

**Doe v Combs**

2025 NY Slip Op 32846(U)

August 8, 2025

Supreme Court, New York County

Docket Number: Index No. 161674/2024

Judge: Paul A. Goetz

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. PAUL A. GOETZ PART 47**

*Justice*

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JOHN DOE,

Plaintiff,

- v -

SEAN COMBS, BAD BOY ENTERTAINMENT HOLDINGS,  
INC.,BAD BOY ENTERTAINMENT LLC,BAD BOY  
PRODUCTIONS HOLDINGS, INC.,DADDY'S HOUSE  
RECORDINGS, INC.,SONY MUSIC HOLDINGS, INC.

Defendants.

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**INDEX NO. 161674/2024**

**MOTION DATE 03/26/2025**

**MOTION SEQ. NO. 003**

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 003) 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 56, 57

were read on this motion to/for REARGUMENT/RECONSIDERATION.

In this civil sexual assault action, plaintiff moves pursuant to CPLR § 2221 to reargue his motion to proceed anonymously, which was denied by decision and order dated February 21, 2025 (MS #1, NYSCEF Doc No 30). Alternatively, plaintiff seeks an order “staying the issuance of a deadline for plaintiff to amend the caption to add plaintiff’s name until the Appellate Division, First Department, rules on plaintiff’s appeal” of the order (NYSCEF Doc No 35).

Plaintiff asserts that on MS #1, “the court did not even entertain arguments on critical matters as it viewed the application to be made solely pursuant to . . . Civil Rights Law § 50-b,” though the motion was also based in common law (NYSCEF Doc No 37). As is clear from the February 21, 2025 order, plaintiff’s motion was not denied based solely on the inapplicability of Civil Rights Law § 50-b. Also considered were common law factors in determining that “the fact that this litigation involves highly sensitive and personal allegations does not outweigh the

public's interest in allegations against this high-profile defendant, including the identities of his accusers"; and "plaintiff [had] not demonstrated that he is particularly vulnerable to the possible harms of disclosure," as he did not allege that he is a minor, or was a minor at the time of the alleged assault<sup>1</sup> (NYSCEF Doc No 30 [internal quotation marks omitted]).

Plaintiff also argues that the court improperly cited "only federal court and lower New York State court cases (that often cite Federal caselaw)," though "[f]ederal court has a stricter standard" than in the First Department (NYSCEF Doc No 37). Plaintiff does not provide any support for this assertion (*id.*; see also NYSCEF Doc No 56 [stating without support that "federal court cases certainly employ a different standard"]). In fact, in each of the First Department cases plaintiff cites, the court "balance[ed] plaintiff's privacy interest against the presumption in favor of open trials and against any potential prejudice to defendant" (*Anonymous v Lerner*, 124 AD3d 487, 487 [1<sup>st</sup> Dept 2015] [internal quotation marks omitted], also citing *Doe v Shakur*, 164 FRD 359, 362 [SDNY 1996]; *N.S. v Frankenhoff*, 215 AD3d 592 [1<sup>st</sup> Dept 2023] [same]; *Doe v Yeshiva Univ.*, 195 AD3d 565 [1<sup>st</sup> Dept 2021] [same]; *Doe v Doe*, 189 AD3d 406 [1<sup>st</sup> Dept 2020] [same]; *J. Doe No. 1 v CBS Broadcasting Inc.*, 24 AD3d 215 [1<sup>st</sup> Dept 2005]). This standard precisely aligns with the Southern District Court of New York cases cited in the February 21, 2025 decision, in which the court considered "whether the plaintiff has a substantial privacy interest that outweighs the customary and constitutionally-embedded presumption of openness in judicial proceedings" and "the interest of the opposing party" (*Doe v Weinstein*, 484 F Supp 3d

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<sup>1</sup> This latter factor also distinguishes this case from *Doe v Combs*, 2025 NYLJ LEXIS 1348 [SC NY Co 2025] (NYSCEF Doc No 57), which plaintiff cites in his reply (NYSCEF Doc No 56). In that case, the plaintiff also alleged that they were sexually assaulted by defendant Sean Combs. However, in granting the plaintiff's motion to proceed anonymously, the court specifically noted that the plaintiff allegedly "met Mr. Combs for an 'audition' when [Plaintiff] was only ten years old," and "Plaintiff [] alleges that Mr. Combs isolated, drugged and sexually assaulted the child Plaintiff" (NYSCEF Doc No 57). Plaintiff does not address this distinction in his moving papers.

90, 93 [SDNY 2020]; *Doe v Skyline Autos. Inc.*, 375 F Supp 3d 401 [SDNY 2019] [same]; *Shakur*, 164 FRD [same]).

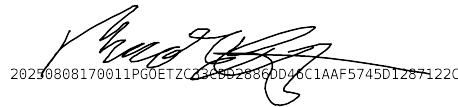
Plaintiff argues that this court did “not fully consider[] the gravity of the significant factual allegations that were leveled in the complaint and in plaintiff’s affirmation” and thus “misapplied the law with regard to anonymity” (NYSCEF Doc No 56). Plaintiff’s allegations were, in fact, given full consideration. It is undisputed that the allegations are of a deeply personal and sensitive nature. Nevertheless, the court is afforded “discretion in [determining whether] plaintiff’s privacy concerns were outweighed by, inter alia, the fact that the action was brought against an individual defendant, relates to his private life and reputation, and puts plaintiff’s credibility at issue” (*Lerner*, 124 AD3d at 487) and the “presumption in favor of open trials” (*Frankenhoff*, 215 AD3d at 593). While plaintiff asserts that “in rape matters such as the instant case, anonymity is routinely granted to plaintiffs in civil matters” (NYSCEF Doc No 37 [emphasis omitted]), he does not address or attempt to distinguish the long line of civil rape cases in which plaintiffs’ motions to proceed anonymously were denied, including those in which plaintiffs alleged assault by high-profile defendants (*Rapp v Fowler*, 537 F Supp 3d 521 [alleged assault by actor Kevin Spacey]; *Weinstein*, 484 F Supp 3d [alleged assault by film producer Harvey Weinstein]; *Shakur* [alleged assault by rapper Tupac Shakur]).

Finally, plaintiff argues that he has “shown that he is at risk of harm” because he “submitted an affirmation stating that defendant threatened him if he would file suit” (NYSCEF Doc No 37). Plaintiff has already filed suit. The court did not err in its weighing the affirmation.

Plaintiff thus fails to demonstrate that the court’s exercise of its discretion was “based upon matters of fact or law [] overlooked or misapprehended by the court in determining the prior motion” (CPLR § 2221).

Nevertheless, on April 9, 2025, another Justice of this court issued decisions in several cases involving plaintiffs making similar allegations against defendant Sean Combs, granting the plaintiffs' motions to proceed anonymously (*Doe v Combs*, Index Nos 159914/2024, 159915/2024, 160054/2024, 160055/2024, 150664/2025, 151604/2025, 151605/2025, 151606/2025, 152014/2025, 152016/2025, 153012/2025). As noted *supra*, some of these cases are distinguishable in that the plaintiffs were minors at the time of their alleged assaults; others, however, involve adults like plaintiff. Because of the apparent conflicting decisions, it is

ORDERED that plaintiff's motion is granted only to the extent that the time for plaintiff to file an amended complaint with his true name is stayed pending the First Department's decision on his appeal.



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<u>8/8/2025</u>			<u>PAUL A. GOETZ, J.S.C.</u>
<b>DATE</b>			
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input type="checkbox"/> GRANTED		<input checked="" type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT
			<input type="checkbox"/> REFERENCE