Ko Ling Chan, Anne Shann Yue Cheung, *Doxing Victimization and Emotional Problems among Secondary School Students in Hong Kong*. 2018 Nov 27; 15(12):2665. doi: 10.3390/ijerph15122665. PMID: 30486402; PMCID: PMC6313484 (last accessed Feb. 25, 2026 at ncbi.nlm.nih.gov).

transgender experienced some form of mistreatment at school; 22% of Kansas respondents experienced housing discrimination in the past year; and 29% reported experiencing discrimination in the workplace). Many courts have found that “transgender individuals often face verbal and physical harassment when forced to reveal their transgender status.” *Hersom v. Crouch*, No. 2:21-CV-00450, 2022 WL 908503, at *2 (S.D. W.Va. Mar. 28, 2022); *see also Arroyo González v. Rosselló Nevares*, 305 F. Supp. 3d 327, 333 (D.P.R. 2018) (concluding that disclosure of a transgender person’s status can “expose[] transgender individuals to a substantial risk of stigma, discrimination, intimidation, violence, and danger.”). Requiring Plaintiffs to disclose their identities in this case would expose them to the risk of such discrimination, intimidation, or violence.

This lawsuit and SB 244 have garnered extensive state and national attention since Plaintiffs filed their original Petition on February 26, 2026.³ The highly visible nature of this suit will undoubtedly expose Plaintiffs to unwanted attention, not only risking the disclosure of private information, but potentially subjecting Plaintiffs to harmful speculation, investigation, doxing, and targeted harassment. For the Plaintiffs who seek pseudonymity, their reasons for wishing to remain anonymous are amplified by the growing public interest in this

³ See Elizabeth Wolfe, Sophia Peysner, and David Williams, *Transgender Kansans, blindsided by invalidated IDs, fear wide-ranging legal restrictions will isolate them publicly*, CNN, March 5, 2026 (last accessed April 3, 2026 at <https://www.cnn.com/2026/03/05/us/kansas-trans-drivers-license-bathroom-law/>); Annie Gowan and Praveena Somasundaram, *Strict new Kansas law forces trans drivers to hand over their licenses*, The Washington Post, March 6, 2026 (last accessed April 3, 2026 at <https://www.washingtonpost.com/nation/2026/03/06/kansas-transgender-drivers-license-bathroom-law/>); Zane Irwin, *New law in Kansas nullifies licenses and birth certificates of transgender residents*, NPR, March 6, 2026 (last accessed April 3, 2026 at <https://www.npr.org/2026/03/06/nx-s1-5732806/new-law-in-kansas-nullifies-licenses-and-birth-certificates-of-transgender-residents>); Jo Yurcaba, *Kansas revoked 1,700 transgender drivers’ licenses. Some are leaving the state*, NBC News, March 11, 2026 (last accessed April 3, 2026 at <https://www.nbcnews.com/news/us-news/kansas-revoked-drivers-licenses-1700-transgender-residents-rcna262120>).

lawsuit.

3. *Disclosure of Plaintiffs' identities would reveal sensitive medical information.*

In addition to the safety risks of requiring Plaintiffs to disclose their transgender status, mandating disclosure of their identities in this case would also require them to reveal highly sensitive and private medical information to the public to vindicate their constitutional rights. *See Powell v. Schriver*, 175 F.3d 107, 112 (2d Cir. 1999) (Transgender people “are among those who possess a constitutional right to maintain medical confidentiality”); *see also Doe v. Chesapeake Med. Sols., LLC*, No. 1:19-CV-2670, 2020 WL 13612472, at *1 (D. Md. Feb. 26, 2020) (finding that plaintiff’s claims involving “information about the plaintiff’s medical conditions” weighed in favor of pseudonymity). Plaintiffs have shared medical information “of the utmost intimacy” in seeking to protect their rights under the Kansas Constitution, providing “compelling reasons to protect [their] privacy and shield [them] from discrimination and harassment” in this case. *Poe v. Drummond*, No. 23-cv-177-JFH-SH, 2023 WL 4560820, at *3 (N.D. Okla. July 17, 2023) (quoting *Bd. of Educ. of Highland Local Sch. Dist. v. U.S. Dep’t of Educ.*, No. 16-CV-524, 2016 WL 4269080, at *5 (S.D. Ohio Aug. 15, 2016)).

4. *The public interest is served by non-disclosure of Plaintiffs' identities.*

Protecting private individuals from harassment, discrimination, and violence is in the public interest. There is also public interest in maintaining the confidentiality of Plaintiffs’ identities because of the “intimate subject matter of this suit.” *Unwitting Victim*, 273 Kan. at 949. Forcing transgender people to choose between vindicating their constitutional rights and the safety, security, and wellbeing of themselves and their families hurts, rather than serves, the public interest. While not every transgender person or plaintiff may seek to remain anonymous in litigation, publicly revealing one’s transgender status should not be a prerequisite to vindicating constitutional rights.

5. *The public interest in knowing Plaintiffs' identities is atypically weak.*

Because of the nature of this case, the public interest in knowing all of the Plaintiffs' names and personal information is atypically weak. Although there may be a public interest in the proceeding and outcome of this litigation, that interest is not coextensive with public curiosity in litigants' names and highly sensitive personal information about their mental and physical health. Moreover, the public's interest in following the developments in the case is unaffected by some plaintiffs maintaining their confidentiality, as it is merely Plaintiffs' identities, not the entire record in this case, that Plaintiffs seek to keep from public view.⁴

6. *Revealing Plaintiffs' identities may prevent future meritorious claims.*

Plaintiffs seeking to challenge government policies that violate equal protection and fundamental rights should not be required to broadcast their sensitive, private health information in order to do so. Revealing Plaintiffs' identities in this case would chill future litigants from bringing meritorious claims and may result in Plaintiffs' being unable to pursue their claims.

7. *Plaintiffs have no ulterior motive.*

Plaintiffs Koe and Noe make this motion in good faith and possess no ulterior motives. Plaintiffs are motivated by their personal privacy interests, as well as their safety and wellbeing.

⁴ Proper protections can be put in place to facilitate appropriate discovery, and Plaintiffs do not ask to withhold their identities from the defendants in this litigation. They merely wish to remain anonymous to members of the public. To that end, Plaintiffs anticipate filing for a protective order to govern any discovery of documents that reveal their identities.

B. No public interest outweighs Plaintiffs' privacy interests.

1. Universal public interest in accessing court filings does not warrant denying Plaintiffs' pseudonymity motion.

The public interest in transparent court proceedings and access to court filings is not affected by Plaintiffs Koe and Noe proceeding under pseudonyms. Plaintiffs do not seek to limit the public's knowledge or access to the materials in this case, but merely to maintain their own anonymity. The public's knowledge of this case would be unaffected by Plaintiffs' pseudonymity, while Plaintiffs' lives may be upended by the disclosure of their identities. Therefore, this factor does not militate in favor of denying Plaintiffs' motion to proceed under pseudonyms.⁵

2. Plaintiffs are not public figures.

Plaintiffs Koe and Noe are private individuals. They are not celebrities, public intellectuals, or elected officials. Plaintiffs are not publicly out as transgender. They keep their transgender status private. By bringing this litigation, they seek only to be able to exist without harassment: to be able to work, to drive freely, and to maintain their privacy. They seek equal protection under the law and to live their lives in peace and safety, as any individual in Kansas would—not to step into any spotlight. This factor likewise weighs against denying pseudonymity.

3. Plaintiffs will request Defendants' position regarding this Motion.

Because this Motion is filed contemporaneously with Plaintiffs' Amended Petition, Plaintiffs have not consulted with Defendants regarding their position on this Motion for Plaintiffs Koe and Noe to proceed pseudonymously. Plaintiffs note that Defendants did not

⁵ Douglas County district courts have already successfully navigated the issue of pseudonymous plaintiffs in cases involving transgender individuals. *See, e.g.*, November 18, 2025 Order (Index: 78), *Loe v. State of Kansas*, Case No. DG-2025-CV-000241.

oppose Plaintiffs Doe and Moe's similar motion. Plaintiffs will update the Court after conferring with Defendants and respectfully reserve the right to update their Motion in light of that conferral.

CONCLUSION

For the foregoing reasons, Plaintiffs Kyle Koe and Nicholas Noe have demonstrated that their privacy interests outweigh any countervailing public interest in their identities being made public. As a result, Plaintiffs respectfully request that the Court grant Plaintiffs' Motion for Leave to Proceed Under Pseudonyms.

Respectfully submitted, this 3rd day of April, 2026

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**Pro hac vice* motion granted

***Pro hac vice* motion forthcoming

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