

**Amanda M. Walkup, OSB 934508**  
awalkup@hershnerhunter.com  
**Lillian Marshall-Bass, OSB 161811**  
Lmarshall-bass@hershnerhunter.com  
Hershner Hunter, LLP  
180 East 11<sup>th</sup> Avenue  
P.O. Box 1475  
Eugene, OR 97440  
Telephone: (541) 686-8511  
Facsimile: (541) 344-2025

**Of Attorneys for Defendants**

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DISTRICT

**JOHN DOE;**

Plaintiff,

v.

**UNIVERSITY OF OREGON; SANDY WEINTRAUB**, an individual acting in his personal capacity; **CAROL MILLIE**, an individual acting in her personal capacity; and **ROBIN HOLMES**, an individual acting in her personal capacity;

Defendants.

**Case No. 6:17-CV-01103-AA**

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION TO  
PROCEED UNDER PSEUDONYM**

On August 22, 2017, Plaintiff John Doe filed his Motion to Proceed Under Pseudonym and Incorporated Memorandum of Law (“Motion”). To the extent Plaintiff’s Motion also “seeks a protective order in aid of the Court’s ruling that would prohibit Defendants and their agents from disclosing the identities of John Doe or Jane Roe, except as may be necessary to defend this

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lawsuit[,]” (Motion at 2.) Defendants respond that Plaintiff must file an appropriate motion for protective order pursuant to Fed. R. Civ. P. 26(c) and Local Rule 26-4 “show[ing] with respect to each particular material or category of materials that specific prejudice or harm will result if no order is granted” (LR 26-4). Further, a protective order “that would prohibit defendants from disclosing John Doe’s or Jane Roe’s identities to third parties, except as may be necessary to defend this suit” (Motion at 10) would be overly broad to the extent it purports to restrict Defendants’ lawful disclosures of information outside the context of this lawsuit. *See, e.g.*, 34 C.F.R. 99.31 (certain disclosures exempt from FERPA consent requirements).

Defendants reserve their rights under the Federal Rules of Civil Procedure and Local Rules to respond and/or object to Plaintiff’s motion for protective order and proposed protective order after filing thereof.

#### **CERTIFICATE OF COMPLIANCE**

This memorandum complies with the word-count limit under LR 7-2(b) because it contains 209 words, including headings, footnotes and quotations, but excluding the caption, signature block, exhibits, and any certificates of counsel.

DATED: September 5, 2017

HERSHNER HUNTER, LLP

By /s/ Lillian Marshall-Bass  
**Amanda M. Walkup, OSB 934508**  
awalkup@hershnerhunter.com  
**Lillian Marshall-Bass, OSB 161811**  
lmarshall-bass@hershnerhunter.com  
Telephone: (541) 686-8511  
Facsimile: (541) 344-2025  
**Of Attorneys for Defendants**