Circuit Court for Carroll County
Case No. C-06-CV-18-000160 and 000167

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

Nos. 2947 and 3124

September Term, 2018

JANE DOE

v.

JAMES T. DeWEES, ET AL.

Beachley,
Shaw Geter,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 6, 2020

In this consolidated appeal from two civil actions in the Circuit Court for Carroll County, Jane Doe, appellant, challenges the court's granting of appellees' motions to dismiss the actions. For the reasons that follow, we shall affirm the judgments of the circuit court.

On June 27, 2018, Ms. Doe filed in the circuit court a complaint against Carroll County Sheriff James T. DeWees, two district court commissioners, three deputy sheriffs, and four correctional officers. In the complaint, Ms. Doe, who was not represented by an attorney, alleged various causes of action relating to her June 27, 2015 traffic stop and subsequent arrest and incarceration. Ms. Doe listed her address as "c/o LWRN," 5 South Center Street, #1100, Westminster, Maryland 21157. The court subsequently assigned to the complaint case number C-06-CV-18-000160 (hereinafter "case number 18-160"). On June 29, 2018, Ms. Doe filed in the circuit court a second complaint against Sheriff DeWees, two district court judges, over thirty correctional officers, nine district court clerks, two prosecutors, and other parties. In the complaint, Ms. Doe, who again was not represented by an attorney, alleged various causes of action arising from her June-September 2015 incarceration. Ms. Doe again listed her address as that of LWRN. The court subsequently assigned to the second complaint case number C-06-CV-18-000167 (hereinafter "case number 18-167").

Appellees thereafter moved to dismiss the complaints on the ground, among others, that Ms. Doe had "brought her lawsuit[s] anonymously" in violation of Rule 2-201 ("[e]very action shall be prosecuted in the name of the real party in interest"). The court subsequently ordered Ms. Doe to "amend[] her Complaint[s] to contain her name and full

address." Ms. Doe thereafter filed in each case an amended complaint, in which she again listed her name as "Jane Doe" and her address as that of LWRN. Ms. Doe also filed a "Notice of Compliance," in which she stated that "Jane Doe is an assumed name" that she "has used continuously for over nine years," and contended that she "is at liberty to adopt any name as her legal name without resort to a court." In November 2018, the court granted the motions to dismiss the complaint in case number 18-167 on the ground that "for a period of thirty . . . days . . . no Amended Complaint [was] filed by [Ms. Doe] containing her name and full address pursuant to . . . Rules 2-201 and 1-311." In December 2018, the court granted the motions to dismiss the complaint in case number 18-160 for the same reason.

Ms. Doe first contends that the court erred in dismissing the complaints because "[i]n the absence of a statute to the contrary, a person may take and use any name he wants so long as his purpose is not fraudulent and the use of the name does not interfere with the rights of others." But, in *Doe v. Shady Grove Hosp.*, 89 Md. App. 351 (1991), we recognized that "allowing a party [in a civil action] to proceed anonymously" interferes with "the public['s] presumptive right of access to court records," and to overcome this right, the party "must show that a compelling governmental interest is served by such an order[.]" *Id.* at 365 (citations omitted). Ms. Doe does not specify any case, and we are unaware of any, in which a court has found that the right of "a person [to] take and use any name he wants" constitutes such a compelling governmental interest. Hence, Ms. Doe was not entitled to proceed in the actions anonymously.

Ms. Doe next contends that the court erred in dismissing the complaints because a "Federal Court has adjudicated the issue of [her] name." (Boldface and underlining omitted.) In July 2018, Ms. Doe filed in the United States District Court for the District of Maryland a complaint against Sheriff DeWees and 58 other defendants. Noting that Ms. Doe did "not explicitly request permission to proceed pseudonymously or provide grounds for permitting her to proceed in such status," the U.S. District Court ordered Ms. Doe "to state why she should be permitted to proceed pseudonymously." In October 2018, Ms. Doe filed a response, and in February 2019, the U.S. District Court allowed the case to "proceed with service on [the] Defendants."

Ms. Doe now contends that a "different result here may engender a conflict." But, at the time of the U.S. District Court's ruling, the defendants in the federal action had not yet been served or challenged the ruling. Also, Ms. Doe does not explain why the ruling of the U.S. District Court, which occurred subsequent to the circuit court's dismissal of the complaints in the instant matter, requires the circuit court to vacate its previous rulings and allow Ms. Doe to proceed anonymously. Finally, we recognized in *Doe* that Federal Rule of Civil Procedure 17(a), on which Rule 2-201 "is patterned[,] does not expressly provide for anonymous plaintiffs[.]" *Doe*, 89 Md. App. at 363-64. Hence, the U.S. District Court's ruling is not controlling.

Ms. Doe next contends that Rule 1-311 "supplies no basis for dismissal" (boldface omitted), because "the rule contains no . . . requirement" that she "set forth her . . . address." We disagree. Rule 1-311(a) explicitly states that "[e]very pleading and paper of a party who is not represented by an attorney shall be signed by the party," and "[e]very pleading

or paper filed shall contain . . . the signer's address." Here, the address contained in Ms. Doe's complaints belonged not to her, but to LWRN. When the court ordered Ms. Doe to amend her complaints to include *her* address, she again listed LWRN's address. Hence, the court did not err in dismissing the complaints for violating Rule 1-311.

Finally, Ms. Doe contends that the court "simply adopted [a]ppellees' assertions – which do not constitute evidence – at face value," and because there is "a genuine issue of material fact" as to whether "Jane Doe [is] the name by which the true plaintiff party in interest can be identified," the court erred in failing to hold a hearing on the motions to dismiss and have the issue "decided by a jury." We disagree. In her "Notice of Compliance," Ms. Doe explicitly admitted that "Jane Doe" is not her given name, and that she had used a different name less than ten years earlier. These admissions were sufficient for the court to conclude that Ms. Doe was attempting to proceed anonymously, and hence, the court did not err in dismissing the complaints for violating Rule 2-201.[1]

JUDGMENTS OF THE CIRCUIT COURT FOR CARROLL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.

[1]Following the filing of appellees' brief, Ms. Doe filed a motion to strike from the brief "scandalous material" (capitalization and boldface omitted), specifically allegations that LWRN is "an extension, branch, affiliate or alter ego of" the "Save-A-Patriot-Fellowship ('SAPF')," that "SAPF is an unincorporated association in Carroll County [that] organizes and sells tax-fraud schemes designed to assist customers in evading their federal tax liabilities and interfering with the administration of the internal revenue laws," and that in dismissing Ms. Doe's complaints, "the circuit court correctly recognized the gamesmanship that [Ms. Doe] was attempting to engage in and simply refused to play along." We note that appellees base their allegations regarding SAPF on two opinions of the U.S. District Court, and that appellees' statement regarding "gamesmanship" is merely argument. Accordingly, we deny Ms. Doe's motion.