

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

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V.

No. 5:06CV115

BROOKSHIRE GROCERY COMPANY §

ORDER

Before the Court is Plaintiff Equal Employment Opportunity Commission's Motion for Protective Order to Protect Identity of Individual on Whose Claims its Lawsuit is Based (Docket Entry # 3). The Court, having reviewed the motion and noting that no response has been filed, is of the opinion the motion should be **GRANTED**.¹

Plaintiff moves for a protective order which will allow it to proceed with litigation of this action without revealing the individual's real name who filed EEOC Charge Number 310-2005-01872 and which will also prohibit all other parties from revealing that name. Plaintiff points out Federal Rule of Civil Procedure 10(a) provides that in the Complaint, the title of the action shall include the names of all *parties*. FED. R. CIV. P. 10(a). Plaintiff states the individual on whose claims Plaintiff's lawsuit is based is not a party to this action.

Plaintiff further asserts the individual on whose claims Plaintiff's lawsuit is based has been diagnosed with Hepatitis C, and in Plaintiff's Complaint, Plaintiff alleges Brookshire Grocery Company discriminated against that individual in violation of the Americans with Disabilities Act because she has Hepatitis C. Plaintiff states the individual believes if others, including her current employer, learn of her diagnosis, she will be embarrassed, stigmatized, and subjected to further

¹On July 19, 2006, the above-entitled and numbered cause of action was referred to the undersigned in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

discrimination. Plaintiff states the matters involved in this lawsuit are matters of a sensitive and highly personal nature, making this a case in which the anonymity of the individual on whose claims the EEOC brings this lawsuit should be preserved.

The Court finds the matters involved in this case are matters of a sensitive and highly personal nature, justifying the issuance of a protective order to protect the anonymity of the individual on whose claims the EEOC brings this lawsuit. The Court also notes Defendant did not file a response in opposition to Plaintiff's motion. Local Rule CV-7(d) states that in the event a party fails to oppose a motion in the manner prescribed, the Court will assume the party has no opposition. Accordingly, it is

ORDERED that Plaintiff Equal Employment Opportunity Commission's Motion for Protective Order to Protect Identity of Individual on Whose Claims its Lawsuit is Based (Docket Entry # 3) is **GRANTED**. It is further

ORDERED that Plaintiff may proceed with this litigation without revealing the real name of the individual on whose claims its lawsuit is based. It is further

ORDERED that all other parties are prohibited from revealing that name, and the individual on whose claims Plaintiff's lawsuit is based shall be referred to as "Jane Doe" throughout this litigation.

SIGNED this 24th day of July, 2006.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE