

M.O. v Rabbi Jacob Joseph Sch.

2025 NY Slip Op 34260(U)

November 3, 2025

Supreme Court, New York County

Docket Number: Index No. 951099/2021

Judge: Alexander M. Tisch

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ALEXANDER M. TISCH PART 18

Justice

M. O., Plaintiff, - v - RABBI JACOB JOSEPH SCHOOL, RABBI JACOB JOSEPH MEMORIAL, RABBI JACOB JOSEPH SCHOOL, INC. Defendant.
INDEX NO. 951099/2021
MOTION DATE 08/21/2025
MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 002) 42, 43, 44, 45, 46, 47, 48, 49 were read on this motion to/for RENEW/REARGUE/RESETTLE/RECONSIDER.

Upon the foregoing documents, plaintiff moves via Order to Show Cause (Motion Seq. No. 002) to renew plaintiff's motion to proceed under a pseudonym in the above-entitled action (Motion Seq. No. 001). Defendants RABBI JACOB JOSEPH SCHOOL, RABBI JACOB JOSEPH MEMORIAL, and RABBI JACOB JOSEPH SCHOOL, INC. (Defendants) oppose the motion (NY St Cts Elec Filing [NYSCEF] Doc No. 49).

"Under New York law, there is a broad presumption that the public is entitled to access to judicial proceedings and court records" (Mosallem v Berenson, 76 AD3d 345, 348 [1st Dept 2010]). Among the recognized values of open access to civil proceedings is that "the bright light cast upon the judicial process by public observation diminishes the possibilities for injustice, incompetence, perjury, and fraud" (Danco Labs. v Chemical Works of Gedeon Richter, 274 AD2d 1, 7 [1st Dept 2000]). Likewise, the very openness of the process should provide the public "with a more complete understanding of the judicial system and a better perception of its

fairness” and serves to “ensure that the proceedings are conducted efficiently, honestly and fairly” (*Danco*, 274 AD2d at 7).

“The determination of whether to allow a [party] to proceed anonymously requires the court to ‘use its discretion in balancing [that party’s] privacy interest against the presumption in favor of open trials and against any potential prejudice to [their adversary]’” (*Anonymous v Lerner*, 124 AD3d 487, 487-88 [1st Dept 2015], quoting *Stevens v Brown*, 2012 NY Slip Op 31823 [U], 2012 WL 2951181, *9 [Sup Ct, NY County 2012]). Factors for the Court to consider as to whether the privacy interest involved is substantial, so as to overcome the presumption of openness that attends judicial proceedings, includes

“whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of a sensitive and highly personal nature; whether the party seeking anonymity has an illegitimate ulterior motive; the extent to which the identity of the litigant has been kept confidential; whether identification poses a risk of mental or physical harm, harassment, ridicule or personal embarrassment; whether the case involves information of the utmost intimacy; whether the action is against a governmental entity; the magnitude of the public interest in maintaining confidentiality or knowing the party's identity; whether revealing the identity of the party will dissuade the party from bringing the lawsuit; whether the opposition to anonymity has an illegitimate basis; and whether the other side will be prejudiced by use of the pseudonym” (*Doe v Szul Jewelry, Inc.*, 2008 NY Slip Op 31382[U], 2008 WL 2157893, *12 [Sup Ct, New York County 2008] [internal quotation marks and citation omitted]).

Courts “should not pro forma approve an anonymous caption, but should exercise its discretion to limit the public nature of judicial proceedings ‘sparingly’ and ‘then, only when unusual circumstances necessitate it’” (*Anonymous v Anonymous*, 27 AD3d 356, 361 [1st Dept 2006]).

“A plaintiff seeking permission to proceed anonymously by employing a pseudonym must provide facts specific to the plaintiff that will allow the motion court to exercise its

discretion in an informed manner” (*Twersky v Yeshiva Univ.*, 201 AD3d 559, 560 [1st Dept 2022]). A “short attorney affirmation, which merely repeated the relief requested in the order to show cause and made a single vague statement that plaintiff[] might suffer further mental harm should their identit[y] be revealed” is not specific evidence to entitle plaintiff to proceed anonymously (*Twersky v Yeshiva Univ.*, 201 AD3d 559, 560 [1st Dept 2022]).

In support of plaintiff’s first motion to proceed anonymously (Motion Seq. No. 001), plaintiff provided only an attorney affirmation as evidence to entitle plaintiff to proceed anonymously. Now, plaintiff provides an affidavit in support of their motion to renew and, upon renewal, to proceed anonymously. Plaintiff requests to proceed anonymously because plaintiff still resides in the same county where the alleged abuse occurred and fears the disclosure of their identity “will harmfully affect [their] relationship with family, friends, and close-knit religious community.” Further, plaintiff is still in contact with other alumni from defendant RABBI JACOB JOSEPH SCHOOL and fears their reputation will be damaged if their identity is disclosed. Plaintiff is uncertain if they would proceed with this claim if they must proceed publicly. (NYSCEF Doc No. 44, aff of plaintiff in support of mot).

The Court finds plaintiff’s allegations are highly personal and are of an intimate and sexual nature, revealing the plaintiff’s identity may dissuade plaintiff from bringing the lawsuit, and poses a risk of mental harm to plaintiff, such that the privacy interest involved overcomes the presumption of open judicial proceedings.


Accordingly, it is hereby

ORDERED that the motion of plaintiff for leave to renew its motion to proceed under a pseudonym in the above-entitled action is GRANTED; and it is further

ORDERED that, upon renewal, the Court vacates its prior Order, dated July 31, 2025, and grants plaintiff's motion to proceed under a pseudonym in the above-entitled action, and all prior pleadings and proceedings heretofore had within.

This constitutes the decision and order of the Court.

11/3/2025
DATE


ALEXANDER M. TISCH, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION		
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER		
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE