

**IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS**

JAMES DOE, an Illinois Citizen,)	
)	
Plaintiff,)	
)	
v.)	No. 2016 L 35
)	
JOHN DENNIS HASTERT)	
)	
Defendant.)	

**PLAINTIFF’S EX PARTE MOTION FOR LEAVE
TO FILE USING A FICTITIOUS NAME**

Plaintiff, by and through his attorneys, Patterson Law Firm, LLC, and for his Ex Parte Motion for Leave to File Using a Fictitious Name states as follows:

1. As set forth more fully in Plaintiff’s Complaint, this cause of action arises from the sexual abuse of Plaintiff by Defendant John Dennis Hastert [“Hastert” or “Defendant”], a well-known national and local figure, while Hastert was a coach and teacher at Yorkville High School.
2. After many years, in exchange for forgoing bringing any public charges or actions against Hastert, Plaintiff and Hastert entered into a confidential settlement agreement. The settlement became known to Federal law enforcement when Hastert used illegal structured cash withdrawals to pay the monetary settlement. Throughout the Federal investigation, Plaintiff was identified as “Individual A” and his identity was not disclosed.

3. 735 ILCS 5/2-401(e) provides “upon application and for good cause shown the parties may appear under fictitious names.” A plaintiff “seeking to use a pseudonym has to show a privacy interest that outweighs the public’s interest in open judicial proceedings.” *Doe v. Nw. Mem’l Hosp.*, 2014 IL App (1st) 140212 ¶39, quoting *Doe v. Doe*, 282 Ill. App. 3d, 1078, 1086 (1st Dist. 1996). Determination of whether particular circumstances warrant suppression is made by the court on a case-by-case basis. *Id.* at ¶44.

4. Victims of childhood sexual abuse bear the scars of the abuse for many years, often in silence. Due to the highly personal nature of this matter, the identification of Plaintiff in court documents would bring significant unwanted publicity to Plaintiff and his family. Plaintiff’s interest in protecting his identity outweighs any interest in the public knowing Plaintiff’s legal name. The Federal investigation into Hastert’s banking violations established that the sexual abuse occurred and the parties willingly entered into an oral settlement agreement.

5. In the last year and a half since rumors of Hastert’s misconduct began circulating, the local and national newspapers have run numerous stories concerning Hastert’s conduct and guilty plea related to Hastert’s attempt to keep his past crimes confidential. Despite all the news coverage, Plaintiff has never been identified. The use of Plaintiff’s legal name in public documents would cause great psychological damage to

him in the form of shame and embarrassment that often accompanies injuries such as that suffered by Plaintiff.

6. Plaintiff is concerned about the disruption in the lives of him and his family. In *Doe v. Diocese Corp.*, 647 A.2d 1067 (Conn. 1994), which was relied upon in *Doe v. Doe*, the Connecticut Superior Court noted that “[t]he most compelling situations [to proceed using a pseudonym] involve matters which are highly sensitive, such as social stigmatization, real danger of physical harm, or where injury litigated against would occur as a result of the disclosure of the plaintiff’s identity.” The Connecticut Superior Court allowed a plaintiff to proceed anonymously where doing so would protect his family members and assist in his recovery. *Doe v. Diocese Corp.*, 647 A.2d at 1075. Likewise, in *A.P. v. M.E.E.*, the court stated that while [i]dentifying the parties to a proceeding is an important dimension of publicness; the public has a right to know who is utilizing the courts that its tax dollars support [Citations omitted]; [t]here are exceptions; fictitious names are allowed when necessary to protect the privacy of children, rape victims, and other particularly vulnerable parties or witnesses.” *A.P. v. M.E.E.*, 354 Ill. App. 3d 989, 1003 (1st District 2004).

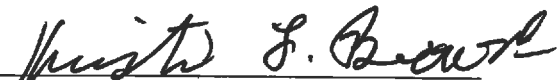
7. In seeking leave to file with an alias, Plaintiff does not wish to deprive the Court of its ability to investigate whether a conflict of interest exists. In *Coe v. Cook County*, 162 F.3d 491, 498 (7th Cir. 1998), the court

noted the possibility that a judge could discover at time of trial that he knows the plaintiff and that discovery could cast doubt on the entire proceeding. The Seventh Circuit suggested that the plaintiff identify himself to the judge so that a conflict analysis could be undertaken. Plaintiff is prepared to provide his identification for an *in camera* review by the Court. In this way the Court can determine whether a conflict of interest exists and Plaintiff's interest in privacy will be preserved. Wherefore, Plaintiff respectfully requests this Court enter an order granting Plaintiff leave to proceed using the pseudonym James Doe and for such further relief as the Court deems just and appropriate.

Respectfully submitted,

James Doe

Dated: April 25, 2016

By: 

One of his Attorneys

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