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Via NYSCEF

Hon. Phaedra F. Perry-Bond
New York Supreme Court
60 Centre Street, Courtroom 252
New York, New York 10007

Dear Justice Perry-Bond:

Re: *Jane Doe v. Cornell University, et al.*
Index No. 161704/2026

Our firm represents Cornell University in the above-referenced matter, and we write regarding Jane Doe's pending application for permission to proceed by pseudonym, *see* NYSCEF Dkt. 2-5, and Defendant Diego Sarabia's application for an order restraining certain statements and disclosures. *See* NYSCEF Dkt. 48-50.

Cornell does not oppose Plaintiff's application to proceed by pseudonym and supports all reasonable measures to preserve her anonymity and privacy. We note that in Plaintiff's affirmation, she requests "a partial Attorneys' Eyes Only (AEO) designation as to my sensitive personal information including my date of birth, SSN, residential address, phone number, and email address." Dkt. 4 ¶ 10. Cornell also has no objection to that request, and we welcome further discussion with all counsel regarding an appropriate protective order to govern this litigation.

In fact, Cornell respectfully suggests that the relief requested by Jane Doe be broadened to ensure it also protects the sensitive personal information of non-parties to this action, including their identities. To investigate complaints of sexual misconduct, universities rely on the willingness of reporting parties and witnesses to come forward, share what they know regarding highly sensitive events, and, ultimately, testify in Title IX hearings. Any future protective order should include appropriate safeguards to protect the privacy of these witnesses as well.

With respect to Defendant Sarabia's application, Cornell fully supports efforts by the Court and the parties to "bring[] the temperature down" as stated in Your Honor's October 9, 2026 Order. NYSCEF Dkt. 44. For the most part, Cornell has no objection to the relief requested in the Order to Show Cause, but certain modifications to the order are necessary, given that Cornell is not an individual but an institution with myriad current and future reporting and other disclosure obligations. The relief currently requested in Sarabia's application could be

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interpreted to prevent Cornell from satisfying these obligations or imposing upon the institution an obligation to restrict the speech of its various students, employees, and community members. The exceptions set out in the proposed order are not sufficiently broad or sufficiently defined to address these concerns. Cornell welcomes an opportunity to discuss the language of an appropriate order either stipulated by the parties or resolved by the Court but respectfully requests that the Order to Show Cause as currently drafted not be entered by the Court until the limitations and exceptions are clarified to permit Cornell to fulfill its legitimate institutional and legal obligations.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "PJ Hines".

Patrick J. Hines

PJH