

FILED
02-18-2020
CIRCUIT COURT
DANE COUNTY, WI
2020CV000454

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

DANE COUNTY

JOHN and JANE DOE 1, et al.,

Plaintiffs,

v.

Case No. 20-CV-454

MADISON METROPOLITAN SCHOOL DISTRICT,

Defendant.

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION TO PROCEED USING PSEUDONYMS**

TO: Madison Metropolitan School District
545 West Dayton Street
Madison, WI 53703

PLEASE TAKE NOTICE that Plaintiffs in this action, by their undersigned counsel, hereby move the Court for an order allowing them to file and litigate this case anonymously, using pseudonyms. The grounds for this motion are as follows:

1. The Plaintiffs here—parents of minor children in the Madison School District—challenge the District's Policy enabling their children to socially transition to a different gender identity at school without parental notice or consent, as a violation of their constitutional rights to direct the upbringing of their children.

2. Courts recognize that cases like these tend to arouse strong emotions in the affected community and therefore create a significant risk that the plaintiffs or their children will suffer social ostracism, harassment, economic injury, governmental retaliation, and even physical violence.

3. Further, given that these cases ultimately turn on the purely legal question of whether the District's policy is constitutional, courts have regularly found that there is little to no need for the public or the school district to know the plaintiffs' identities.

This motion is further supported by the brief and affidavits¹ filed herewith.

PLEASE TAKE FURTHER NOTICE that Plaintiffs' request that this motion be decided on the papers, without a hearing. However, if the Court determines that a hearing would be necessary, Plaintiffs request that the Court schedule the hearing at the Court's earliest convenience.

Dated: February 18, 2020.

Respectfully Submitted,

Rick Esenberg (SBN 1005622)
(414) 727-6367
rick@will-law.org

Electronically signed by Luke N. Berg
Luke N. Berg (SBN 1095644)
(414) 727-7361
luke@will-law.org

Anthony F. LoCoco (SBN 1101773)
(414) 727-7419
alococo@will-law.org

Wisconsin Institute for Law & Liberty
330 E. Kilbourn Ave., Suite 725
Milwaukee, WI 53202
Telephone: (414) 727-9455
Attorneys for Plaintiffs

¹ Plaintiffs have submitted affidavits with their names redacted. Plaintiffs' counsel retains the original, un-redacted versions of these affidavits. If this Court needs to know the Plaintiffs' identities, Plaintiffs respectfully request permission to submit a list of their names and addresses for *in camera* inspection by the Court.