

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JOHN DOE,	)	
	)	
Plaintiff,	)	Case No.: 3:25-cv-01376
	)	
v.	)	Judge: Waverly D. Crenshaw, Jr.
	)	
THE ENTITIES, PARTNERSHIPS, AND	)	Magistrate Judge: Barbara D. Holmes
UNINCORPORATED ASSOCIATIONS	)	
LISTED ON SCHEDULE A,	)	<b>JURY DEMAND</b>
	)	
Defendants.	)	

**PLAINTIFF’S EX PARTE MOTION TO TEMPORARILY PROCEED UNDER  
PSEUDONYM AND FOR LEAVE TO FILE UNDER SEAL**

Plaintiff JOHN DOE (“Plaintiff”), by and through undersigned counsel, hereby moves this Court for an Order granting (1) leave to temporarily proceed under a pseudonym, and (2) leave to file under seal certain documents that reveal Plaintiff’s true identity, along with the identifying information for Defendants, to be maintained under seal until such time as the Court deems appropriate. In support of this Motion, Plaintiff states as follows:

**I. INTRODUCTION**

Plaintiff has filed the Complaint in this action (ECF No. 1) alleging that Defendants—entities, partnerships, and unincorporated associations—are manufacturing, marketing, and selling unauthorized, counterfeit versions of Plaintiff’s consumer product. Plaintiff’s federally protected intellectual property, including trademarks, design patents, and/or copyrights, is at issue. Plaintiff’s investigation indicates that Defendants are primarily foreign individuals or entities operating virtual storefronts, many of which are believed to be in China or other overseas jurisdictions. Plaintiff has learned, from public resources, that these Defendants quickly mobilize upon learning the specifics of a pending enforcement action—often by transferring or concealing

assets, discarding evidence, and/or shutting down websites before reappearing under new storefront names. To avoid tipping off Defendants and to preserve the status quo until Plaintiff can seek appropriate injunctive relief (including a temporary restraining order and a freeze on Defendants' financial accounts), Plaintiff seeks:

- Leave to Temporarily Proceed Under Pseudonym—so that Plaintiff's true identity will remain confidential until the Court has had the opportunity to rule on Plaintiff's requests for *ex parte* relief and those rulings can be effectuated.

- Leave to File Under Seal—applicable to the following documents:

- (i) Plaintiff's Amended Complaint, which will identify and include additional allegations regarding Plaintiff;

- (ii) Schedule "A" to the Complaint which lists with specificity the defendants, individuals, partnerships, and unincorporated associations in Plaintiff's Complaint;

- (iii) A copy of Plaintiff's design patent attached to the Amended Complaint as Exhibit 1;

- (iv) Copies of Plaintiff's registered copyrighted works with relevant samples attached to the Amended Complaint as Exhibit 2;

- (v) A copy of Plaintiff's trademark registration attached to the Amended Complaint as Exhibit 3;

- (vi) Plaintiff's *Ex Parte* Motion for Entry of Temporary Restraining Order, Order Restraining Transfer of Assets, Order Authorizing Alternative Service of Process on Defendants, and Order Granting Leave to Conduct Expedited Third Party Discovery, with incorporated Memorandum of Law and its accompanying Declarations, including by a

representative of Plaintiff and G. Edward Powell III, Esq., Attachments to the Declarations, and Proposed Order; and

(vii) Plaintiff's Business Entity Disclosure Form.

Public disclosure of Plaintiff's identity or the specific product IP at this stage would thwart effective enforcement by enabling Defendants to hide, dissipate, or transfer assets and conceal infringing activity prior to any Court-ordered temporary restraining order or asset restraint. Plaintiff therefore respectfully requests that the Court allow it to proceed as "John Doe" and to file certain documents under seal, including an unredacted Amended Complaint, Schedule "A" identifying Defendants by name, and the other filings listed above. Once Defendants are notified of this lawsuit and Plaintiff's requested *ex parte* relief has been carried out, Plaintiff will promptly move to unseal the materials and reveal its identity.

## **II. FACTUAL BACKGROUND**

As set forth in the Complaint, Plaintiff is the creator and sole authorized source of a popular consumer product enjoying significant commercial success. Plaintiff owns registered trademarks, design patents, and copyrights associated with the product.

Defendants operate a constellation of online storefronts—some of which use intentionally obfuscated contact information—to sell counterfeit versions of Plaintiff's product bearing Plaintiff's marks and copying Plaintiff's protected content. Such sales divert legitimate customers from Plaintiff, harm Plaintiff's goodwill, and deceive consumers into unwittingly purchasing counterfeits.

Experience in similar enforcement actions shows that foreign counterfeiters frequently use private online forums or message boards (for example, SellerDefense.cn or similar websites) to post newly filed IP cases and to organize tactics for evading enforcement, such as shifting funds to unknown accounts, removing or altering product listings, and resuming sales under new

seller IDs. See, e.g., Declaration of Martin F. Trainor, *ABC Corp. v. The P'ships and Uninc. Assn's Identified in Sched. "A,"* Case No. 1:22-cv-07079, ECF No. 18-1 (N.D. Ill. Jan. 13, 2023) (describing the tactics used by Schedule A defendants to evade enforcement if cases are brought with identifying details for the plaintiff and product, and how those tactics are frustrated by pseudonymous filings).

If Plaintiff's identity or the subject IP becomes public prematurely, Defendants will likely discover the lawsuit, conceal or destroy evidence, and move funds out of reach before Plaintiff can obtain and execute a temporary restraining order freezing those assets. Plaintiff would thus be irreparably harmed. Accordingly, to prevent Defendants from undermining the administration of justice, Plaintiff requests that the Court permit (1) pseudonym status for Plaintiff at this preliminary stage and (2) the filing of key documents under seal until the TRO and asset restraint (if granted) can take effect.

### **III. MEMORANDUM OF LAW**

#### **A. Good Cause Exists to File Certain Materials Under Seal**

Courts recognize a common-law right of public access to judicial records but permit sealing upon a sufficient showing of necessity or good cause. See, e.g., *Shane Grp., Inc. v. Blue Cross Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016). In the Middle District of Tennessee, motions to seal are governed by Local Rule 5.03 and the Court's inherent authority.

Here, good cause exists because (1) Plaintiff has not yet served Defendants, (2) revealing Plaintiff's identity and the details of its IP rights would allow Defendants to evade enforcement, and (3) the temporary seal will be lifted as soon as Plaintiff's *ex parte* requests for temporary relief can be effectuated. Under these circumstances, sealing is narrowly tailored and justified to prevent irreparable harm.

Courts in various jurisdictions have recognized that unsealing such information before a TRO and asset restraint can be executed risks enabling counterfeiters to conceal assets and destroy relevant evidence. See, e.g., *Dell Inc. v. BelgiumDomains, LLC*, No. 07-22674, 2007 WL 6862341, at \*7 (S.D. Fla. Nov. 21, 2007) (granting motion to seal where defendants would likely “destroy evidence or move it out of the jurisdiction” if given notice). Moreover, the analogous provision governing seizures of material infringing goods at a particular place provides that such seizures shall be made on the basis of a sealed order without notice, in light of the likelihood that relief will be unavailable if notice is given in advance. 15 U.S.C. § 1116(d)(8).

**B. Exceptional Circumstances Justify Temporary Pseudonym Status**

While Federal Rule of Civil Procedure 10(a) normally requires a complaint to name all the parties, courts in the Sixth Circuit and elsewhere recognize that a plaintiff may proceed under a pseudonym in “certain circumstances” where the plaintiff’s privacy concerns outweigh the customary presumption of disclosure. See, e.g., *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004); *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). Relevant considerations include whether the injury litigated against would occur as a result of revealing the plaintiff’s identity and whether the defendant would be prejudiced by anonymity. *Doe v. Fedex Ground Package Sys., Inc.*, No. 3:21-cv-395, 2021 WL 5041286, at \*5 (M.D. Tenn. Oct. 29, 2021).

Here, the threat is not physical harm but the destruction of Plaintiff’s opportunity to obtain effective relief. If Plaintiff is named, Defendants will quickly piece together that Plaintiff’s IP is at issue, see that an asset freeze may be imminent, and dissipate or hide assets accordingly. Such a threat is acute where, as here, Defendants routinely use sophisticated online channels to alert one another and coordinate evasion efforts.

Granting anonymity temporarily imposes no unfair prejudice on Defendants, who are themselves unidentified foreign enterprises. Indeed, it is Plaintiff who faces irreparable monetary harm if forced to reveal its identity before a TRO can be obtained and executed.

Since Plaintiff will reveal its identity once its motion for an asset freeze is decided, the harm to the public interests is transitory, and minimal. Thus, balancing the plaintiff's interests against the public interest, temporary pseudonym treatment is warranted. Plaintiff will reveal its identity and move to unseal once this Court has acted on Plaintiff's *ex parte* requests and Defendants' assets have been restrained.

#### **IV. DOCUMENTS REQUESTED TO BE SEALED**

Plaintiff specifically requests that the following documents remain under seal until further order of the Court or until Plaintiff moves to unseal:

(i) Plaintiff's Amended Complaint, which will identify and include additional allegations regarding Plaintiff;

(ii) Schedule "A" to the Complaint which lists with specificity the defendants, individuals, partnerships, and unincorporated associations accused in Plaintiff's Complaint;

(iii) A copy of Plaintiff's design patent attached to the Amended Complaint as Exhibit 1;

(iv) Copies of Plaintiff's registered copyrighted works with relevant samples attached to the Amended Complaint as Exhibit 2;

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(vi) Plaintiff's *Ex Parte* Motion for Entry of Temporary Restraining Order, Order Restraining Transfer of Assets, Order Authorizing Alternative Service of Process on Defendants, and Order Granting Leave to Conduct Expedited Third Party Discovery, with incorporated Memorandum of Law, and its accompanying Declarations, including by a representative of

Plaintiff and G. Edward Powell III, Esq., Attachments to the Declarations, and Proposed Order;  
and

(vii) Plaintiff's Business Entity Disclosure Form.

These are the very documents that, if publicly accessible, would reveal Plaintiff's and Defendants' identities and the IP rights at issue, facilitating Defendants' avoidance of this Court's jurisdiction.

#### **V. DURATION OF SEAL AND PROCEDURE FOR UNSEALING**

Plaintiff respectfully requests that the above materials remain under seal until the Court has ruled on Plaintiff's anticipated *ex parte* motions and any such orders have been served on relevant third parties (e.g., online marketplaces and payment processors). At that time, Plaintiff will promptly file a motion to unseal (unless the Court directs otherwise).

#### **VI. CONCLUSION**

For all the reasons set forth above, Plaintiff JOHN DOE respectfully requests that this Court:

1. **Grant Plaintiff Leave to Temporarily Proceed Under Pseudonym** in this action, permitting Plaintiff to remain designated as "John Doe" in all public docket filings, until such time as the Court orders otherwise.
2. **Allow Plaintiff to File Under Seal** the documents enumerated above, together with any other filings that reveal Plaintiff's identity or confidential IP information, until the Court orders those materials unsealed.
3. **Order** that, once the *ex parte* relief is effected (and any temporary asset restraint is in place), Plaintiff will promptly move to lift the seal and file all necessary public versions of the sealed documents.
4. **Grant** any further relief as the Court may deem appropriate and just.

Dated: November 26, 2025

Respectfully submitted,

*/s/ G. Edward Powell III*

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Chanelle R. Acheson (TN BPR #30008)  
W. David Bridgers (TN BPR #16603)  
G. Edward Powell III (CA Bar #324530)

**Waddey Acheson LLC**  
1030 16th Ave S, Suite 300  
Nashville, TN 37212  
615-839-1100  
ed@waddeyacheson.com  
Counsel for Plaintiff John Doe