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15 *Additional Attorneys for Plaintiffs Listed  
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*\* pro hac vice forthcoming*

18 **UNITED STATES DISTRICT COURT**  
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,  
22 Plaintiffs,  
23 v.  
24 DONALD J. TRUMP, President of the  
United States, in his official capacity, *et*  
25 *al.*,  
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**PLAINTIFFS' REPLY IN  
SUPPORT OF MOTION TO  
PROCEED PSEUDONYMOUSLY**

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1 **I. INTRODUCTION**

2 Defendants fail even to address, much less refute, Plaintiffs’ arguments  
3 supporting their motion to proceed pseudonymously. Rather than addressing the  
4 extensive case law, federal regulations, and their own past practice of consenting to  
5 pseudonymity for asylum seekers, Defendants rely on a vague invocation of public  
6 access and manufactured uncertainty about confidentiality. Both arguments fail.  
7 Motions to proceed under a pseudonym in asylum cases are routinely granted for a  
8 simple reason: asylum seekers facing threats of grave harm should not be forced to  
9 risk further danger by revealing their identities in public court filings. Defendants  
10 have no credible basis to oppose Plaintiffs’ motion.

11 **II. ARGUMENT**

12 **A. Pseudonymity Is Necessary to Protect Plaintiffs from Grave Harm.**

13 Defendants’ opposition relies on a vague assertion regarding the “right to  
14 public access.” But Defendants do not address—nor do they attempt to refute—  
15 Plaintiffs’ showing that the balance of interests strongly favors granting leave to  
16 proceed pseudonymously. *See Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d  
17 1058, 1068 (9th Cir. 2000) (courts should permit a party to proceed under a  
18 pseudonym “when the party’s need for anonymity outweighs prejudice to the  
19 opposing party and the public’s interest in knowing the party’s identity.”).

20 Plaintiffs have fled targeted persecution in their home countries—cartel  
21 violence, gang retaliation, political repression, and identity-based abuse. *See Compl.*,  
22 Dkt. No. 1, Ex. A, Maria Doe Decl. ¶¶ 7-9 (kidnapped and threatened by cartel after  
23 cooperating in prosecution against cartel-linked police officials in Mexico); Ex. I,  
24 Jessica Doe Decl. ¶¶ 7-11 (fled Colombia after being sold as a sex slave and  
25 repeatedly assaulted by local gang); Ex. C, Fernando Doe Decl. ¶¶ 7-9 (fled  
26 Venezuela after attacks by government agents due to political activism); Ex. H, Ali  
27 Doe Decl. ¶¶ 6, 8 (fled Afghanistan following Taliban takeover due to work for the  
28 former Afghan government and status as ethnic minority); Ex. E, Eduardo Doe ¶ 6

1 (fled Venezuela after threats from government officials due to political dissent);  
2 Ex. D, Jean Doe Decl. ¶¶ 7-8 (fled Haiti after witnessing local gang murder his  
3 father); Ex. B, Rous Doe Decl. ¶¶ 7-8 (fled Venezuela after “near daily abuse” due  
4 to gender identity and perceived sexual orientation); Ex. J, Diana Doe ¶¶ 7-8 (fled  
5 Mexican state of Morelos after extortion by cartel and murder of her son); Ex. G,  
6 Anahi Doe Decl. ¶ 6 (fled violence and discrimination in Guatemala due to sexual  
7 orientation); Ex. F, Dragon Doe ¶ 7 (fled Ecuador due to threats from armed guerrilla  
8 group). Disclosure of their names would expose them and their families abroad to  
9 even greater risk.

10 This is why “courts regularly grant leave to proceed under a pseudonym in  
11 cases related to asylum proceedings.” *Doe v. Andrews*, No. 1:25-CV-00333-JLT-  
12 HBK (HC), 2025 WL 1531684, at \*1 (E.D. Cal. May 28, 2025). Federal asylum  
13 regulations similarly protect the confidentiality of asylum applicants. *See* 8 C.F.R.  
14 §§ 208.6, 1208.6; *A.B.T. v. U.S. Citizenship & Immigration Servs.*, No. 2:11-cv-  
15 02108 RAJ, 2012 WL 2995064, at \*3 (W.D. Wash. July 20, 2012) (relying on  
16 regulations to permit asylum-seeking plaintiffs to proceed anonymously). In light of  
17 the extensive case law and regulatory protections favoring pseudonymity for asylum  
18 seekers, it is unsurprising that the government *did not oppose* either of the plaintiffs’  
19 motions to proceed under pseudonyms in prior *AOL* cases in this District. *See Al Otro*  
20 *Lado, Inc. v. Mayorkas*, No. 3:23-cv-01367-AGS-BLM (S.D. Cal. Oct. 13, 2023),  
21 ECF No. 36; *Al Otro Lado, Inc. v. Nielsen*, No. 17-cv-02366-BAS-KSC, 2017 WL  
22 6541446 at \*1 (S.D. Cal. Dec. 20, 2017).

23 Defendants cite only *Doe v. Kamehameha Schools*, 596 F.3d 1036 (9th Cir.  
24 2010), a case concerning school admissions—not asylum seekers fleeing persecution.  
25 That case did not involve federal regulations mandating confidentiality or the unique  
26 vulnerability of asylum applicants. By contrast, courts nationwide—including in this  
27 District—have allowed asylum seekers to proceed pseudonymously. *See* Pls.’ Motion  
28 1-5 (collecting authorities). Defendants do not address any of these authorities, nor

1 do they dispute that Plaintiffs have sufficiently alleged a well-founded fear of grave  
2 harm.

3 **B. Defendants Will Not Be Prejudiced.**

4 Defendants' assertion that the requested relief would be unduly burdensome  
5 or would unfairly impede their ability to defend the case is unfounded. Plaintiffs do  
6 not seek to restrict Defendants' access to identifying information. *See id.* at 7 ("The  
7 parties will exchange identifying information concerning the Individual Plaintiffs  
8 subject to certain confidentiality assurances.").

9 Defendants' claimed lack of understanding about the restrictions Plaintiffs  
10 seek is contradicted by direct correspondence between the parties. On July 31, 2025,  
11 Assistant U.S. Attorney Kelly A. Reis emailed Plaintiffs' counsel requesting  
12 clarification of what "confidentiality assurances" Plaintiffs seek. Declaration of Eric  
13 M. Acker in Support of Plaintiffs' Reply, Ex. A. On August 1, 2025, Plaintiffs'  
14 counsel responded that Plaintiffs' identifying information should only be used for  
15 this case and would be subject to a protective order, stating that Plaintiffs "would  
16 provide [Defendants' counsel] with the identifying information for the Individual  
17 Plaintiffs with the agreement by the Defendants that the information will not be used  
18 publicly for any purpose and will solely be used by the government for purposes of  
19 identifying and preserving relevant information concerning those individuals." *Id.*  
20 Plaintiffs also offered to meet and confer if the government had questions or  
21 concerns. The government did not take Plaintiffs up on their offer. If Defendants  
22 were unsure about the proposed restrictions under the future protective order, they  
23 could have called or emailed counsel, rather than wasting judicial resources with their  
24 purported "opposition."

25 The Individual Plaintiffs will disclose their identities to the government with  
26 the assurance from government counsel that their identities will not be disclosed  
27 publicly and used only to identify and preserve information regarding those  
28 Individual Plaintiffs for purposes of this case. Once a protective order is in place, the

1 Plaintiffs will designate the identifying information with the appropriate  
2 confidentiality designation.

3 **III. CONCLUSION**

4 Plaintiffs respectfully request that the Court grant their motion to proceed  
5 pseudonymously.

6  
7 Dated: August 26, 2025

Respectfully Submitted,

MORRISON & FOERSTER LLP

*/s/ Eric M. Acker*

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18 **UNITED STATES DISTRICT COURT**  
19 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AL OTRO LADO, INC., *et al.*,  
22 Plaintiffs,  
23 v.  
24 DONALD J. TRUMP, President of the  
25 United States, in his official capacity, *et*  
*al.*,  
26 Defendants.

Case No. 3:25-cv-01501-RBM-BLM

**DECLARATION OF ERIC M.  
ACKER IN SUPPORT OF  
PLAINTIFFS' REPLY IN  
SUPPORT OF MOTION TO  
PROCEED PSEUDONYMOUSLY**

Hon. Ruth Bermudez Montenegro  
Hearing Date: September 2, 2025  
Courtroom: 5B

**NO ORAL ARGUMENT UNLESS  
ORDERED BY THE COURT**

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**DECLARATION OF ERIC M. ACKER**

1. I am a Senior Counsel with the law firm of Morrison & Foerster LLP and am co-lead counsel for the Plaintiffs in this case. I am a member of the California and District of Columbia Bars.

2. I submit this Declaration in support of Plaintiffs’ Reply in Support of Motion to Proceed Pseudonymously. I have personal knowledge of the matters stated herein, and if called upon, I could and would competently testify thereto.

3. Attached hereto as **Exhibit A** is a true and accurate copy of an email that Defendants’ counsel sent to Plaintiffs’ counsel on July 31, 2025, and Plaintiffs’ counsel’s response on August 1, 2025, regarding Plaintiffs’ request to proceed with pseudonyms.

I, Eric M. Acker, declare under penalty of perjury, under 28 U.S.C. § 1746 and the laws of the United States of America, that the foregoing Declaration is true and correct.

Executed this 26<sup>th</sup> day of August 2025, in San Diego, California.

*s/ Eric M. Acker*  
\_\_\_\_\_  
Eric M. Acker  
*Counsel for Plaintiffs and the Putative Class*

# **EXHIBIT A**

---

**From:** Acker, Eric M.  
**Sent:** Friday, August 1, 2025 11:27 AM  
**To:** 'Reis, Kelly (USACAS)' <[Kelly.Reis@usdoj.gov](mailto:Kelly.Reis@usdoj.gov)>  
**Cc:** 'crowmelissa@uclawsf.edu' <[crowmelissa@uclawsf.edu](mailto:crowmelissa@uclawsf.edu)>; 'Cordero, Ernest (USACAS)' <[Ernest.Cordero@usdoj.gov](mailto:Ernest.Cordero@usdoj.gov)>  
**Subject:** RE: Pseudonym Motion - AOL v. Trump, Case No. 25cv1501 (S.D. Cal.)

Kelly –

We will provide you with the identifying information for the Individual Plaintiffs with the agreement by the Defendants that the information will not be used publicly for any purpose and will solely be used by the government for purposes of identifying and preserving relevant information concerning those individuals. We also need agreement that this informally exchanged information shall be subject to any future protective order in the case, and that the Plaintiffs will have the right to designate the information as they deem appropriate under that protective order.

Happy to discuss live if you have questions.

**ERIC ACKER**

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**Cc:** [crowmelissa@uclawsf.edu](mailto:crowmelissa@uclawsf.edu); Cordero, Ernest (USACAS) <[Ernest.Cordero@usdoj.gov](mailto:Ernest.Cordero@usdoj.gov)>  
**Subject:** RE: Pseudonym Motion - AOL v. Trump, Case No. 25cv1501 (S.D. Cal.)

Kelly –

Checking with the team on this and should be back to you later today or tomorrow.

But it is very likely that the required conditions will be similar to what was done in the prior immigration cases before Judges Bashant and Schopler cited in our brief were the government did not oppose a similar motion.

**ERIC ACKER**

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**Subject:** Pseudonym Motion - AOL v. Trump, Case No. 25cv1501 (S.D. Cal.)

**External Email**

---

Eric,

In your motion to proceed pseudonymously, you state that “[t]he Individual Plaintiffs do not seek to withhold their identities from Defendants, but only to protect themselves from public exposure that could lead to severe harm. The parties will exchange identifying information concerning the Individual Plaintiffs subject to certain confidentiality assurances.” ECF No. 34-1 at 7. Can you please clarify what “certain confidentiality assurances” you are seeking? This information will help us decide how to respond to the motion. Thank you.

Best,

Kelly A. Reis

*Assistant U.S. Attorney*  
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Southern District of California  
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