



Bid to identify plaintiff in suit alleging sex abuse nixed

By [Patricia Manson](#)

pmanson@lawbulletinmedia.com

POSTED October 31, 2023 11:42 AM

UPDATED October 31, 2023 3:10 PM

A man facing a lawsuit accusing him of sexually assaulting a classmate when they were in high school together lost a bid to force the classmate to use her real name in the litigation.

In a written opinion, the Illinois Appellate Court did not rule on the merits of defendant Chad Readey's argument that Cook County Circuit Judge Israel A. Desierto abused his discretion when he declined to lift an order allowing the classmate to pursue her suit as a Jane Doe.

The order had been issued in December 2022 by Cook County Circuit Judge James P. Flannery, who concluded Doe's right to privacy outweighed the public's right of access to an open legal proceeding.

Readey challenged Flannery's Jane Doe order, filing a motion to reconsider or, alternately, to vacate the order.

Desierto denied the motion in April 2023 in his own, one-sentence order. Readey then turned to the appeals court with his challenge to Desierto's order.

In its opinion Friday, a panel of the 1st District Appellate Court held it did not have the information needed to resolve Readey's appeal.

"An abuse of discretion occurs only when the trial court's decision is arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it," Justice Sharon Oden Johnson wrote for a panel of the court, citing *People v. Woodson*, 2023 IL App (1st) 191353.

However, she wrote, Desierto did not explain the reasons he denied Readey's motion.

Also, she continued, Readey did not attach hearing transcripts or other records to his motion that would allow the court to determine whether, as Readey maintains, Doe had already made her identity public by the time she filed the suit and so did not have the right under state law to proceed under a fictitious name.

Readey contends Doe disclosed her identity by signing an affidavit with her real name in September 2022 in support of a motion to dismiss a defamation suit Readey had filed against several classmates two months earlier. The classmates had made allegations against Readey similar to Doe's.

Doe was not originally named in the defamation suit, but Readey added her as a defendant in January 2023.



But the appellate panel held Readey's contentions are not enough to support his challenge to the Jane Doe order.

"Where no transcript or bystander's report of the proceedings was provided to us, and where no reasons were stated in the order itself, we presume that the trial court acted appropriately and that the reasons for its denial were provided on the record," Johnson wrote.

The panel upheld Desierto's order.

Justices Michael B. Hyman and Sanjay T. Taylor concurred in the judgment and opinion.

Doe filed her suit in state court in December 2022 accusing Readey of intentional infliction of emotional distress and violation of the Illinois Gender Violence Act.

The suit alleges Readey sexually harassed and sexually assaulted Doe when she was a minor. It also alleges that six female students reported to the high school dean in the 2019-20 school year that Readey was engaging in sexually abusive conduct.

Doe was not among the students who approached the dean, but she discussed Readey's purported conduct with her family members and friends and gave a statement when school officials asked for one, the suit alleges.

Doe filed her suit and a petition to proceed under a fictitious name in December 2022.

In a special concurrence Friday, Hyman wrote he agreed with the majority's opinion. He also discussed issues surrounding the right of a plaintiff to litigate a claim under the Gender Violence Act under a pseudonym.

The internet and artificial intelligence have made secrecy "vital," Hyman wrote.

"No longer, in famous observation of Justice Brandeis almost 100 years ago, is 'right to be let alone' enough," he wrote, quoting U.S. Supreme Court Justice Louis Brandeis' dissent in *Olmstead v. United States*, 277 U.S. 438 (1928). "In the 21st century, the right to be left unknown will join the right to be let alone as a vexing subject of intense legal debate."

He acknowledged Illinois law "offers slight guidance on petitions to proceed anonymously."

But while there is a presumption that judicial proceedings will be open to the public, Section 2-401(e) of the Illinois Code of Civil Procedure allows a plaintiff or defendant who shows good cause to use a fictitious name, Hyman wrote.

Quoting *Doe v. Doe*, 282 Ill. App. 3d 1078 (1996), he wrote anonymity usually is allowed in "exceptional" situations "involving matters of a highly personal nature."

Doe's allegations that she was a victim of sexual violence at the hands of Readey when she was a minor describes an exceptional situation, Hyman maintained.

He wrote the fact that Doe's identity may be available on the internet does not change his conclusions. Neither does the fact that Doe signed an affidavit in support of the female



"An alleged victim of sexual violence," Hyman wrote, "should not have to choose between assisting others in the legal process and their privacy in their case."

Readey is represented by Victor P. Henderson and Colin Quinn Commito, both of Henderson Parks LLC.

While he respects the court, Henderson said, he disagrees with its ruling.

"As we all know, the law can evolve as evidenced by subjects like abortion and racial discrimination," he said in a statement. "Only time will tell how this particular area of the law, which is relatively new in the context of gender claims, will shake out in terms of how it affects both accusers and the accused."

Doe's attorney, Tamara N. Holder of the Law Firm of Tamara N. Holder LLC, said the court's decision assures plaintiffs that their privacy will be protected.

"The ruling is a very big win for women in the state of Illinois and also around this country who seek to hold alleged perpetrators responsible for alleged sexual abuse and want to do it without revealing their identity," Holder said.

She said a ruling against her client would have hurt other women in addition to Doe. "If alleged victims of sexual abuse were able to be unmasked, then it would have a chilling effect," she said. "One of the reasons victims come forward is because they can proceed anonymously."

The case is [Jane Doe v. Chad Readey](#), 2023 IL App (1st) 230867.



HON. MATHIAS W. DELORT, RET.
MEDIATOR | ARBITRATOR | SPECIAL MASTER

Resolute Systems welcomes
Justice Delort, former Justice
of the Illinois Appellate Court

RESOLUTE
DISPUTE RESOLUTION NATIONWIDE

[LEARN MORE](#)



 **and Consulting**, Inc.

Engineering and Scientific Consulting

EXPERT APPROACH TO ANY CASE

Our expertise covers a wide range of engineering and scientific services.

EXPLORE OUR CAPABILITIES

proaaci.com

Symposium **JUDGES**
WITH THE

November 28th, 2023 | 1-5PM
IN PERSON, STREAMING & ON-DEMAND

3 IL MCLE CREDITS

REGISTER

Law Bulletin
SEMINARS
Knowledge for Success

Chicago Daily Law Bulletin.

Be in the know. These must-read insider briefings will keep you



informed of the latest legal developments in Chicago. Sign up today!

Afternoon Headlines ▼

email address

sign up

Chicago Daily Law Bulletin
 415 N. State Street, Chicago, Illinois
 60654-4674
 312-644-7800
 Terms & Conditions — Privacy Policy
 Copyright © 2023 Law Bulletin Media. All Rights Reserved.

