

1 ATTORNEY NAME (BAR #)
ADDRESS

2 Attorney for Plaintiffs
3

4 SUPERIOR COURT OF ARIZONA
5 MARICOPA COUNTY

6 C.B., a minor, by and through)
his parents L.B. and E.B.,)

7)
8 PLAINTIFFS,)

9 V.)

No.

10 XXXXXXXXXXXX, Director,)
Arizona Health Care Cost Containment)
11 System, in her official capacity, Arizona)
12 Health Care Cost Containment System,)
a state agency; XXXXXXXX, Acting)
13 Director, Arizona Department of Economic)
Security, in his official capacity; Arizona)
14 Department of Economic Security, a)
state agency;)

MEMORANDUM IN SUPPORT OF
MOTION FOR LEAVE TO PROCEED
IN PSEUDONYM

(Judicial Review)

15)
16 DEFENDANTS.)

_____)

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18 Plaintiff C. B. is a minor child, and because this case involves sensitive and
19 deeply personal health issues regarding the appropriateness or inappropriateness of
20 care provided to Plaintiff C. B., or the legality of a denial of such care, Plaintiffs
21 respectfully move this Court to permit them to proceed in pseudonym. Further, this
22 complaint is concerning health issues affecting the public interest and may attract
23 significant publicity. For the above reasons, Plaintiffs respectfully move this Court to
24 permit them to proceed in pseudonym.

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26 In the abortion cases, Roe v. Wade, 410 U.S. 113 (1973), and Doe v. Bolton,
27 410 U.S. 179 (S.D.N.Y. 1973), the Supreme Court implicitly recognized that it is proper
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1 for plaintiffs to use fictitious names in certain circumstances. See Roe v. Ingraham, 364
2 F.Supp. 536 n. 7 (S.D.N.Y. 1973). As a three judge court noted in Doe v. Deschamps,
3 64 F.R.D. 652 (D. Mont. 1974):

4 Since [Roe v. New York], a host of cases have been prosecuted under fictitious
5 names. Sometimes the fact of the fictitious name is noted and other times it is
6 not, but it is clear that a practice has developed permitting individuals to sue
7 under fictitious names where the issues involved are matters of a sensitive and
highly personal nature.

8 The issues at stake here are matters of a sensitive and highly personal nature.
9 The State of Arizona has recognized the importance of protecting the confidentiality of
10 the identity of children, and private health care issues.

11 For these reasons, Plaintiffs should be permitted to proceed in pseudonym.

12 RESPECTFULLY SUBMITTED this _____ day of March, 2003.

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ATTORNEY NAME
ADDRESS

Attorney for Plaintiffs

ORIGINAL of the foregoing filed
this ___ day of March, 2003 with:

Superior Court of Arizona
201 W. Jefferson, 4th Floor
Phoenix, Arizona 85003

By: _____