

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jane Doe (T.R.S.) v. Wyndham Hotels and Resorts, Inc., et al.

Case No. 2:23-cv-01676-DAD-CSK (E.D. Cal. Oct. 8, 2025) · No. 2:23-cv-01676-DAD-CSK · Decided
October 8, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Jane Doe’s unopposed motion to proceed under a pseudonym through pretrial proceedings. The court grants in part and denies in part her motion for a protective order concerning disclosure of her identity, requiring a modified acknowledgment for non-party fact witnesses and their counsel. The parties must meet and confer and submit a modified protective order within fourteen days.

OPINION

Doe

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JANE DOE (T.R.S.), Case No. 2:23-cv-01676-DAD-CSK 12 Plaintiff,

13 v. ORDER RE PLAINTIFF’S MOTIONS FOR

PROTECTIVE ORDER AND TO

14 WYNDHAM HOTELS AND RESORTS, PROCEED UNDER PSEUDONYM

INC., et al., 15 (ECF No. 96) Defendants. 16 17 Plaintiff Jane Doe (T.R.S.) filed a motion for a protective order and motion to 18 proceed under pseudonym.1 (ECF No. 96.) A hearing was held via Zoom on October 7, 19 2025. Attorney Patrick Barrett appeared on behalf of Plaintiff. Attorney Melissa 20 Reinckens appeared on behalf of Defendants Wyndham Hotels and Resorts, Inc. 21 Wyndham Hotel Group, LLC and Days Inn Worldwide, Inc. (collectively “Wyndham 22 Brand”); attorney Ellen Dew appeared on behalf of Defendant Marriott International, Inc. 23 (“Marriott”); attorney John Poulos appeared on behalf of Defendant Campbell HHG Hotel 24 Development, LP; and attorney Brian Gunn appeared on behalf Defendant Vitarag 25 Hospitality, Inc. For the reasons that follow, the Court GRANTS Plaintiff’s unopposed 26 motion to proceed under pseudonym and GRANTS IN PART AND DENIES IN PART 27 1 This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local Rule 302(c) (1). 1 Plaintiff’s motion for a protective order.

2 I. LEGAL STANDARDS

3 Under the Federal Rules of Civil Procedure, motions for protective orders are 4 governed by Rule 26(c). District courts have broad discretion to determine whether a 5 protective order is appropriate and, if so, what degree of protection is warranted. *Seattle 6 Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984); see also *Phillips ex rel. Estates of Byrd 7 v. Gen. Motors Corp.*, 307 F.3d 1206, 1211-12 (9th Cir. 2002). Under Rule 26(c), “[t]he 8 court may, for good cause, issue an order to protect a party or person from annoyance, 9 embarrassment, oppression, or undue burden or expense[.]” Fed. R. Civ. P. 26(c)(1). 10 “Generally, the public can gain access to litigation documents and information 11 produced during discovery unless the party opposing disclosure shows ‘good cause’ why 12 a protective order is necessary.” *Phillips ex rel. Ests. of Byrd*, 307 F.3d at 1210. “For 13 good cause to exist, the party seeking protection bears the burden of showing specific 14 prejudice or harm will result if no protective order is granted.” *Id.* at 1210-11. “If a court 15 finds particularized harm will result from disclosure of information to the public, then it 16 balances the public and private interests to decide whether a protective order is 17 necessary.” *Id.*

18 II. DISCUSSION

19 A. Preliminary Issue 20 It was unclear from the briefing whether Defendants Campbell HHG and Vitarag 21 opposed Plaintiff’s motions as they did not provide their position in the joint statement, 22 they were not referenced in the joint statement, and they only appear on the signatory 23 page. See generally *Jt. Stmt.* (ECF No. 96). At the hearing, in response to the Court’s 24 questions, Defendants Campbell HHG and Vitarag confirmed that they were joining 25 Defendants Wyndham Brand and Marriot’s joint statement. In the future, Defendants 26 Campbell HHG and Vitarag need to make their positions clear in the briefing. 27 B. Plaintiff’s Motion to Proceed Under Pseudonym 28 The Court GRANTS Plaintiff’s unopposed motion to proceed under pseudonym. 1 Plaintiff is permitted to proceed under pseudonym through pre-trial proceedings. If this 2 case proceeds to trial, the parties shall raise the pseudonym issue with the court to 3 address how to proceed. 4 C. Plaintiff’s Motion for Protective Order 5 As an initial matter, the Court finds Plaintiff’s motion for protective order is timely 6 brought and rejects Defendant Marriot’s argument to the contrary. *Jt. Stmt.* at 20; see 7 also Fed. R. Civ. P. 26(c). 8 The parties confirmed at the hearing that the only issue in dispute regarding the 9 parties’ proposed Protective Order is Section VI.E.i regarding disclosure of Plaintiff’s 10 identity. See *Jt. Stmt.*; Draft Prot. Order (ECF No. 96-1). 11 The proposed Protective Order attaches as Exhibit A an Acknowledgment & 12 Agreement to be Bound, which would be required to be signed by individuals receiving 13 information designated “Confidential” or Plaintiff’s Identity before the individual receives 14 the Confidential information or Plaintiff’s identity information. Draft Prot. Order § III.C 15 (“prior to any disclosure”), § VI.E.i. 16 At the hearing, the Court and parties discussed how to balance Plaintiff’s 17 legitimate and genuine safety concerns as a sex trafficking victim with Defendants’ ability 18 to investigate, conduct discovery, and defend themselves. The Court addressed 19 concerns raised by Plaintiff, Defendant Marriott, and Defendant Wyndham

Brand, and 20 proposed an alternative approach to use a different Acknowledgment & Agreement to be 21 Bound for non-party fact witnesses. This separate Acknowledgment & Agreement to be 22 Bound for non-party fact witnesses would remove the requirements that the individual 23 receive, review, and agree to be bound by the Protective Order (paragraphs 3 and 4); 24 consent to this district court's personal jurisdiction (paragraph 5); and sign under penalty 25 of perjury (paragraph 6). It would also prohibit disclosing Plaintiff's identity in connection 26 or relation to this lawsuit, rather than the broader prohibition against disclosing Plaintiff's 27 identity. 28 Plaintiff and Defendant Marriott agreed with the Court's alternative approach, and 1 Defendant Wyndham Brand confirmed that the Court's alternative approach addressed 2 its concerns regarding prohibiting non-party fact witnesses who may already know or are 3 familiar with Plaintiff from disclosing Plaintiff's identity. Defendants Campbell HHG and 4 Vitarag did not raise any objection to the Court's alternative approach. 5 As discussed at the hearing, the Court therefore orders as follows: 6 1. A separate Acknowledgment & Agreement to be Bound shall be 7 required for non-party fact witnesses and their counsel; 8 2. This separate Acknowledgment & Agreement to be Bound shall 9 remove Paragraphs 3, 5, and 6 in the Acknowledgment & 10 Agreement to be Bound attached as Exhibit A to the proposed 11 Protective Order (ECF No. 96-1 at 17-18); 12 3. The separate Acknowledgment & Agreement to be Bound shall 13 modify Paragraph 4 in the Acknowledgment & Agreement to be 14 Bound attached as Exhibit A to the proposed Protective Order (ECF

15 No. 96-1 at 17) to state as follows: "I agree I will not use or disclose 16 to anyone Plaintiff's Identity in connection or in relation to this 17 lawsuit." 18 The Court finds this alternative approach as outlined above properly balances the 19 public and private interests and are consistent with other courts that have granted 20 broader protection. See *Phillips ex rel. Ests. of Byrd*, 307 F.3d at 1210; see also *J.C. v. 21 Choice Hotels Int'l, Inc.*, Case No. 3:20-cv-00155-WHO, ECF No. 129 (N.D. Cal. Apr. 13, 22 2021) (granting a pre-trial protective order as to the identity of plaintiff which includes an 23 agreement to be bound by the protective order); *Doe (R.A.) v. Best W. Int'l, Inc.*, 2024 24 WL 4500846, at *3 (S.D. Ohio Oct. 16, 2024) (granting plaintiff's motion for protective 25 order requiring, in part, fact witnesses sign a Non-Disclosure Agreement limiting 26 disclosure of the plaintiff's identity prior to receiving information). 27 Accordingly, the Court GRANTS IN PART AND DENIES IN PART Plaintiff's 28 motion for protective order. The parties shall meet and confer and submit a modified 1 || protective order consistent with the Court's order within fourteen (14) days from the date 2 | of this order. 3 | Ill. ORDER 4 In accordance with above, IT |IS HEREBY ORDERED: 5 1. Plaintiff's unopposed motion to proceed under pseudonym is GRANTED. 6 2. Plaintiff's motion for protective order is GRANTED IN PART AND DENIED 7 IN PART as outlined above; 8 3. The parties shall meet and confer and submit a modified protective order 9 consistent with the Court's order within fourteen (14) days from the date of 10 this order; and 11 4. This order resolves ECF No. 96. 12 13 | Dated: October 8, 2025 C ii \$ \U

14 CHI SOO KIM

45 UNITED STATES MAGISTRATE JUDGE

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