

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Penelope Poe v. Ethan G. Conrad, et al.

No. 2:25-cv-01118-DJC-AC (E.D. Cal. Jan. 12, 2026) · No. No. 2:25-cv-01118-DJC-AC · Decided January 12, 2026

SUMMARY

The United States District Court for the Eastern District of California grants Plaintiff Penelope Poe’s motion to proceed under a pseudonym. The court grants in part and denies in part Defendant Ethan G. Conrad’s motion to dismiss claims arising from alleged drug-facilitated sexual assaults. The assault, negligent infliction of emotional distress, and Bane Act claims are dismissed with leave to amend, while the battery, sexual battery, intentional infliction of emotional distress, other specified claims, and request for punitive damages survive.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 12, 2026
DOCKET	No. 2:25-cv-01118-DJC-AC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed under a pseudonym, and Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the complaint for failure to state claims upon which relief could be granted.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations as true and construes them in the light most favorable to the nonmoving party, but dismissal is proper when the complaint lacks a cognizable legal theory or sufficient facts to support one, or when the allegations do not plausibly establish an entitlement to relief.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	Penelope Poe v. Ethan G. Conrad, et al.

TOPICS

motions to dismiss

pleadings

civil procedure

battery

civil rights

PRACTICE AREAS

civil procedure

torts

civil rights

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff should be permitted to proceed under a pseudonym based on the alleged sexual assaults and the balance between her need for anonymity, Defendant's potential prejudice, and the public interest.
2. Whether Plaintiff plausibly alleged that Defendant drugged and raped her despite Defendant's arguments that the allegations were contradictory, speculative, and based on the experiences of others.
3. Whether Plaintiff adequately pleaded assault under California law where the complaint did not allege that she reasonably believed she was about to be touched in a harmful or offensive manner.
4. Whether allegations of drug-facilitated sexual contact and allegedly invalid consent plausibly stated claims for battery and sexual battery.
5. Whether Plaintiff adequately pleaded intentional or negligent infliction of emotional distress.
6. Whether Plaintiff adequately pleaded a claim under the Bane Act.
7. Whether Plaintiff's request for punitive damages could be dismissed at the pleading stage.

HOLDINGS

1. A plaintiff alleging repeated sexual assault may proceed anonymously when the need to protect against harassment, retaliation, and public scrutiny outweighs the prejudice to the defendant and the public interest in disclosure. The court granted Plaintiff's motion because the allegations involved highly sensitive sexual-assault claims, Defendant would receive Plaintiff's identity under a protective order, and the balance favored anonymity.
2. At the Rule 12(b)(6) stage, Plaintiff plausibly alleged that Defendant drugged and raped her. Allegations of contemporaneous symptoms, psychological responses, and later corroborating circumstances were not rendered implausible merely because they included Plaintiff's beliefs or information learned from other people.
3. The complaint failed to plausibly state an assault claim because it did not allege that Plaintiff reasonably believed she was about to be touched in a harmful or offensive manner, or that it reasonably appeared Defendant was about to carry out such a threat. The assault claim was dismissed with leave to amend.
4. The complaint plausibly stated a battery claim because the allegation that Defendant drugged Plaintiff before sexual activity created a factual dispute regarding the validity of Plaintiff's apparent consent. Defendant's motion to dismiss the battery claim was denied.
5. The complaint plausibly stated a sexual-battery claim because Plaintiff alleged sexually offensive contact, including rape, to which she did not consent. Defendant's motion to dismiss the sexual-battery claim was denied.

6. The complaint plausibly stated a claim for intentional infliction of emotional distress. Defendant's motion to dismiss that claim was denied.
7. The complaint failed to state a negligent-infliction-of-emotional-distress claim because its allegations concerned intentional conduct rather than negligent conduct. The claim was dismissed with leave to amend.
8. The complaint failed to state a Bane Act claim because it did not adequately identify a constitutional or legal right and did not sufficiently allege interference through threats, intimidation, or coercion. The claim was dismissed with leave to amend.
9. The request for punitive damages was not dismissed at the pleading stage because Plaintiff had plausibly stated several causes of action and alleged malice, oppression, or fraud. The court treated punitive damages as a remedy rather than a separate claim and found dismissal premature.

KEY QUOTATIONS

“The normal presumption in litigation is that parties must use their real names.” (at 3)

“Given the nature of Plaintiff’s allegations, which involve years of sexual assault by an alleged prominent local figure, the Court finds that Plaintiff’s need for anonymity outweighs the risk of prejudice to Defendant and the public’s interest in knowing her identity.” (at 4)

“A complaint may be dismissed for “failure to state a claim upon which relief can be granted[.]”” (at 6)

“The Court finds that Plaintiff has plausibly alleged that Defendant drugged and raped her.” (at 7)

“Without this allegation, the Court cannot find that there is a plausible cause of action for assault.” (at 9)

“Because the nature of Plaintiff’s consent is contested due to the allegation that she was drugged, the Court finds that there is a plausible claim for battery.” (at 10)

“The Court grants the Motion to Dismiss the first, fourth and ninth causes of action with leave to amend.” (at 14)

FACTUAL BACKGROUND

Plaintiff alleged that, during a years-long romantic relationship, Defendant repeatedly drugged her with cocktails containing a date-rape-type substance and raped her while she was unable to consent. She alleged symptoms including disorientation, memory gaps, extreme fatigue, unconsciousness, weakness, soreness, and feelings of violation. Plaintiff stated that she did not recognize the encounters as nonconsensual at the time and began suspecting wrongdoing in early 2025 after other individuals made similar allegations against Defendant. She asserted claims for assault, battery, sexual battery, negligent and intentional infliction of emotional distress, domestic violence, gender violence, the Ralph Act, the Bane Act, and punitive damages.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting ten causes of action arising from alleged drug-facilitated sexual assaults and related emotional and civil-rights injuries. The court granted Plaintiff’s motion to proceed under a pseudonym and granted in part and denied in part Defendant’s motion to dismiss. The assault, negligent-infliction-of-

emotional-distress, and Bane Act claims were dismissed with leave to amend; the battery, sexual-battery, intentional-infliction-of-emotional-distress, domestic-violence, gender-violence, Ralph Act, and punitive-damages claims survived.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff was ordered within twenty-one days to file a First Amended Complaint or inform the court that she intended to proceed with the surviving causes of action.

CASES CITED

- Doe v. Kamehameha Schools/Bernice Pauahi Bishop Est., 596 F.3d 1036, 1042 (9th Cir. 2010)
- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1067-68 (9th Cir. 2000)
- United States v. Doe, 655 F.2d 920, 922 n.1 (9th Cir. 1981)
- M.J.R. v. United States, No. 4:23-cv-05821-YGR, 2023 WL 7563746, at *1 (N.D. Cal. Nov. 14, 2023)
- Doe v. Mt. Diablo Unified Sch. Dist., No. 3:18-cv-02589-SK, 2018 WL 2317804, at *2 (N.D. Cal. May 22, 2018)
- Mendiondo v. Centinela Hosp. Med. Ctr., 521 F.3d 1097, 1104 (9th Cir. 2008)
- Steinle v. City & Cnty. of San Francisco, 919 F.3d 1154, 1160 (9th Cir. 2019)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- So v. Shin, 212 Cal. App. 4th 652, 668-69 (2013)
- Guzman v. Finch, No. 3:19-cv-00412-MMA-AHG, 2019 WL 3766659, at *3-4 (S.D. Cal. Aug. 9, 2019)
- Carlsen v. Koivumaki, 227 Cal. App. 4th 879, 890 (2014)
- Barbara A. v. John G., 145 Cal. App. 3d 369, 374-75 (1983)
- Sanchez v. CoreCivic, Inc., No. 3:24-cv-01199-L-VET, 2025 WL 1160008, at *3-4 (S.D. Cal. Apr. 21, 2025)
- Hailey v. Cal. Physicians' Serv., 158 Cal. App. 4th 452, 473-74 (2007)
- Cervantez v. J.C. Penney Co., 24 Cal. 3d 579, 593 (1979)
- Christensen v. Superior Court, 54 Cal. 3d 868, 903 (1991)
- Marlene F. v. Affiliated Psychiatric Med. Clinic, Inc., 48 Cal. 3d 583, 588 (1989)
- Allen v. City of Sacramento, 234 Cal. App. 4th 41, 67 (2015)
- Shoyoye v. County of Los Angeles, 203 Cal. App. 4th 947, 959 (2012)