

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK — PART 35**

JANE DOE,
Plaintiff,

-against-

**CORNELL UNIVERSITY, INC., CHI PHI
CHAPTER HOUSE ASSOCIATION, CHI
PHI FRATERNITY, INC., CHI PHI
EDUCATIONAL TRUST, ALPHA BETA
HOUSE CORPORATION OF DELTA
DELTA DELTA, DELTA DELTA DELTA
SORORITY, ZAREEN ENTERPRISE
LLC, MATTHEW INGALLS,
JOHNATHAN NEWELL, WINSTON
LEE, GILLIO LOPES, DIEGO SARABIA,
SCOTT NORRIS, SCOTT
KRETZSCHMAR, JOHN DOE, JOHN
DOE, JOHN DOES, and ORAZIO
PETITO,**
Defendants.

**Index No. 161704/2026
Hon. Phaedra F. Perry-Bond, J.S.C.
Part 35**

**NONPARTY JANE DOE'S APPLICATION FOR LEAVE TO APPEAR
PSEUDONYMOUSLY; MOTION FOR ACCESS TO JUDICIAL RECORDS,
MODIFICATION OR PARTIAL VACATUR OF *SUA SPONTE* SEALING ORDER; AND
LIMITED OBJECTION TO FIRST AMENDMENT IMPLICATIONS OF NYSCEF DOC.
NO. 44**

Proposed Intervenor/Nonparty Movant:

Jane Doe, appearing under the public pseudonym "**JaneDoe1**", individually and in the capacity of an administrator of the public commentary website <https://lucycraig.blog>.

PRELIMINARY STATEMENT

1. Nonparty Movant Jane Doe, publicly known as "JaneDoe1," respectfully seeks limited leave to appear under a pseudonym, to be heard concerning the public's right of access to judicial records, and to object to the potentially speech-chilling implications of the Court's October 9, 2026 *sua sponte* sealing order, NYSCEF Document No. 44.
2. Movant is not a plaintiff, defendant, witness, or attorney in the underlying action. Movant does not seek to adjudicate the allegations between the litigants, interfere with discovery, or participate in the merits of the case.
3. Movant instead appears as an independent speaker, administrator of a public forum, and member of the public asserting rights protected by the First Amendment to the United States Constitution, Article I, Section 8 of the New York Constitution, and the longstanding presumption of public access to judicial proceedings and records.
4. This litigation has become the subject of extraordinary public attention and vigorous debate concerning sexual-assault allegations, the presumption of innocence, institutional responsibility, prosecutorial judgment, media coverage, and the respective rights of complainants and accused persons.
5. Movant administers <https://lucycraig.blog>, an independently operated website dedicated to public discussion of the litigation and related controversies.
6. As of the preparation of this submission, according to the website's reported statistics, the platform has accumulated more than **3,000,000 views, 3,000 comments, and 8,000 participant reactions**. Those figures are provided to illustrate the scale of public engagement and do not represent a claim that three million distinct individuals have been independently verified.
7. The website permits anonymous participation and operates under a policy favoring the maximum lawful freedom of expression. Comments ordinarily become publicly visible automatically. Administrators generally remove spam and content determined to be plainly unlawful, rather than censoring contributions because they are unpopular, offensive, controversial, or critical of a particular party.
8. Users and administrators may contribute records, images, commentary, documents, and other materials for public discussion. The platform's editorial policy favors publication and retention of lawful materials regardless of viewpoint.
9. Movant expressly disputes any proposition that judicial disapproval of public commentary, or concern about the intensity of public disagreement, supplies independent authority to regulate the speech of persons who have never appeared before the Court.
10. Movant does not contest that genuine threats, targeted harassment, or malicious publication of sensitive residential information may justify lawful intervention. Nor does Movant dispute the Court's legitimate interest in protecting an uninvolved family reportedly subjected to threats after an erroneous address appeared in a filing.
11. The dispute is instead whether a broadly worded judicial warning directed at unidentified nonparties, coupled with restrictions on access to judicial documents, may be understood

or applied to chill lawful public debate without notice, individualized findings, an opportunity to be heard, or constitutionally adequate procedural protections.

12. Movant respectfully submits that it may not.

I. FACTUAL AND PROCEDURAL BACKGROUND

13. On October 9, 2026, the Court entered NYSCEF Document No. 44, styled *Sua Sponte Decision and Order Directing Sealing of Certain Documents*.

14. The order directs the sealing of NYSCEF Documents 1, 6, 7, and 22 and directs the plaintiff to refile versions with purported addresses redacted.

15. The Court explains that certain filed documents included address information, including an allegedly erroneous residential address associated with an individual who was not involved in this lawsuit.

16. The Court reports that a former Marine and his family were subjected to threats after that erroneous association circulated online.

17. Movant condemns genuine threats of violence and harassment against innocent persons and does not seek public dissemination of the erroneous residential address.

18. However, the Court's order extends beyond discussing the mechanics of address redaction. It also criticizes the broader climate of online discussion and urges those involved, including the general public, to reduce the intensity of the controversy.

19. Of particular concern is footnote 2, which states:

"The Court is mindful that this information is highly likely to already be disseminated on the internet. However, the Court issues this decision and order to do its part in mitigating the risk of harm and to caution all involved, whether parties or not, to act accordingly."

20. Movant objects to the ambiguity of this admonition insofar as it could reasonably be interpreted as a warning of judicial consequences against unidentified nonparties for their independent publications, commentary, criticism, or republication of otherwise lawfully obtained information.

21. The order identifies no specific act by Movant, makes no factual finding that Movant threatened anyone, and does not identify any particular publication by <https://lucycraig.blog> or elsewhere as unlawful.

22. Movant has not been served with process, joined as a party, provided notice of a proposed speech restriction, or afforded an opportunity to oppose an order directly restricting Movant's expressive activities.

23. Nevertheless, a judicial caution explicitly addressed to nonparties may reasonably produce uncertainty among speakers and publishers concerning whether their continuing activities could expose them to sanctions or contempt proceedings.

24. That uncertainty is particularly consequential where anonymous contributors participate in extensive debate about an ongoing judicial controversy.

II. LEAVE TO APPEAR AS AN ANONYMOUS NONPARTY

25. Movant seeks limited participation to challenge the sealing of judicial records and request clarification of the October 9 order's scope.
26. Movant's interests differ from those of the existing litigants. The parties may be principally concerned with litigation strategy, personal privacy, potential liability, or reputational interests. Movant's concern is the public's independent right to observe, report upon, criticize, and debate judicial proceedings.
27. In *Mosallem v. Berenson*, 76 A.D.3d 345 (1st Dept. 2010), the Appellate Division addressed a journalist's intervention to challenge sealing, recognizing the public's substantial interest in inspecting judicial records.
28. Movant's status as an online publisher or forum administrator does not eliminate those interests. Constitutional protections of speech and public commentary do not depend on membership in an established newspaper, a traditional broadcasting organization, or an institution approved by litigants.
29. Movant seeks permission to use the pseudonym Jane Doe, with "JaneDoe1" identifying Movant's public online role.
30. Anonymous and pseudonymous expression enjoy substantial constitutional protection. See *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995); *Talley v. California*, 362 U.S. 60 (1960).
31. Movant recognizes that the right to publish anonymously does not automatically confer a right to litigate anonymously. Judicial permission requires consideration of competing interests, including transparency, potential prejudice, confidentiality, and the reasons for seeking anonymity. See *Anonymous v. Lerner*, 124 A.D.3d 487 (1st Dept. 2015).
32. Movant requests anonymity because the controversy involves extraordinary public hostility, intense scrutiny of online publishers, and a demonstrated risk that individuals associated with this litigation may face unwanted exposure or retaliatory attention.
33. Movant's proposed participation presents primarily legal issues and does not require adjudication of Movant's personal conduct or credibility.
34. Public identification of Movant would add little to the legal analysis concerning public access or the constitutional limits of court orders, while potentially exposing an independent speaker to unnecessary personal risk.
35. Movant is willing to comply with any lawful procedure the Court determines necessary for confidential verification of identity, subject to an appropriate protective order and an opportunity to be heard concerning disclosure.
36. Accordingly, Movant requests leave to appear pseudonymously for the limited purpose of pursuing the relief described herein, or alternatively leave to submit a limited nonparty brief under a pseudonym.

III. THE PRESUMPTION OF PUBLIC ACCESS REQUIRES NARROWLY TAILORED SEALING

37. New York courts recognize a substantial presumption favoring public access to judicial records.
38. Under 22 NYCRR § 216.1(a), sealing requires a written finding of good cause identifying the grounds for restricting access, with consideration of the interests of both the public and the parties.
39. The First Department has repeatedly emphasized that secrecy is exceptional rather than routine. See *Mosallem v. Berenson*, 76 A.D.3d 345 (1st Dept. 2010); *Danco Laboratories, Ltd. v. Chemical Works of Gedeon Richter, Ltd.*, 274 A.D.2d 1 (1st Dept. 2000).
40. Here, the Court identified a concrete concern: personal address information reportedly used to direct threats against innocent individuals.
41. Movant does not ask the Court to disregard that concern. The protection of residential addresses and other genuinely sensitive identifying information may constitute good cause for limited restrictions.
42. However, where legitimate privacy interests can be protected through targeted redactions, wholesale or continuing exclusion of otherwise public judicial documents warrants independent scrutiny.
43. The Court has already ordered the preparation of redacted versions of the affected filings.
44. That remedy demonstrates the availability of a less restrictive alternative: preserve necessary address redactions while restoring public access to the remaining, nonconfidential portions of the documents.
45. To the extent the redacted versions have not been publicly docketed, Movant asks that they be made available promptly, subject to review for additional information whose disclosure would create a demonstrable risk of harm.
46. Movant further requests clarification of whether the original documents must remain sealed once complete, properly redacted substitutes are available and whether any non-address information is independently asserted to warrant protection.
47. Movant does not insist that the Court release erroneous residential information or information whose disclosure is independently prohibited by law.
48. Rather, the Court should apply a document-specific, narrowly tailored analysis so that the public does not lose access to substantive court filings merely because discrete information within them requires protection.
49. The public interest is especially substantial where judicial proceedings have become central to a national conversation concerning alleged misconduct, institutional accountability, due process, reputational harm, and the presumption of innocence.
50. The intensity of that interest strengthens the need for access to reliable judicial records. Publicly available filings allow readers to evaluate competing accounts by reference to what litigants actually submitted rather than relying exclusively on selective media descriptions.

IV. FOOTNOTE 2 MUST NOT BE CONSTRUED AS A RESTRICTION ON PROTECTED NONPARTY SPEECH

51. Movant's central constitutional objection concerns footnote 2 and the possibility that its instruction to nonparties to act "accordingly" could be interpreted more broadly than the actual relief ordered.
52. The First Amendment protects a broad range of public discussion, including criticism of judicial proceedings, attorneys, public officials, institutional actors, litigants, and subjects of public controversy.
53. That protection does not disappear because commentary is impolite, emotionally charged, offensive, or sharply critical.
54. In *Snyder v. Phelps*, 562 U.S. 443 (2011), the Supreme Court recognized particularly strong protection for expression addressing matters of public concern, even where its content causes serious distress.
55. In *Bridges v. California*, 314 U.S. 252 (1941), the Supreme Court addressed the constitutional limits of using contempt powers against publications concerning pending judicial proceedings.
56. The present order does not expressly direct Movant or the public to stop speaking. Movant acknowledges that limitation and does not characterize footnote 2 as an already-issued injunction against the website.
57. Nonetheless, Movant respectfully objects to any interpretation under which the footnote is treated as a directive enforceable against persons who were not before the Court and whose specific conduct has not been adjudicated.
58. The distinction is critical. A court may condemn threats and explain that existing law prohibits particular conduct. It does not follow that the same order may impose undefined duties of restraint upon every member of the public discussing the litigation.
59. Any order purporting to bind nonparties must rest on an applicable legal basis and satisfy relevant requirements of notice, scope, jurisdiction, and due process.
60. Movant therefore requests an express clarification that footnote 2 is advisory rather than injunctive and does not, by itself, create an enforceable restriction on independent nonparty speech.
61. Specifically, the Court should confirm that the October 9 order does not prohibit lawful publication of opinions, criticism of the proceedings, discussion of publicly available allegations, examination of evidence lawfully obtained, or public debate concerning the conduct of litigants and attorneys.
62. The Court should further clarify that independent speakers are not subject to contempt merely because their editorial judgments conflict with a party's preferred narrative or because their commentary is considered inflammatory, distasteful, or one-sided.
63. This requested clarification would not immunize threats, harassment, unlawful disclosure, defamatory statements, or other conduct that may independently give rise to legal liability.

64. It would simply preserve the distinction between enforceable legal restrictions and constitutionally protected expression.

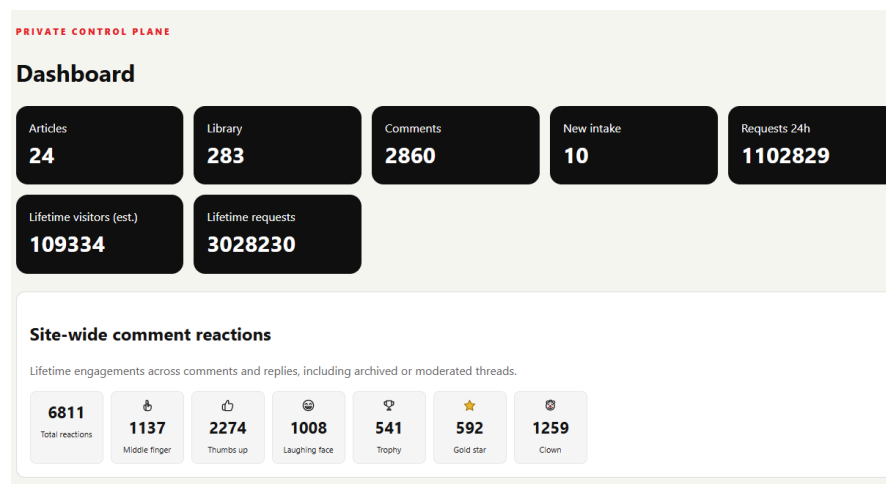
V. THE PUBLIC CONTROVERSY HAS BEEN INTENSIFIED BY EXTRAJUDICIAL ADVOCACY

65. This dispute has not unfolded solely in court filings.
66. Movant contends that counsel associated with the plaintiff's position have participated in substantial public-facing advocacy concerning the allegations, the litigation, and the public narrative surrounding the case.
67. Movant further asserts, based on information Movant seeks an opportunity to substantiate, that efforts have been made to persuade online platforms, media organizations, and media executives, reportedly including Harvey Levin of TMZ, to limit or alter unfavorable coverage.
68. These assertions are presented as Movant's allegations and concerns, not as established judicial findings. Movant does not suggest that an attorney's lawful media advocacy or a lawful request to remove genuinely unlawful material is itself prohibited.
69. Nevertheless, when litigation participants seek public support, encourage media coverage, or press their accounts before a national audience, opposing viewpoints and independent scrutiny become no less important.
70. A litigant or attorney cannot fairly demand the benefits of public advocacy while asserting that competing narratives must be suppressed merely because they challenge the preferred account.
71. The proper response to disputed public claims generally lies in rebuttal, disclosure of accurate information, and adversarial examination—not presumptive silencing of opposing speakers.
72. The First Amendment does not reserve public commentary on pending litigation to parties, attorneys, institutional newsrooms, or speakers supporting a particular viewpoint.
73. Movant submits that online forums permitting competing opinions serve a legitimate public function when they allow readers to examine inconsistent factual assertions, criticize coverage, and assess the available judicial record.
74. That function may be uncomfortable for the participants. But public discomfort, standing alone, is not a constitutional basis for suppressing lawful speech.

VI. ANONYMOUS PUBLIC PARTICIPATION IS NOT SYNONYMOUS WITH MISCONDUCT

75. The website operated by Movant permits anonymous comments, reactions, and user-contributed media.

76. The platform generally publishes comments without advance editorial screening and seeks to moderate on a content-neutral basis, addressing spam and plainly unlawful material rather than disfavored viewpoints.
77. Movant recognizes that a policy of immediate publication does not eliminate potential legal duties arising from specific content or valid court orders lawfully applicable to particular persons.
78. Nevertheless, the existence of anonymous comments or controversial submissions is not itself evidence that a website operator or visitors / commenters have threatened anyone, encouraged violence, or participated in unlawful harassment.
79. The use of anonymity can facilitate discussion by persons who reasonably fear professional retaliation, social ostracism, online targeting, or unwanted public attention.
80. The Supreme Court has recognized the historic relationship between anonymity and free expression. *McIntyre*, 514 U.S. at 341–342.
81. Accordingly, Movant requests that the Court avoid any inference that unidentified online speakers constitute a collective group responsible for the misconduct of particular individuals.
82. Findings concerning unlawful conduct should be individualized and supported by appropriate evidence, rather than inferred from disagreement, controversial speech, anonymous participation, or mere association with a public discussion forum.



Statistics dashboard of lucycraig.blog at 12:53pm on October 12, 2026 which demonstrate the significant public interest in this matter..¹

VII. DUE PROCESS AND LIMITS ON ENFORCEMENT AGAINST NONPARTIES

¹ It should be noted that these statistics were only started on October 6th, 2026 and do not represent the full duration of the blog's history.

83. The Fourteenth Amendment prohibits deprivation of protected interests without constitutionally adequate process.
84. Movant has not been made a party, notified of any accusation of unlawful conduct, or afforded an evidentiary proceeding concerning the website.
85. The October 9 order makes no finding that Movant has engaged in threats, intimidation, or unlawful publication of personal information.
86. A generalized public warning cannot substitute for particularized findings when an enforceable restriction on an individual's conduct is sought.
87. Nor may contempt sanctions be based solely upon the fact that a nonparty continues to express views contrary to a court's preference for less heated public discourse.
88. Movant respectfully asks the Court to clarify that any future attempt to impose direct obligations on Movant must satisfy the applicable jurisdictional, substantive, notice, and procedural requirements.
89. Such clarification would protect constitutional rights without diminishing the Court's authority to enforce lawful orders against persons properly subject to them.

VIII. THE REQUESTED RELIEF PRESERVES BOTH PUBLIC SAFETY AND PUBLIC ACCESS

90. Movant does not argue that judicial transparency requires indiscriminate publication of every residential address, telephone number, or other sensitive detail found in a court filing.
91. Nor does Movant assert that the First Amendment immunizes credible threats or targeted harassment.
92. Instead, Movant proposes a narrower resolution that respects both the Court's identified safety concerns and the public's constitutional and common-law interests.
93. The original documents may remain protected to the extent necessary to prevent disclosure of genuinely sensitive personal information, while appropriately redacted versions are made accessible.
94. The public may continue to discuss the litigation, criticize the conduct of the parties and their lawyers, and examine lawfully accessible records without the sealing order being construed as a general speech prohibition.
95. And unidentified persons may be held accountable for actual unlawful conduct through lawful procedures, rather than through ambiguous warnings to the public as a whole.
96. These principles are complementary, not contradictory.

IX. PRAYER FOR RELIEF

WHEREFORE, Nonparty Movant Jane Doe, publicly identified as "JaneDoe1," respectfully requests that the Court:

- A.** Grant limited leave for Movant to be heard as an interested nonparty concerning the October 9, 2026 sealing order, NYSCEF Document No. 44, or alternatively accept this submission as a limited nonparty brief;
- B.** Grant Movant permission to proceed pseudonymously for purposes of the limited application, subject to any appropriate confidential identity-verification procedure the Court may require;
- C.** Reconsider, modify, or partially vacate the sealing directives insofar as they restrict access to information that may be released without exposing genuinely sensitive personal information;
- D.** Direct that appropriately redacted versions of NYSCEF Documents 1, 6, 7, and 22 be made publicly accessible promptly, to the extent not already available;
- E.** Make or supplement document-specific findings identifying any information requiring continued sealing and explaining why narrower redaction would be insufficient;
- F.** Clarify that footnote 2 of NYSCEF Document No. 44 is advisory and is not a gag order, injunction, or independently enforceable command directed at unidentified members of the public;
- G.** Declare or otherwise clarify that the October 9 order, by itself, does not prohibit Movant or other independent nonparties from engaging in lawful public commentary, criticism, journalism, anonymous discussion, or publication of lawfully obtained material;
- H.** Confirm that no nonparty may be subjected to contempt or other sanctions solely for constitutionally protected expression, without an applicable legal basis and the process required by law;
- I.** Permit Movant to supplement the record with a sworn factual statement and appropriate documentary exhibits concerning the website's operation, public participation, and alleged extrajudicial efforts to suppress competing viewpoints; and
- J.** Grant such other and further relief as the Court deems just and proper.

CONCLUSION

The judiciary's legitimacy depends not only upon its capacity to protect litigants and innocent third persons, but also upon its willingness to permit public examination and criticism of the judicial process.

The October 9 order identifies a legitimate concern involving threats against an uninvolved family. That concern deserves careful judicial attention.

But legitimate protection against threats must not be transformed—whether intentionally or through ambiguity—into a broader warning that discourages independent speakers from participating in a controversial public debate.

This litigation has entered the national conversation. Its allegations, the responses of the accused, institutional actions, prosecutorial decisions, and the conduct of counsel are matters that members of the public may lawfully discuss and criticize.

Neither the plaintiff nor the defendants possess an exclusive right to define the public narrative. Nor should any participant's desire to control media coverage displace the rights of independent speakers.

The law protects the judicial process from genuine intimidation. It does not protect a preferred narrative from public disagreement.

Movant accordingly requests narrowly tailored access to judicial records, leave to participate under a pseudonym, and clarification that the Court's October 9 order does not restrict lawful nonparty expression.

Respectfully submitted,

Jane Doe

Public pseudonym: **JaneDoe1**

Nonparty Movant, appearing individually

Administrator, <https://lucycraig.blog>

Date: October 12, 2026