

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

LUCY, BENJAMIN, on behalf of  
themselves and all those similarly situated,

Plaintiffs,

v.

JONATHAN SKRMETTI, in his official  
capacity as the Attorney General and Reporter  
for the State of Tennessee, et al.,

Defendants.

Case No. 3:26-cv-00763

**PLAINTIFFS' MOTION FOR LEAVE TO PROCEED PSEUDONYMOUSLY AND  
MEMORANDUM OF LAW IN SUPPORT**

## INTRODUCTION

Plaintiffs bring this lawsuit challenging a law that will criminalize their existence in their home state of Tennessee, at a time of increasingly violent anti-immigrant rhetoric in Tennessee and across the country. Litigating under their true names would force Plaintiffs to disclose “information of the utmost intimacy” about their immigration statuses and about the discrimination, fear, and trauma that they and their loved ones have endured. *See Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004) (citation modified). Plaintiffs therefore seek leave to proceed pseudonymously, under the following pseudonyms: Lucy and Benjamin.

Plaintiffs ask this Court to grant them leave to proceed pseudonymously for the following reasons: (1) Plaintiffs are challenging government activity—the constitutionality of Section 1 of Tennessee House Bill 1704 (“H.B. 1704”); (2) the Complaint and subsequent pleadings will contain sensitive, personal information about their immigration statuses and hardships they and their family members have faced; (3) through this action, Plaintiffs are admitting their intention to engage in conduct that the State of Tennessee has recently criminalized and are thus risking criminal prosecution under H.B. 1704; (4) Plaintiffs will face harassment and physical harm if their true identities are revealed; and (5) proceeding pseudonymously will not pose any unfairness to Defendants, who can have access to Plaintiffs’ identities subject to an appropriate protective order. *See Porter*, 370 F.3d at 560; *Doe v. Metro. Gov’t of Nashville & Davidson Cnty.*, 694 F. Supp. 3d 1040, 1044 (M.D. Tenn. 2023) (“*Metro*”). Thus, Plaintiffs respectfully request leave to proceed pseudonymously.<sup>1</sup>

## BACKGROUND

Plaintiff Lucy is a 58-year-old foreign national. *See Decl. of Lucy* (“Lucy Decl.”) ¶ 2, Dkt.

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<sup>1</sup> Pursuant to Local Rule 7.01(a)(1), counsel conferred with counsel for Defendants, and Defendants indicated that they cannot take a position on this motion until they review the motion.

No. 6-1. She lives in Memphis with her two sons, one of whom is a U.S. citizen. *Id.* ¶¶ 3-4. Lucy first came to the United States about 26 years ago, having received a visitor's visa. *Id.* ¶¶ 5-6. Lucy later applied for political asylum, but her asylum application was denied, and she was ordered removed. *Id.* ¶ 7. Lucy has had a removal order ever since. *Id.* She later married a U.S. citizen who beat her, so she separated from him and is now pursuing relief under the Violence Against Women Act, which would provide her with lawful permanent residence. *Id.* ¶ 9. She travels throughout Tennessee, and she is worried about the risk of arrest or detention under Section 1 of H.B. 1704. *Id.* ¶¶ 10, 14-15. If detained under H.B. 1704, she fears that she will be unable to work and support her youngest son. *Id.* ¶ 15. Lucy fears being named publicly in this lawsuit. *Id.* ¶ 18. She fears law enforcement could retaliate against her and could arrest her, detain her, and separate her from her family. *Id.* She also fears social stigma and harassment on account of retaliation by law enforcement and by members of the public. *Id.* Finally, she fears that her abusive ex-husband will find her if her identity is revealed. *Id.*

Plaintiff Benjamin is a 35-year-old foreign national. *See* Decl. of Benjamin ("Benjamin Decl.") ¶ 2, Dkt. No. 6-2. He lives in Memphis and has lived there for more than two decades. *Id.* ¶¶ 3-4. When he first arrived in the United States, Benjamin's family applied for political asylum, but their asylum application was denied, and they were ordered removed. *Id.* ¶ 5. Benjamin has had a removal order ever since. *Id.* ¶ 8. At 22 years of age, Benjamin applied for, and was granted, deferred action under Deferred Action for Childhood Arrivals (DACA). *Id.* ¶ 6. He travels throughout Tennessee, and he is worried about the risk of arrest or detention under Section 1 of H.B. 1704. *Id.* ¶¶ 8, 10. If detained under H.B. 1704, he fears that he will be unable to complete his training program to obtain a federal license. *Id.* ¶¶ 7-8. Benjamin fears being named publicly in this lawsuit. *Id.* ¶ 12. He fears law enforcement could retaliate against him, including by denying

him the federal license for which he has applied, and could separate him from his family. *Id.* He also fears social stigma and harassment on account of retaliation by law enforcement and by members of the public. *Id.*

### LEGAL STANDARD

While Federal Rule of Civil Procedure 10(a) requires that complaints in federal court “must name all the parties,” Fed. R. Civ. P. 10(a), the Sixth Circuit has long recognized that plaintiffs may proceed under a pseudonym if the Court concludes plaintiffs’ “privacy interests substantially outweigh the presumption of open judicial proceedings.” *Porter*, 370 F.3d at 560.

Several considerations determine whether plaintiffs’ privacy interests substantially outweigh the presumption of open judicial proceedings. They include: “(1) whether the plaintiffs seeking anonymity are suing to challenge governmental activity; (2) whether prosecution of the suit will compel the plaintiffs to disclose information ‘of the utmost intimacy’; (3) whether the litigation compels plaintiffs to disclose an intention to violate the law, thereby risking criminal prosecution; and (4) whether the plaintiffs are children.” *Id.* (citation omitted). “A plaintiff does not have to fulfill every *Porter* factor to be allowed to proceed under a pseudonym, and no one *Porter* factor is dispositive in the outcome of such a decision.” *Doe v. Sumner Cnty. Bd. of Educ.*, No. 23-cv-00498, 2025 WL 3896598, at \*2 (M.D. Tenn. June 2, 2025). “Other factors that may be considered include whether the plaintiff would risk suffering injury if identified and whether the defendant would be prejudiced by the plaintiff’s proceeding anonymously.” *Metro*, 694 F. Supp. 3d at 1044 (citation omitted).

### ARGUMENT

The relevant factors weigh strongly in favor of permitting Plaintiffs to proceed pseudonymously. *See, e.g., Idaho Org. of Res. Councils v. Labrador*, No. 25-cv-178, 2026 WL

184522, at \*10-11 (D. Idaho Jan. 23, 2026) (“*IORC*”) (granting motion to proceed under pseudonyms in case challenging a similar law); *L.M.L. v. Martin*, No. 26-cv-1170, 2026 WL 1361343, at \*2 (W.D. Tex. May 11, 2026) (same); *Padres Unidos de Tulsa v. Drummond*, 783 F. Supp. 3d 1324, 1339 (W.D. Okla. 2025) (same); *Iowa Migrant Movement for Just. v. Bird*, No. 24-cv-00161, 2024 WL 6991110, at \*1 (S.D. Iowa June 6, 2024) (same).

**A. Plaintiffs are challenging government action.**

Plaintiffs satisfy the first *Porter* factor because they sue to challenge governmental activity, namely, a recently enacted state criminal statute, H.B. 1704, against state and local officials in their official capacities. *See Porter*, 370 F.3d at 560 (finding suit challenges government activity). Governments, unlike private defendants, do not suffer reputational or economic harm from defending a civil action. *See S. Methodist Univ. Assoc. v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir. 1979). That is why courts routinely find the factor satisfied where the plaintiff “seek[s] to have a law or regulation declared invalid.” *Sumner*, 2025 WL 3896598, at \*3-4; *Metro*, 694 F. Supp. 3d at 1044 (finding “the first *Porter* factor weighs in favor of Plaintiff’s request because he is challenging governmental activity”); *Se. Synod of the Evangelical Lutheran Church in Am. v. Finney*, No. 25-cv-684 (M.D. Tenn. Sept. 3, 2025), Dkt. No. 45 at 4 (“*Synod*”) (“The parties agree, however, on the weight accorded to the first . . . *Porter* factor[]: the first factor – whether the plaintiff seeking anonymity is suing to challenge governmental activity – weighs in favor of John Doe proceeding pseudonymously.”). Plaintiffs thus satisfy the first factor.

**B. The highly sensitive nature of Plaintiffs’ personal information justifies allowing them to proceed under pseudonyms.**

The second *Porter* factor also weighs heavily for Plaintiffs. Plaintiffs’ immigration statuses, as well as their immigration histories and the relief they have applied for, are sensitive personal information of the utmost intimacy.

Courts regularly recognize that revealing someone’s immigration status “could lead to criminal prosecution, harassment, and intimidation.” *Hispanic Int. Coal. of Ala. v. Gov. of Ala.*, 691 F.3d 1236, 1247 (11th Cir. 2012). This is particularly true of undocumented immigrants, who face especially severe repercussions if their identities are revealed. *See, e.g., Lozano v. City of Hazleton*, 620 F.3d 170, 196 (3d Cir. 2010) (agreeing that “the Doe Plaintiffs, because of their unlawful status, would face an ‘exponentially greater’ risk of harassment, and even physical danger, if their identities were revealed”), *vacated on other grounds*, 563 U.S. 1030 (2011). Courts therefore frequently allow them to proceed pseudonymously. *See, e.g., Synod*, Dkt. No. 45 at 6 (“[T]he Court finds that, in this instance, the immigration status of John Doe and his family is information ‘of the utmost intimacy.’”); *Aguilar Peralta v. Dep’t of Homeland Sec.*, No. 26-cv-337, 2026 WL 809586, at \*1-2 (S.D. Ohio Mar. 24, 2026) (granting undocumented plaintiffs’ motion to proceed under pseudonyms); *Nazih v. Café Istanbul of Columbus, LLC*, No. 17-cv-947, 2018 WL 4334613, at \*4 (S.D. Ohio Sept. 11, 2018) (same); *Doe v. Hobson*, 300 F.R.D. 576, 578 (M.D. Ala. 2014) (same); *C.M. v. United States*, No. 21-cv-00234, 2021 WL 1822305, at \*2 (W.D. Tex. Mar. 31, 2021) (“[C]ourts have repeatedly recognized that . . . immigration status is sufficiently sensitive and personal in nature to warrant the use of a pseudonym.”); *Cent. Ala. Fair Hous. Ctr. v. Magee*, 835 F. Supp. 2d 1165, 1169 (M.D. Ala. 2011) (individual noncitizen plaintiffs challenging an Alabama statute proceeded under pseudonym), *vacated on other grounds sub nom. Cent. Ala. Fair Hous. Ctr. v. Comm’r, Ala. Dep’t of Revenue*, No. 11-16114-CC, 2013 WL 2372302 (11th Cir. May 17, 2013); *R.F.M. v. Nielsen*, 365 F. Supp. 3d 350, 370-72 (S.D.N.Y. 2019) (noting, among other factors, that “immigration matters are treated with sensitivity under the Federal Rules of Civil Procedure and the INA”); *Lozano*, 620 F.3d at 194-95; *Ga. Latino All. for Hum. Rts. v. Deal*, 793 F. Supp. 2d 1317 (N.D. Ga. 2011), *aff’d in part, rev’d in part on other grounds sub nom. Ga.*

*Latino All. for Hum. Rts. v. Gov. of Ga.*, 691 F.3d 1250 (11th Cir. 2012); *Plyler v. Doe*, 457 U.S. 202 (1982).

Plaintiffs' immigration statuses and histories are especially sensitive here because H.B. 1704 is itself predicated on a removal order. Plaintiffs "should not be forced to choose between challenging [H.B. 1704] and exposing [themselves] and [their] family members to adverse immigration actions from the government." *Synod*, Dkt. No. 45 at 7; *see also Padres Unidos de Tulsa*, 783 F. Supp. 3d at 1339 ("[Plaintiffs] should not be forced to choose between challenging [the state immigration law] and exposing themselves to federal authorities.")

Moreover, some of the immigration histories recount Plaintiffs' experiences as victims of crimes. *See Lucy Decl.* ¶ 9 (describing abuse from husband and subsequent VAWA application). Requiring these Plaintiffs to disclose their identities and immigration statuses will make these highly sensitive and traumatic facts a matter of public record.<sup>2</sup> Matters such as these, which pertain to past traumatic experiences, are of the "utmost intimacy." *See Doe v. Wantong Int'l*, No. 25-cv-179, 2025 WL 712762, at \*2 (M.D. Fla. Mar. 25, 2025) (granting plaintiff, who was a crime victim, leave to proceed under pseudonym). This factor therefore supports Plaintiffs proceeding pseudonymously.

**C. The fact that Plaintiffs would be compelled to admit an intent to engage in putatively illegal conduct and thus risk criminal prosecution justifies allowing them to proceed under pseudonyms.**

Plaintiffs satisfy the third *Porter* factor because Plaintiffs are admitting their intention to engage in conduct that exposes them to criminal prosecution. Courts have recognized the need for

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<sup>2</sup> Federal immigration laws and regulations reflect this concern for the sensitivity of certain humanitarian protection applications and the attendant need for confidentiality. To give one example, the Immigration and Nationality Act specifically prohibits use of, or disclosure to a third party of, any information relating to a noncitizen who applies for certain humanitarian forms of relief, subject to limited exceptions. *See* 8 U.S.C. § 1367(a)(2) & (b).

pseudonymity when plaintiffs have “to admit that they either had violated state laws or government regulations or wished to engage in prohibited conduct.” *S. Methodist Univ. Ass’n of Women Law Students*, 599 F.2d at 713. Even alleging an act that “might require [a plaintiff] to admit to criminal activity” weighs in favor of granting leave to proceed anonymously. *Plaintiff B v. Francis*, 631 F.3d 1310, 1320 (11th Cir. 2011) (Moody, J., concurring in part and dissenting in part).

Here, Plaintiffs are challenging a criminal statute on constitutional grounds. They allege that they engage in and, in the future, intend to engage in activity that Tennessee has newly criminalized under H.B. 1704. *See* Lucy Decl. ¶¶ 11-15; Benjamin Decl. ¶¶ 9-10. Under Section 1 of H.B. 1704, this activity exposes them to arrest, detention, and prosecution. *See* H.B. 1704 § 1. Courts regularly find that admitting to, or the risk of admitting to, potentially criminal behavior weighs in favor of granting anonymity. *See, e.g., Synod*, Dkt. No. 45 at 9 (“[T]he Court finds that [plaintiff] has sufficiently alleged, for the purposes of the instant motion to proceed pseudonymously, that he may be compelled through this litigation to disclose an intent to violate [the challenged law].”); *Doe v. Southfield Pub. Schs.*, No. 24-cv-10760, 2024 WL 1526084, at \*1 (E.D. Mich. Apr. 8, 2024) (holding that the third *Porter* factor weighed in favor of anonymity where there were “allegations related to the potential of criminal charges”); *Doe v. Strange*, No. 15-cv-606, 2016 WL 1168487, at \*2 (M.D. Ala. Mar. 24, 2016) (“Because Plaintiffs have alleged that they would like to engage in certain behaviors that may be considered proscribed under [the statute’s] vague provisions, they would benefit from being allowed to proceed anonymously in this case.”); *Eknes-Tucker v. Ivey*, No. 22-CV-0184, 2022 WL 19983530, at \*1 (M.D. Ala. May 3, 2022) (reasoning that plaintiff’s fear that, “because of the alleged vagueness of the law, . . . she may state an intention to violate the law during the proceedings and thus open herself up to prosecution,” supported granting anonymity). This factor thus weighs in favor of granting leave

to proceed pseudonymously.<sup>3</sup>

**D. The danger of physical harm, harassment, and social stigma warrant granting pseudonymity.**

“Other factors that may be considered include whether the plaintiff would risk suffering injury if identified.” *Doe v. Alhakari*, No. 24-cv-745, 2025 WL 1485337, at \*2 (M.D. Tenn. Feb. 4, 2025) (citation modified). Plaintiffs here face physical harm as well as harassment and social stigma should their names and participation in this lawsuit be made public. Anonymity is proper to protect plaintiffs from retaliation by members of the public and law enforcement. Courts have recognized that “circumstances that pose a real danger of physical harm” warrant some form of anonymity in judicial proceedings. *Meriwether v. Trs. of Shawnee State Univ.*, No. 18-cv-753, 2019 WL 2392958, at \*2 (S.D. Ohio Jan. 30, 2019); *see also John Does 1-4 v. Snyder*, No. 12-cv-11194, 2012 WL 1344412, at \*2 (E.D. Mich. Apr. 18, 2012) (granting motion to proceed anonymously where “Plaintiffs and their families allege that . . . they would be subjected to the danger of physical harm from possible retaliation and harassment”).

In Tennessee, more than half of hate crimes in 2023 were motivated by race, ethnicity, and ancestry. *See Tennessee*, U.S. Dep’t of Just. (last visited May 28, 2026), <https://perma.cc/SLS6-WW4K>. The Department of Justice reported an incident where a Tennessee man pleaded guilty to a federal hate crime after seeing two teenage girls wearing hijabs and yelled “Allahu Akbar.” The Tennessee man then “attacked the girls’ father by swinging a knife and punching at him.” *Tennessee Man Pleads Guilty to Federal Hate Crime*, Dep’t of Just. (May 17, 2021), <https://perma.cc/LN83-9N6U>. At this particular moment, harassment against immigrants is

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<sup>3</sup> The fourth *Porter* factor—whether plaintiffs are minors—does not apply, because Plaintiffs are adults. *Cf. Doe 1 v. Gupta*, No. 22-cv-1122, 2023 WL 2734674, at \*2 (N.D. Ohio Mar. 31, 2023) (explaining that “being an adult does not preclude Plaintiffs from proceeding anonymously” and citing cases in which adults were allowed to proceed under a pseudonym).

unfortunately widespread and routine across the United States. *See, e.g.*, Pocharapon Neammanee, *People Are Impersonating ICE Agents to Harass Immigrants and Commit Crimes, Police Say*, Yahoo News (Feb. 6, 2025), <https://ca.news.yahoo.com/people-impersonating-ice-agents-harass-005631878.html/>; Ashleigh Fields, *Springfield Bomb Threat Used ‘Hateful’ Language Towards Migrants, Haitians*, The Hill (Sept. 12, 2024, 8:13 PM), <https://thehill.com/homenews/campaign/4877602-ohio-bomb-threat-immigrant-hate/>.

Accordingly, Plaintiffs reasonably fear that they and their family members will be targeted once it is publicly known that they do not have lawful status and are challenging the State’s immigration policies. *See* Lucy Decl. ¶ 18; Benjamin Decl. ¶ 12; *see also See Faith Action for Cmty. Equity v. Hawaii*, No. 13-cv-450, 2014 WL 320587, at \*5 (D. Haw. Jan. 29, 2014) (allowing pseudonymity where plaintiffs’ “fear of criminal prosecution . . . involved politically charged and controversial issues”); *Doe #1 v. Trump*, 785 F. Supp. 3d 575, 582-83 (D. Ariz. 2025) (similar, where plaintiff cited anti-immigrant sentiment as “encourag[ing] private individuals” to harass and retaliate against her).

Plaintiffs also fear being targeted, threatened, and facing retaliation by law enforcement if their identities are public. Indeed, the federal government has engaged in a pattern of retaliation against individuals who oppose its policies. *See United States v. Abrego Garcia*, --- F. Supp. 3d. ---, 2026 WL 1454303, at \*12 (M.D. Tenn. May 22, 2026) (“The evidence before this Court sadly reflects an abuse of prosecuting power. The Court does not reach its conclusion lightly. The objective evidence here shows that, absent [noncitizen’s] successful lawsuit challenging his removal to El Salvador, the Government would not have brought this prosecution.”); *Ozturk v. Hyde*, 136 F.4th 382, 388-89 (2d Cir. 2025); *Mohammed H. v. Trump*, 786 F. Supp. 3d 1149, 1155-56 (D. Minn. 2025), *appeal filed*, No. 25-2516 (8th Cir. July 31, 2025); *Suri v. Trump*, 785 F.

Supp. 3d 128, 134 (E.D. Va. 2025). Tennessee has likewise targeted organizations and advocates that assist immigrants. *See, e.g.,* Anita Wadhvani, *Tennessee Ends Funding for Legal Clinic Serving Immigrant Crime Victims*, Tenn. Lookout (Aug. 28, 2025), <https://tennesseelookout.com/2025/08/28/tennessee-ends-funding-for-legal-clinics-serving-immigrant-crime-victims/>; Danielle Smith, *Civil Rights Group Sues to Block TN's 'Anti-Harboring' Law*, Pub. News Serv. (June 30, 2025), <https://www.publicnewsservice.org/2025-06-30/immigration/civil-rights-group-sues-to-block-tns-anti-harboring-law/a97458-1>. Immigration enforcement action that targets Plaintiffs because of their participation in this case is precisely the type of retaliatory conduct and physical danger that pseudonymity was designed to protect against. *See, e.g., D.B.U. v. Trump*, 25-cv-1163, 2025 WL 1101149, at \*1 (D. Colo. Apr. 14, 2025); *Doe v. ICE*, No 23-cv-971, 2024 WL 4389461 at \*3 (D.N.M. Oct. 3, 2024) (permitting pseudonyms where plaintiffs faced risk of retaliation from immigration officials); *Hobson*, 300 F.R.D. at 577 (granting leave to proceed under pseudonyms in light of plaintiffs' fear "of the possibility of criminal prosecution or deportation, the attachment of social stigma, the annoyance of private harassment, and the potential threat of violence"); *Does v. Rodriguez*, Nos. 06-cv-805, 06-mc-17, 2007 WL 684114, at \*2 (D. Colo. Mar. 2, 2007) (allowing plaintiffs to proceed pseudonymously where they faced "retaliat[ion] . . . for their role in initiating and pursuing [a] criminal investigation").

Tennessee law enforcement has also dramatically increased immigration enforcement in recent months. *See, e.g.,* Tori Gessner, *Tennessee Sees Surge in Law Enforcement Partnerships with ICE*, WKRN (updated Jan. 6, 2026), <https://www.wkrn.com/news/tennessee-politics/surge-law-enforcement-partnerships-ice/> ("The number of law enforcement agencies in Tennessee working with federal agents to crack down on illegal immigration has grown rapidly within the past several

months.”); Anita Wadhani, *Tennessee Immigration Enforcement Division Distributes Nearly \$900,000 in Law Enforcement Grants*, Tennessee Lookout (Mar. 25, 2026), <https://tennesseelookout.com/2026/03/25/tennessee-immigration-enforcement-division-distributes-nearly-900000-in-law-enforcement-grants/> (noting that the State has set aside \$5 million for law enforcement agencies that agree to cooperate with ICE and expanded their “powers to conduct immigration enforcement.”). As a result, mixed-status families in Tennessee are fearful of leaving their homes, even to go to sensitive locations such as churches, schools, and hospitals. See Memorandum from Benjamine Huffman, Acting Sec’y, Dep’t of Homeland Sec., to Caleb Vitello, Acting Dir., Immigr. & Customs Enf’t & Pete R. Flores, Senior Off. Performing the Duties of Comm’r, Customs & Border Prot. (Jan. 20, 2025), [https://www.nafsa.org/sites/default/files/media/document/BenjamineHuffmanProtectedAreasMemo\\_20250120.pdf](https://www.nafsa.org/sites/default/files/media/document/BenjamineHuffmanProtectedAreasMemo_20250120.pdf) (rescinding special protection to sensitive locations); Samantha Michaels, “I’ve Never Seen So Many Police Cars,” Mother Jones (updated Feb. 13, 2026), <https://www.motherjones.com/politics/2025/12/memphis-safe-task-force-trump-ice-crime-immigration-mass-deportations-287g/>; Karen Aguilar, *Migrants Living in Fear After Weekend ICE Crackdown in Nashville*, Fox 17 (updated May 6, 2025), <https://fox17.com/news/local/migrants-living-in-fear-after-weekend-ice-crackdown-in-nashville>. Immigration policy in general is currently a matter of intense debate and increasingly heated rhetoric in Tennessee and throughout the nation. Plaintiffs fear even greater harassment, discrimination, and violence targeting themselves and their families should their identities be revealed as individuals challenging the State’s immigration policies.

Finally, Plaintiff Lucy also fears retaliation from her abusive ex-husband, who will know where she lives were her name revealed to the public. See Lucy Decl. ¶ 18. Indeed, “[b]eing a

victim of domestic violence, ‘public disclosure of her name would reveal extremely sensitive information that could result in potential retaliation from those involved in her domestic violence.’” *M.C.C.G. v. Olson*, No. 26-cv-110, 2026 WL 789094, at \*1 (W.D. Ky. Mar. 20, 2026).

For the foregoing reasons, denying Plaintiffs leave to proceed pseudonymously places them at real risk of harassment, threats, or even violence, and poses serious threats to their families’ stability, safety, and wellbeing.

**E. The public interest favors pseudonymity and there is no prejudice to the Defendants.**

Plaintiffs’ prosecution of this case using a pseudonym will vindicate the public’s interest in testing the constitutionality of H.B. 1704. Proceeding under pseudonym will allow the public to see this case litigated on the merits with a full examination of the issues. Thus, the public’s interest in open judicial proceedings will not be affected if Plaintiffs are permitted to proceed pseudonymously. Moreover, “[w]ithout the protection of pseudonymity, future plaintiffs like [Lucy and Benjamin] would be less likely to bring these types of lawsuits and the public’s interest in challenging laws would be stymied.” *Synod*, Dkt. No. 45 at 9-10.

Proceeding pseudonymously will also not prejudice Defendants. Plaintiffs are prepared to provide Defendants unredacted copies of their declarations and any other information necessary for discovery subject to an appropriate protective order. “[I]t is unclear how [the Court’s grant of pseudonymity] would . . . hinder[] . . . [Defendants’] preparation” of the case, as Defendants here would still be able “to obtain all the information necessary to address” the issues in this case without public disclosure of Plaintiffs’ names. *Porter*, 370 F.3d at 561.

**CONCLUSION**

For the foregoing reasons, Plaintiffs should be permitted to proceed in this suit under pseudonyms.

Dated: June 4, 2026

Hannah Steinberg\*  
Cody Wofsy\*  
Oscar Sarabia Roman\*  
Spencer Amdur\*  
American Civil Liberties Union  
Foundation Immigrants' Rights Project  
425 California Street, 7th Floor  
San Francisco, CA 94104  
Tel: (415) 343-0770  
hsteinberg@aclu.org  
cwofsy@aclu.org  
osarabia@aclu.org  
samdur@aclu.org

Noor Zafar\*  
Grace Choi\*  
Omar Jadwat\*  
American Civil Liberties Union  
Foundation Immigrants' Rights Project  
125 Broad Street, 18th Floor  
New York, NY 10004  
Tel: (212) 549-2660  
nzafar@aclu.org  
gchoi@aclu.org  
ojadwat@aclu.org

/s/ Lucas Cameron-Vaughn

Lucas Cameron-Vaughn (BPR# 036284)  
Zee Scout (BPR# 042637)  
ACLU Foundation of Tennessee  
P.O. Box 120160  
Nashville, Tennessee 37212  
Tel: (615) 320-7260  
lucas@aclu-tn.org  
zscout@aclu-tn.org

Peter McGraw\*  
Efrén Olivares\*  
Kevin Siegel\*  
National Immigration Law Center  
1101 14th Street, Suite 410  
Washington, D.C. 20005  
Tel: (213) 639-3900  
mcgraw@nilc.org  
olivares@nilc.org  
siegel@nilc.org

*Attorneys for Plaintiffs*

*\*Pro hac vice application forthcoming*

## CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2026, I electronically filed the foregoing with the Clerk of Court by using the District Court CM/ECF system. I have also caused a copy to be emailed to the following attorneys with the Tennessee Attorney General's Office: Miranda Jones (Miranda.Jones@ag.tn.gov); David Wickenheiser (David.Wickenheiser@ag.tn.gov); Jessica Berk (Jessica.Berk@ag.tn.gov).

/s/ Lucas Cameron-Vaughn  
Lucas Cameron-Vaughn