

of the Northern Mariana Islands, and in particular the island of Saipan. The complaint alleged, on behalf of the 23 individual plaintiffs, and collectively, as many as 25,000 more, a pattern of people, many Chinese nationals in this instance, paying recruiters in their home countries, to obtain for them jobs on Saipan. The allegations apparently were that the recruiters expected to be paid a fee out of the wages of the workers, who were only permitted to remain on Saipan for as long as they kept their jobs. This left them open to a variety of exploitative practices by their employers, such as not paying overtime wages, and overcharging workers for unsanitary housing.

The action filed by the workers was done under pseudonyms because they feared, if their names were known, they could be fired by their employers, and the recruitment fees that they still owed to the recruiters, would not be paid. This would result in substantial adverse consequences to the employees should they be returned to their countries, or for their families, whom the recruiters would look to to make up for the unpaid recruitment fees.

The defendant employers moved to dismiss the complaint on the grounds that it did not contain the plaintiffs' true names. The trial court granted the employers' motion, and the matter was taken up by the plaintiff workers as an interlocutory appeal.

The Ninth Circuit stated that “[a] party may preserve his or her anonymity in judicial proceedings in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's

identity.” *Advanced Textiles*, 214 F.3d at 1069. The Ninth Circuit held that where pseudonyms are used to shield the anonymous party from retaliation, the district court should determine the need for anonymity by evaluating the following factors: (1) the severity of the threatened harm, (2) the reasonableness of the anonymous party's fears, and (3) the anonymous party's vulnerability to such retaliation. *Id.* (citations omitted).

The Ninth Circuit also required that the trial court must also “determine the precise prejudice at each stage of the proceedings to the opposing party, and whether proceedings may be structured so as to mitigate that prejudice.” *Id.* (citation omitted). Finally, according to the Ninth Circuit, the trial court must decide “whether the public's interest in the case would be best served by requiring that the litigants reveal their identities.” *Id.* (citations omitted).

Applying these factors, given all the facts alleged, the Ninth Circuit concluded that the trial court should have allowed the plaintiffs to proceed under pseudonyms.

Standing out in *Advanced Textile* for the purposes of this case, the court found that the risk of retaliation in the plaintiff's home countries should have been considered as part of the reason justifying proceeding under a pseudonym.

Here petitioner has converted from the religion of Shia Islam to Christianity. Substantial proof in the record, in the form of official reports of the U.S. State Department, establishes that such a conversion is considered “apostasy” and is punishable by death in the petitioner's home country.

There has been local, national, and even international media interest in the petitioner's case. See Declaration of Michael T. Purcell (Aug 11, 2025).

Should petitioner be compelled to proceed under his true name, it is quite possible he would become known to the authorities of Iran as a convert to Christianity, thus bringing down on him severe consequences should he be returned to Iran.

Advanced Textile also stated, with regard to the disclosure of the actual names of “we fail to see, how disguising plaintiffs' identities will obstruct public scrutiny of the important issues in this case.” *Advanced Textile*, 214 F.3d at 1072.

Here there is a similar situation. The issues raised in the petition are important and legitimate subjects of public interest. But withholding the actual name of the petitioner will not affect public discussion of these issues.

An argument raised by the employers was that because they did not know the names of the 23 individual plaintiffs, they would be unfairly prejudiced in their defense. The Ninth Circuit rejected that contention, finding that while at some future time the names of the individual plaintiffs might have to be disclosed to the defendants, that time had not come yet.

Here the identity of the petitioner is well known to the respondents, so this is not even an issue. This is not a situation where the name of the petitioner is being withheld from the respondents and they are fully capable of presenting a defense.

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For all of these reasons, the petitioner should be allowed to proceed under a
pseudonym

Dated this 11th day of August 2025

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