

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

M.S., et al. v. Aylo Global Entertainment Inc., et al.

No. 2:25-cv-01139-DJC-JDP (E.D. Cal. July 1, 2025) · No. No. 2:25-cv-01139-DJC-JDP · Decided July 1, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Plaintiffs’ motion to proceed under a pseudonym. The court found that the sensitive allegations concerning Plaintiffs’ sexual preferences and viewing history, the risk of embarrassment, and the potential chilling effect on similar litigation outweighed the public interest in knowing Plaintiffs’ identities, particularly because Defendants would receive their identities through counsel.

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	July 1, 2025
DOCKET	No. 2:25-cv-01139-DJC-JDP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to proceed under pseudonyms in a federal privacy action. The court granted the motion.
STANDARD OF REVIEW	The court applied the Ninth Circuit's balancing standard for requests to proceed anonymously, weighing the plaintiffs' need for anonymity against prejudice to the opposing party and the public's interest in knowing the parties' identities.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

- Civil procedure
- Privacy and data security

QUESTIONS PRESENTED

1. Whether plaintiffs should be permitted to proceed under pseudonyms based on the sensitive and potentially embarrassing nature of their allegations.
2. Whether allowing plaintiffs to proceed anonymously would prejudice defendants or conflict with the public interest in identifying the parties.

HOLDINGS

1. Plaintiffs may proceed under pseudonyms because the sensitive nature of the allegations, risk of embarrassment, and potential chilling effect on similar litigation constitute good cause, and those concerns outweigh the prejudice to defendants and the public's interest in knowing plaintiffs' identities at this stage.

KEY QUOTATIONS

“a party may preserve his or her anonymity in judicial proceedings in special circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the party’s identity.” (at 1)

“This may be the case where a pseudonym “is necessary. . . to protect a person from harassment, injury, ridicule or personal embarrassment.”” (at 1)

FACTUAL BACKGROUND

Plaintiffs alleged that they registered accounts and watched videos on defendants' website, Pornhub. They alleged that defendants installed surveillance software that collected personally identifiable information, including the specific videos watched and associated sexual orientation, and transmitted that information to third-party advertisers. Plaintiffs sought to keep their identities private because of the sensitive nature of their sexual behavior and expressed concern that disclosure could cause embarrassment or chill similar privacy litigation.

PROCEDURAL HISTORY

Plaintiffs filed an action alleging that defendants collected and transmitted sensitive information concerning users' viewing of pornography. Plaintiffs filed a first amended complaint and moved to proceed under pseudonyms. Defendants did not oppose the motion, which the district court granted.

DISPOSITION

other

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)
- Quad Int'l Inc. v. Doe, No. C 12-05433-CRB-LB, 2012 WL 5868966, at *3 (N.D. Cal. Nov. 19, 2012)

- Doe v. Law Offs. of Winn and Sims, No. 3:06-cv-00599-H-AJB, 2021 WL 2662311, at *1 (S.D. Cal. June 29, 2021)
- J.J. v. Ashlynn Mktg. Grp., Inc., No. 3:24-cv-00311-GPC-MSB, 2024 WL 5130849, at *2 (S.D. Cal. Dec. 16, 2024)

OPINION

M.S. v. Aylo Global Entertainment, Inc.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 M.S., et al., No. 2:25-cv-01139-DJC-JDP 12 Plaintiffs, 13 v. ORDER 14

AYLO GLOBAL ENTERTAINMENT

15 INC., et al., 16 Defendants. 17 18 19 Pending before the Court is Plaintiffs’ Motion to Proceed under a Pseudonym. 20 Plaintiffs seek to proceed under a pseudonym as the case here involves allegations 21 regarding Plaintiffs’ sexual preferences, which raises privacy concerns for Plaintiffs. 22 Defendants did not file an opposition. For the reasons stated below, the Court 23 GRANTS Plaintiffs’ Motion.

24 LEGAL STANDARD

25 “The normal presumption in litigation is that parties must use their real names.” 26 Doe v. Kamehameha Schools/Bernice Pauahi Bishop Est., 596 F.3d 1036, 1042 (9th Cir. 27 2010); see also Fed. R. Civ. P. 10(a) (“The title of the complaint must name all the 28 parties. . .”); Fed. R. Civ. P. 17(a)(1) (“An action must be prosecuted in the name of the 1 real party in interest.”). The Ninth Circuit has held that “a party may preserve his or her 2 anonymity in judicial proceedings in special circumstances when the party’s need for 3 anonymity outweighs prejudice to the opposing party and the public’s interest in 4 knowing the party’s identity.” Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 5 1058, 1068 (9th Cir. 2000). This may be the case where a pseudonym “is necessary. . . 6 to protect a person from harassment, injury, ridicule or personal embarrassment.” Id. 7 at 1067–68 (citations omitted).

8 DISCUSSION

9 Here, Plaintiffs allege they are adults who have registered for accounts and 10 watched videos on Defendants’ website, www.pornhub.com. (Mot. Pseudonym (ECF

11 No. 2) at 1.) Plaintiffs content that Defendants installed surveillance software on the

12 website that collects personally identifiable, highly sensitive information about its 13 users—including the specific pornographic videos watched and the sexual orientation 14 associated with the pornography consumption. (Compl. (ECF No. 1) ¶¶ 1–14; First 15 Amended Complaint (“FAC”) (ECF No. 25) ¶¶ 5–25.) Plaintiffs further allege that 16 Defendants contemporaneously transmitted this information to third-party internet 17 advertisers in exchange for marketing

services. (Compl. ¶¶ 18, 23; FAC ¶¶ 18, 23.) 18 Plaintiffs state that they want to keep their identities private given the sensitivity 19 surrounding an individual’s sexual behavior within their own home. (Mot. Pseudonym 20 at 3.) Further, Plaintiffs explain that Defendants will know their identities, as Plaintiffs 21 will privately disclose that information to Defendants through their counsel. (Id. at 3.) 22 Plaintiffs also contend that given the sensitivity of the information at issue here, the 23 public’s interest in preventing a chilling effect on similar privacy litigation far 24 outweighs any interest in learning Plaintiffs’ names. (Id. at 4–5.) There is also a fear 25 that Defendants may publicize Plaintiffs’ pornographic viewing history through the 26 Court docket to get Plaintiffs to accept a settlement. (Id. at 5–6.) 27 The Court finds good cause to grant Plaintiffs’ request at this stage of the 28 proceedings based on the sensitive nature of the allegations, the risk of 1 embarrassment for Plaintiffs, and potentially chilling similar types of litigation. See 2 Quad Int’l Inc., v. Doe, No. C 12-05433-CRB-LB, 2012 WL 5868966, at *3 (N.D. Cal.

3 Nov. 19, 2012) (explaining that an “allegation that an individual illegally downloaded 4 adult entertainment likely goes to matters of a sensitive and highly personal nature, 5 including one’s sexuality.”); see also Doe v. Law Offs. of Winn and Sims, No. 3:06-cv- 6 00599-H-AJB, 2021 WL 2662311, at *1 (S.D. Cal. June 29, 2021) (granting plaintiff’s 7 request to redact his name from the record where “the public’s interest in this case 8 primarily centers around the underlying nature of the action, . . .not Plaintiff’s 9 identity.”). Moreover, the Court does not find that Defendants will suffer prejudice as 10 Plaintiffs’ identities will be privately disclosed to them through counsel. See J.J. v. 11 Ashlynn Mktg. Grp., Inc., No. 3:24-cv-00311-GPC-MSB, 2024 WL 5130849, at *2 (S.D. 12 Cal. Dec. 16, 2024) (finding that defendant would not suffer prejudice where 13 Defendant knew Plaintiffs’ identities).

14 CONCLUSION

15 In accordance with the above, IT IS HEREBY ORDERED that Plaintiff’s Motion to 16 Proceed under Pseudonym (ECF No. 2) is GRANTED. 17 18 Dated: July 1, 2025 /s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA

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UNITED STATES DISTRICT JUDGE

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