

No. 25-1761

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

JANE DOE,

Plaintiff-Appellant,

v.

FASHION INSTITUTE OF TECHNOLOGY

Defendant-Appellee.

On Appeal from the United States District Court
for the Southern District of New York
No. 1:25-cv-950-JPC

**BRIEF OF *AMICUS CURIAE* OF THE LOUIS D. BRANDEIS
CENTER FOR HUMAN RIGHTS UNDER LAW
IN SUPPORT OF PLAINTIFF-APPELLANT**

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This amicus brief is submitted on behalf of The Louis D. Brandeis Center for Human Rights Under Law (the “Brandeis Center”), a nonprofit, non-partisan organization established to advance the civil and human rights of the Jewish people and promote justice for all.¹

INTEREST OF *AMICUS CURIAE*

The Brandeis Center engages in research, education, and legal advocacy to combat anti-Semitism on college and university campuses and in K-12 schools, the workplace, and other aspects of American life. It empowers Jewish Americans and supports them in exercising their legal rights to combat racism and anti-Semitism, including often by representing them in court. See www.brandeiscenter.com.

Preserving the ability of plaintiffs to safely and confidently report discrimination on the basis of their race, ethnicity, ancestry, religion or national origin, and to pursue litigation to uphold their civil rights in court, is essential to the Brandeis Center’s mission to protect Jewish students, faculty, and professionals from the various pernicious forms of anti-Semitism. The Brandeis Center is uniquely qualified to address

¹ This brief was authored and funded by the Brandeis Center, and no party, party’s counsel, or other person contributed money to fund the preparation or submission of this brief. See FRAP 29(a)(4)(E); Local Appellate Rule 29.1(b).

the surging tide of anti-Semitism on college and university campuses and beyond, as well as the applications of civil rights laws and litigation procedures needed to stem the tide.

The Brandeis Center has a specific interest in ensuring that plaintiffs like Jane Doe can vindicate their civil rights without being chilled by fear of retaliation and further anti-Semitism, spurred by public exposure of their identity. The Brandeis Center interviews myriad victims of anti-Semitism and represents many plaintiffs in civil rights lawsuits—most of whom express serious reservations about coming forward publicly, and many of whom are ultimately deterred from pursuing legal action due to that fear.

Indeed, the Brandeis Center represents several current and recent Fashion Institute of Technology (FIT) students who experienced anti-Semitism at FIT but have chosen to remain anonymous.² The Brandeis Center also recently filed a motion to proceed under a pseudonym on behalf of a John Doe researcher in a civil rights lawsuit against the

² The Brandeis Center represents the students in a pending complaint against FIT filed with the U.S. Department of Education's Office for Civil Rights.

Massachusetts Institute of Technology (MIT). *Sussman, et al. v. MIT, et al.*, No. 1:25-cv-11826-RGS (D. Mass.).

The Brandeis Center thus has a direct interest in the ability of Jane Doe to proceed pseudonymously, and in shedding light on critical factors in favor of granting her anonymity, which the district court did not consider in its order.

SUMMARY OF THE ARGUMENT

In deciding whether a plaintiff may proceed under a pseudonym, the Second Circuit has held that a district court should consider and balance ten factors to weigh whether the plaintiff's interest in anonymity outweighs the public interest in disclosure and any prejudice to the defendant. *See Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189-190 (2d Cir. 2008). Nearly half of these factors consider the impacts on the plaintiff of having her identity publicly disclosed, including: "whether the litigation involves matters that are highly sensitive and of a personal nature," "whether identification poses a risk of retaliatory physical or mental harm," "whether identification presents other harms and the likely severity of those harms," and

“whether the plaintiff is particularly vulnerable to the possible harms of disclosure.” *Id.*

Today, Jews are facing an epidemic of anti-Semitic violence and threats across the U.S. Anti-Semitic harassment and discrimination on university campuses and throughout civil society has increased.

And Jewish students and academics are particularly vulnerable to a spate of retaliatory consequences when they publicly disclose their Jewish or Israeli identity or views on Jewish issues, when they report anti-Semitism to the appropriate authorities, and *especially* when they exercise their rights as litigants in open court.

Courts must take this relevant context into account when evaluating how much weight to give an individual Jewish plaintiff’s experiences with anti-Semitism under the *Sealed Plaintiff* factors.

The district court abused its discretion by failing to sufficiently consider Jane Doe’s fear of public disclosure against the backdrop of exploding violence and hatred toward Jews, or the extent to which denying her and similarly situated plaintiffs’ pseudonym motions will chill Jewish victims from seeking access to the courts to vindicate their civil rights.

ARGUMENT

I. ANTI-SEMITIC VIOLENCE, DISCRIMINATION, AND RETALIATION HAS RISEN, AND DETERS JEWS FROM SEEKING ACCESS TO THE COURTS TO VINDICATE THEIR CIVIL RIGHTS

Over the past few years, particularly since Hamas's deadly attack on Israel on October 7, 2023, rates and instances of anti-Jewish hate, including assault, threats of violence, and other forms of harassment and discrimination, have risen precipitously. Government and non-governmental organizations tracking this phenomenon saw significant increases in 2024 compared with prior years, and recent reports and a slew of violent assaults to date in 2025 show that the problem has not abated. Fears among Jewish Americans like Jane Doe about their physical and mental safety are well-founded—and are influencing the extent to which they feel able to publicize their identity and views.

A. Rates of hate crimes against Jews, including acts of physical violence, have skyrocketed across the U.S., including in New York City.

According to data from the Federal Bureau of Investigation (FBI), overall hate crime incidents in the U.S. decreased from 2023 to 2024.³ This included fewer reported single-bias crimes against LGBT and Muslim individuals.⁴ Not so for Jews. In fact, the opposite: during the same period, reported incidents involving only anti-Jewish hate *rose* from 2023 to 2024.⁵ That figure—1,938 anti-Semitic incidents in 2024—represents the highest ever recorded number of hate crimes against Jews since the FBI began collecting such data over two decades ago.⁶ And despite comprising only about 2% of the U.S. population, Jews were

³ FBI Crime Data Explorer, *Hate Crime Statistics Annual Report*, Table 1, compare 2023 (11,862 total bias motivated incidents) with 2024 (11,679 incidents), <https://cde.ucr.cjis.gov/LATEST/webapp/#>.

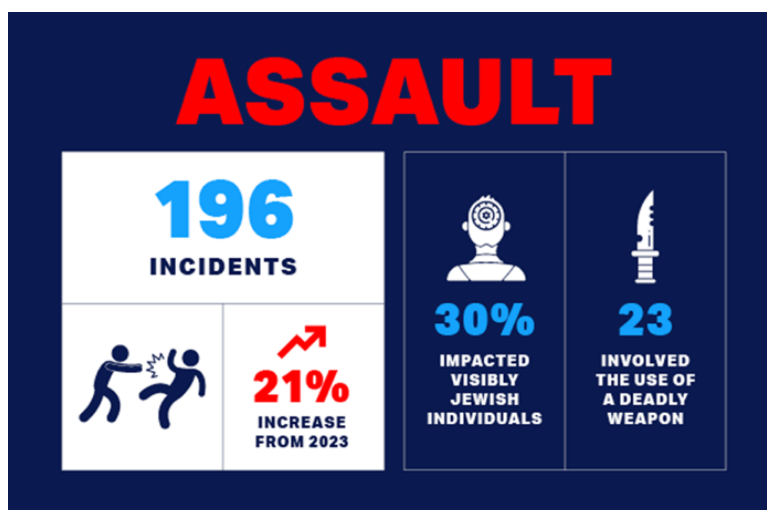
⁴ *Id.*, compare 2023 (236 anti-Muslim and 839 anti-LGBT single-bias incidents) with 2024 (228 and 728 incidents, respectively), <https://cde.ucr.cjis.gov/LATEST/webapp/#>.

⁵ *Id.*, compare 2023 (1,832 anti-Jewish single-bias incidents) with 2024 (1,938 incidents), <https://cde.ucr.cjis.gov/LATEST/webapp/#>.

⁶ *Anti-Jewish Hate Crimes Comprised Nearly 70% of Religion-Based Hate Crimes in 2024*, FBI Reports, ANTI-DEFAMATION LEAGUE (Aug. 5, 2025), <https://www.adl.org/resources/press-release/anti-jewish-hate-crimes-comprised-nearly-70-all-religion-based-hate-crimes>.

the victims of a disproportionate 16% of all reported hate crimes and 70% of all religion-based incidents.⁷

Violence, specifically, has become more common. The Anti-Defamation League (ADL), which tracks anti-Jewish hate across the country, documented assaults involving “person-on-person physical violence” on 250 Jews (or individuals perceived to be Jewish) in 2024, a staggering *21% increase* from the previous year.⁸ Assaults at Jewish institutions more than doubled between 2023 and 2024, “underscoring a heightened threat environment regarding Jewish physical security.”⁹



⁷ FBI Crime Data Explorer, *Hate Crime Statistics Annual Report 2024*, Table 1 (1,938 anti-Jewish incidents out of 11,679 total bias motivated incidents and 2,738 religious bias incidents), <https://cde.ucr.cjis.gov/LATEST/webapp/#>.

⁸ *Audit of Antisemitic Incidents 2024*, ANTI-DEFAMATION LEAGUE (Apr. 22, 2025), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2024>.

⁹ *Id.*

Americans have watched this trend play out in several horrific, high-profile acts of violence. In August 2024, a man was charged with attempted murder as a hate crime for stabbing a visibly Jewish man outside a Brooklyn synagogue while shouting, “Free Palestine.”¹⁰ In April 2025, an anti-Israel arsonist set the home of Pennsylvania Governor Josh Shapiro and his family ablaze on the first night of Passover, while they slept inside the home.¹¹ In May, a couple was shot dead outside the Capitol Jewish Museum in Washington, D.C. while leaving an event for young Jewish professionals.¹² And in June, Jewish residents attending a peaceful walk in support of Israeli hostages held in Gaza were burned in broad daylight by an attacker who hurled epithets and Molotov cocktails, causing serious injuries and killing an elderly woman.¹³

¹⁰ Patrick McGeehan, *Man Is Charged with Hate Crime in Stabbing Near Brooklyn Synagogue*, N.Y. TIMES (Aug. 11, 2024), <https://www.nytimes.com/2024/08/11/nyregion/brooklyn-stabbing-hate-crime.html>.

¹¹ *Conference of Presidents Condemns Antisemitic Arson Attack Targeting Governor Josh Shapiro*, CONF. OF PRESIDENTS OF MAJOR AM. JEWISH ORGS. (Apr. 17, 2025), <https://conferenceofpresidents.org/press/conference-of-presidents-condemns-antisemitic-arson-attack-targeting-governor-josh-shapiro/>.

¹² *Alleged Perpetrator of Shooting in Washington, D.C. Charged with Hate Crimes*, U.S. DEP’T OF JUSTICE (Aug. 7, 2025), <https://www.justice.gov/opa/pr/alleged-perpetrator-shooting-washington-dc-charged-hate-crimes>.

¹³ *Justice Department Files Federal Charges Against Alleged Perpetrator of Anti-Semitic Terror Attack in Colorado*, U.S. DEP’T OF JUSTICE (June 2, 2025),

Specifically in New York City, home to FIT and Jane Doe, record-breaking anti-Semitism was recorded in 2024 and 2025. The ADL's Center on Extremism tracked 976 incidents in New York City in 2024, including harassment and physical violence—the highest number of anti-Semitic incidents in any U.S. city.¹⁴ Numerous physical assaults have been committed this year against visibly Jewish New Yorkers, often accompanied by slurs or comments about the war in Gaza.

In September 2024, a man was charged with plotting to commit a mass shooting at a Brooklyn Jewish center to commemorate the anniversary of the October 7 attack on Israel.¹⁵ In February 2025, another man threatened to kill Jewish worshippers at a prominent Manhattan synagogue on Shabbat.¹⁶ In June, several visibly Jewish

<https://www.justice.gov/opa/pr/justice-department-files-federal-charges-against-alleged-perpetrator-anti-semitic-terror>; *Press Release - Pearl Street - Amended and Added Charges*, BOULDER CNTY., CO (June 30, 2025), <https://bouldercounty.gov/news/press-release-pearl-street-amended-and-added-charges/>.

¹⁴ *Brazen, Intensified Antisemitic Incidents in NYC Continue in 2025*, ANTI-DEFAMATION LEAGUE (Oct. 22, 2025), <https://www.adl.org/resources/article/brazen-intensified-antisemitic-incidents-nyc-continue-2025>.

¹⁵ *Pakistani National Charged for Plotting Terrorist Attack in New York City in Support of ISIS*, U.S. ATTORNEY'S OFFICE FOR S.D.N.Y. (Sept. 6, 2024), <https://www.justice.gov/usao-sdny/pr/pakistani-national-charged-plotting-terrorist-attack-new-york-city-support-isis>.

¹⁶ *D.A. Bragg Announces Indictment of Man for Terroristic Threats Against Central Synagogue*, MANHATTAN DIST. ATTORNEY'S OFFICE (May 6, 2025),

residents in Crown Heights, including a woman and her children, were hit, threatened with a knife, robbed of religious garments, and subjected to anti-Semitic slurs.¹⁷

At U.S. colleges and universities, during the 2023-2024 school year, the ADL recorded 33 assaults by anti-Israel activists against Jewish students and community members and/or those actually or perceived to be associated with Israel or Zionism.¹⁸ During the weeks in fall 2024 leading up to the first anniversary of the October 7 attack, at least five different Jewish college students were physically assaulted in anti-Semitic attacks:¹⁹

- Two University of Pittsburgh students, wearing yarmulkes while walking to Shabbat services at their campus Hillel, were beaten and struck with a glass bottle by a man wearing a keffiyeh. The perpetrator, who ripped off one victim's Star of

<https://manhattanda.org/d-a-bragg-announces-indictment-of-man-for-terroristic-threats-against-central-synagogue/>.

¹⁷ David Swindle, *New York Police Arrest Shirtless Man After Wig Theft, Child Attack, Knife Threats Against Jews in Crown Heights*, THE ALGEMEINER (June 26, 2025), <https://www.algemeiner.com/2025/06/26/new-york-police-arrest-shirtless-man-wig-theft-child-attack-knife-threats-against-jews-crown-heights/>.

¹⁸ *Anti-Israel Activism on U.S. Campuses, 2023-2024*, ANTI-DEFAMATION LEAGUE (updated Feb. 7, 2025), <https://www.adl.org/resources/report/anti-israel-activism-us-campuses-2023-2024>.

¹⁹ Simone Weichselbaum, Andrew Blankenstein & Chloe Atkins, *Five Jewish College Students Report Being Assaulted in the Last Month, as Oct. 7 Anniversary Approaches*, NBC NEWS (Oct. 2, 2024), <https://www.nbcnews.com/news/investigations/five-jewish-college-students-report-assaulted-last-month-rcna171727>.

David necklace and inflicted slash wounds on his neck from the shards of broken glass, was arrested for assault.

- Another University of Pittsburgh student was assaulted by a group of men while hurling antisemitic slurs, leading the FBI to open a hate crime investigation.
- Two University of Michigan students were assaulted in separate incidents near campus. In one case, a group of men assaulted the victim, causing injuries, after he responded affirmatively when they asked if he was Jewish. In another, the victim was assaulted outside a Jewish fraternity house.

These are just a few examples—and many more attacks do not make national headlines.

The threat has not abated. In August 2025, a man pled guilty to assault with a hate crime for ganging up with four others to physically assault two Ohio State University students because they were identifiably Jewish; one suffered a fractured jaw and the other a fractured nose.²⁰ A new ADL report reveals that within the past year, nearly one in five (18%) Jewish American respondents experienced assault, threat of physical violence, or verbal harassment due to their Jewish identity, while more than a third (36%) witnessed anti-Semitic

²⁰ *Man Pleads Guilty to Antisemitic Assault Near College Campus*, U.S. DEP'T OF JUSTICE (Aug. 15, 2025), <https://www.justice.gov/opa/pr/man-pleads-guilty-antisemitic-assault-near-college-campus>.

physical attacks, threats of violence, or someone expressing a desire to harm Jews.²¹

B. Discrimination, exclusion, harassment, threats, and retaliation against American Jews has increased, particularly on college campuses.

In addition to physical violence, Jews are also experiencing higher rates of anti-Semitism via discrimination, exclusion, harassment, threats, hostile environments, and retaliation, including in the classroom, on campus, in the workplace, and in public spaces.

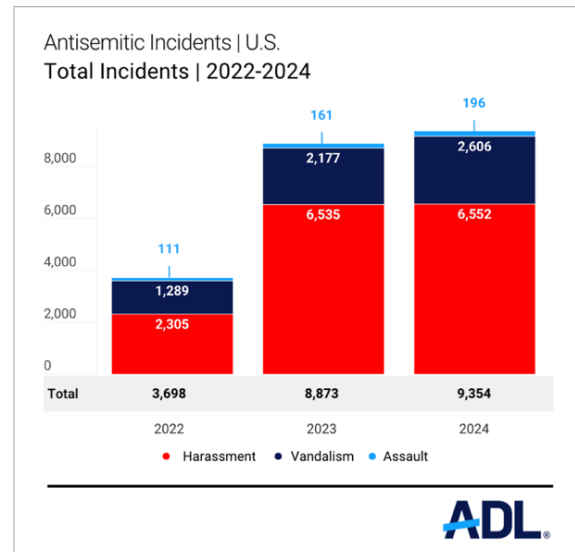
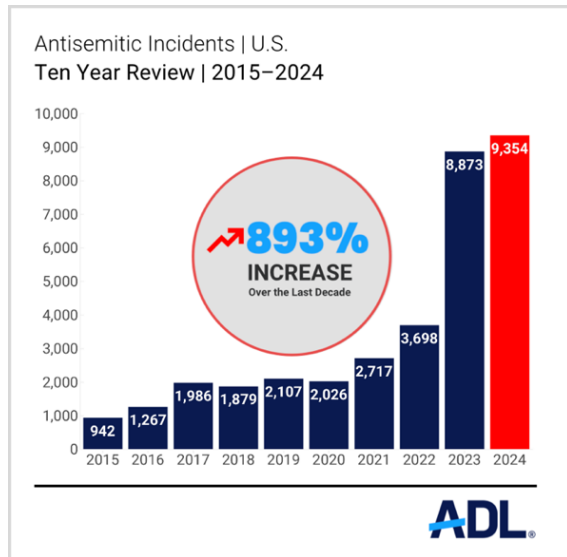
- The ADL has observed a stunning 344% increase in anti-Semitic incidents over the past five years (893% over the past decade).²²
- According to a 2024 survey by the American Jewish Committee (AJC), one third of American Jews reported being personally targeted by anti-Semitism either in person or virtually at least once in the preceding year.²³

²¹ *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, ANTI-DEFAMATION LEAGUE & JEWISH FEDERATIONS OF NORTH AMERICA (Oct. 6, 2025), <https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025>.

²² *Audit of Antisemitic Incidents 2024*, ANTI-DEFAMATION LEAGUE (Apr. 22, 2025), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2024>.

²³ *The State of Antisemitism in America 2024*, AMERICAN JEWISH COMMITTEE, <https://www.ajc.org/AntisemitismReport2024#prioritybox>.

- A Gallup poll revealed that an even larger 61% of Jewish adults surveyed in 2024 had been “treated poorly or harassed” in the past year due to their religion.²⁴



This upward tick in anti-Semitism has particularly impacted students and faculty on college and university campuses and in K-12 schools.

- In a 2024 survey by the AJC, 22% reported being or feeling excluded from a group or event on their college or university campus because they are Jewish.²⁵
- Nearly one in five (18%) incidents recorded by the ADL in 2024 took place on college campuses—at a rate of 84% higher than the prior year.²⁶

²⁴ Jeffrey M. Jones, *Americans Show Heightened Concern About Antisemitism*, GALLUP (July 1, 2024), <https://news.gallup.com/poll/646469/americans-show-heightened-concern-antisemitism.aspx>.

²⁵ *AJC's Survey of American Jews*, AMERICAN JEWISH COMMITTEE (2024), <https://www.ajc.org/AntisemitismReport2024/AmericanJews>.

²⁶ *Audit of Antisemitic Incidents 2024*, ANTI-DEFAMATION LEAGUE (Apr. 22, 2025), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2024>.

- Hillel International—the largest organization for Jewish student life on campus, serving nearly 200,000 students each year at more than 850 colleges and universities worldwide—has documented a *tenfold* increase in anti-Semitic incidents on campuses since Hamas’s deadly October 7, 2023 attack on Israel.²⁷
- 71% of surveyed high schoolers belonging to the Jewish youth organization BBYO in the U.S. and Canada have faced anti-Semitic harassment or discrimination.²⁸

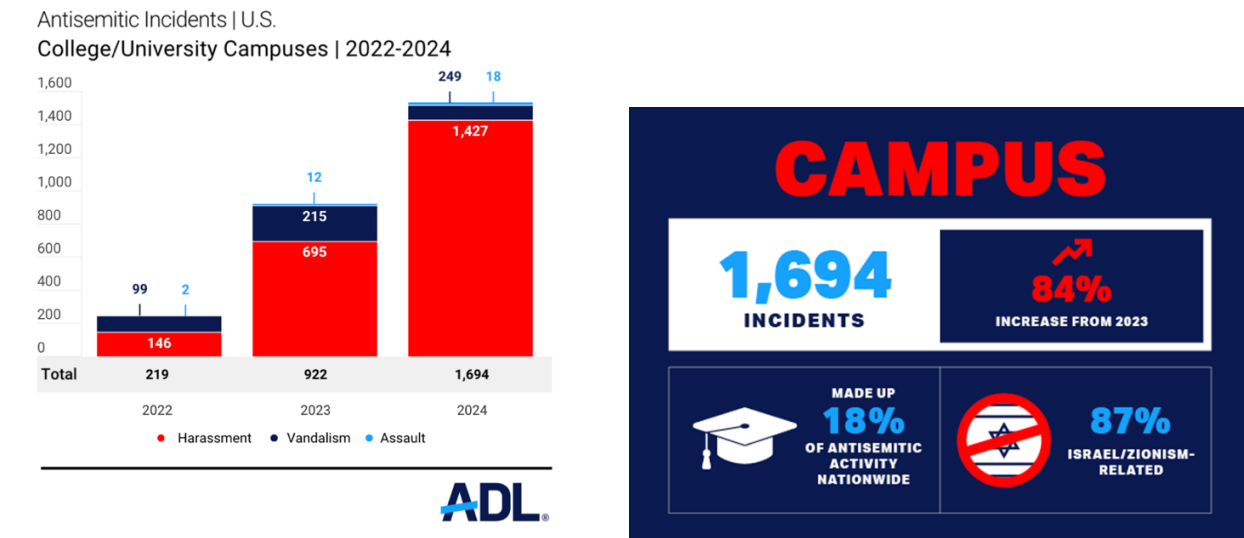
Jews in academia, specifically, may face severe repercussions for merely expressing their Jewish identity or connection to Israel on campus. In a survey conducted by the ADL in the spring of 2025, out of 209 Jewish faculty members at U.S. colleges and universities:

- 43.5% had felt unwelcome in faculty committees or at faculty events because they are Jewish or perceived as Zionist;
- 21.5% had experienced differential treatment in professional evaluations, promotions, or job assignments;
- 13.4% had experienced bias in peer review or research funding decisions on campus; and

²⁷ *Antisemitic Incidents on Campus at Record High in Past School Year*, HILLEL INTERNATIONAL (July 17, 2025), <https://www.hillel.org/antisemitic-incidents-on-campus-at-record-high-in-past-school-year/> (documenting 2,334 anti-Semitic incidents during 2024-2025 school year, about 500 incidents more than in 2023-2024 and more than 10 times as many incidents as in 2022-2023).

²⁸ *Antisemitism Survey: Executive Summary*, BBYO (2024), <https://bbyocmsproddata.blob.core.windows.net/bbyomedia/bbyo/media/bbyodocuments/antisemitism/bbyo-antisemitism-survey-summary-feb-2024.pdf>.

- 14.8% had encountered reluctance or refusal from campus colleagues to collaborate on academic projects.²⁹



Those who report anti-Semitism or express views on Jewish issues or about the Jewish state are also especially vulnerable to digital attacks. Among the Jewish faculty members surveyed by the ADL this year, 13.4% were targeted by name in online smear campaigns, often accompanied by doxxing of personal information.³⁰ Online harassment

²⁹ *Faculty Under Fire: Antisemitism and Anti-Israel Bias in Higher Education*, ANTI-DEFAMATION LEAGUE (Sept. 10, 2025), <https://www.adl.org/resources/report/faculty-under-fire-antisemitism-and-anti-israel-bias-higher-education>.

³⁰ *Id.*

of Jewish students on campuses has skyrocketed, with Hillel reporting a nearly 185% increase in such reports during the last school year.³¹

Jews are also impacted—and deterred from speaking out publicly—by the proliferation and widespread reach of rising and pervasive anti-Semitic sentiment online. On the social media platform X, anti-Semitic posts are viewed and “liked” *tens of millions* of times a year, including posts threatening, inciting or glorifying anti-Jewish violence or promoting dehumanization or character attacks against Jews.³²

C. Many Jewish Americans feel compelled to hide their Jewish identity due to pervasive anti-Semitism.

Among the Jewish faculty members surveyed by the ADL in 2025, 37.8% reported feeling a need to hide their Jewish and/or Zionist identity from others on campus.³³ In open-ended responses to the ADL,

³¹ *Antisemitic Incidents on Campus at Record High in Past School Year*, HILLEL INTERNATIONAL (July 17, 2025), <https://www.hillel.org/antisemitic-incidents-on-campus-at-record-high-in-past-school-year/>.

³² *A Home for Hate: How Antisemitism is Reaching Millions on X*, CENTER FOR COUNTERING DIGITAL HATE & JEWISH COUNCIL FOR PUBLIC AFFAIRS (Sept. 29, 2025), https://counterhate.com/wp-content/uploads/2025/09/A-Home-for-Hate-Report_Final.pdf.

³³ *Faculty Under Fire: Antisemitism and Anti-Israel Bias in Higher Education*, ANTI-DEFAMATION LEAGUE (Sept. 10, 2025), <https://www.adl.org/resources/report/faculty-under-fire-antisemitism-and-anti-israel-bias-higher-education>.

respondents described having been “effectively forced out of academia or abandoning research areas they are passionate about due to a fear of being targeted and thus harmed professionally.”³⁴ As a result of the harassment and ostracization that came with being identified as a Jew, Israeli or Zionist, they experienced “worsening mental and physical health, increased self-censorship, fear for personal safety, and perceived risks and long-term costs for their professional careers.”³⁵

This trend persists across different aspects of American civil society. Many Jews are afraid to make their Jewish identity known—let alone to report incidents to authorities or pursue public legal action.

- A majority of Jewish Americans—60% of those surveyed in a Gallup poll last year—have felt “reluctant to share” their Jewish religious affiliation with others because of fear of harassment or poor treatment.³⁶
- Nearly three in five (56%) say they “altered their behavior” in 2024 out of fear of anti-Semitism, according to the AJC, a sharp increase from previous years (46% in 2023 and 38% in 2022).³⁷

³⁴ *Id.*

³⁵ *Id.*

³⁶ Jeffrey M. Jones, *Americans Show Heightened Concern About Antisemitism*, GALLUP (July 1, 2024), <https://news.gallup.com/poll/646469/americans-show-heightened-concern-antisemitism.aspx>.

³⁷ *The State of Antisemitism in America 2024*, AMERICAN JEWISH COMMITTEE, <https://www.ajc.org/AntisemitismReport2024#prioritybox>.

- Specifically, 31% of respondents avoided certain places, events or situations “out of concern for your safety or comfort as a Jew,” and 40% avoided publicly wearing or displaying things, or posting content online, that would identify them as Jewish.³⁸
- In a fall 2024 campus climate survey conducted by the ADL and Hillel, *more than half* of Jewish student respondents said they felt some level of discomfort with others on campus knowing they are Jewish.³⁹
- Of the BBYO high schoolers surveyed in 2024, more than half have felt heightened concern about attending school and more than one third about participating in extracurricular activities in the aftermath of October 7, 2023.⁴⁰

D. Jews are also under-reporting anti-Semitic incidents out of fear, due to rising rates of anti-Jewish hate.

As a direct result of the trends described above, Jews in the U.S. are under-reporting incidents of anti-Semitism out of fear—and, in fact, facing retaliation when they do report. Among Jews who reported to AJC that they had experienced anti-Semitism, a meager 22% reported the incidents.⁴¹ Of the 78% who did not report anti-Semitism directed

³⁸ *AJC’s Survey of American Jews*, AMERICAN JEWISH COMMITTEE (2024), <https://www.ajc.org/AntisemitismReport2024/AmericanJews>.

³⁹ *Campus Antisemitism One Year After the Hamas Terrorist Attacks*, ANTI-DEFAMATION LEAGUE (Jan. 30, 2025), <https://www.adl.org/resources/report/campus-antisemitism-one-year-after-hamas-terrorist-attacks>.

⁴⁰ *Antisemitism Survey: Executive Summary*, BBYO (2024), <https://bbyocmsproddata.blob.core.windows.net/bbyomedia/bbyo/media/bbyodocuments/antisemitism/bbyo-antisemitism-survey-summary-feb-2024.pdf>.

⁴¹ *AJC’s Survey of American Jews*, AMERICAN JEWISH COMMITTEE (2024), <https://www.ajc.org/AntisemitismReport2024/AmericanJews>.

at them, 26% cited either fear that their report would not stay anonymous, or a “bad experience reporting something previously.”⁴² The ADL similarly found that among those surveyed who experienced anti-Jewish discrimination within the past year, 74% did not report it to any institution.⁴³ Nearly half of the BBYO high schoolers surveyed in 2024 said that they had refrained from reporting incidents of in-person anti-Semitism.⁴⁴

II. REVERSAL IS REQUIRED CONSISTENT WITH THE SECOND CIRCUIT PSEUDONYMITY FACTORS AND AS A MATTER OF PUBLIC POLICY

A. The Second Circuit’s pseudonymity factors weigh in favor of reversal and allowing Plaintiff to proceed as a Jane Doe.

In the opinion below denying Jane Doe’s pseudonym motion, the district court held—despite acknowledging allegations of direct threats of violence to Doe and finding that the risk of prejudice to defendant was neutral—that the circumstances supporting her anonymity were

⁴² *Id.*

⁴³ *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, ANTI-DEFAMATION LEAGUE & JEWISH FEDERATIONS OF NORTH AMERICA (Oct. 6, 2025), <https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025>.

⁴⁴ *Antisemitism Survey: Executive Summary*, BBYO (2024), <https://bbyocmsproddata.blob.core.windows.net/bbyomedia/bbyo/media/bbyodocuments/antisemitism/bbyo-antisemitism-survey-summary-feb-2024.pdf>.

not sufficiently “exceptional” to outweigh the public interest in disclosure. Joint Appendix (“A.”) A-123.

While pseudonymity is assessed based on balancing a particular plaintiff’s interests against the defendant’s and the public’s interests, an individual plaintiff’s experiences and fears of retaliation cannot be considered in a vacuum. Rather, they must be viewed against the backdrop of the environment in which the person exists—in this case, the troublingly high rate of anti-Semitism described herein, particularly in the university setting, including physical violence against Jews and Jewish students. The district court failed to adequately consider this broader context when evaluating Doe’s arguments.

Throughout the opinion, the district court writes off the direct consequences to plaintiffs stemming from the widespread stigmatization of Jews who identify with the Jewish people’s right to self-determination in their historical indigenous homeland—also known as Zionism—as mere “harm to a party’s reputational or economic interests” or “[e]vidence of embarrassment, social stigmatization, and economic harm,” which is “insufficient to proceed anonymously.” A. 117-118 (internal quotation marks and citations omitted).

This ignores the abundant evidence, as described herein, of more serious and often unlawful forms of anti-Semitism—violence, threats, harassment, discrimination, retaliation, ostracization, and exclusion from critical academic and professional spaces and opportunities—that make a Jewish person’s identification with the Jewish people, their history, and the Jewish state of Israel in 2025 so precarious. These data and stories are directly relevant to the factors that this Court adopted in *Sealed Plaintiff*, 537 F.3d 185, 189-190:

As to “whether the litigation involves matters that are highly sensitive and of a personal nature,” *see supra* Parts I.B and I.C (describing how Jews in the U.S. are afraid to be open about core aspects of their identity, such as their cultural and ancestral connection to Israel, due to the consequences of being identified or perceived as a Zionist, while others are hiding their Jewishness entirely due to fear of anti-Semitic violence or harassment). As Plaintiff-Appellant note in their opening brief, the violent threats levied via protest chants, stickers, clothing, social media messages, and in-person harassment (“go kill yourselves,” “punch a Zionist,” “the only good Zionist is a dead Zionist”) plainly demonstrate the “tremendous amount of opprobrium”

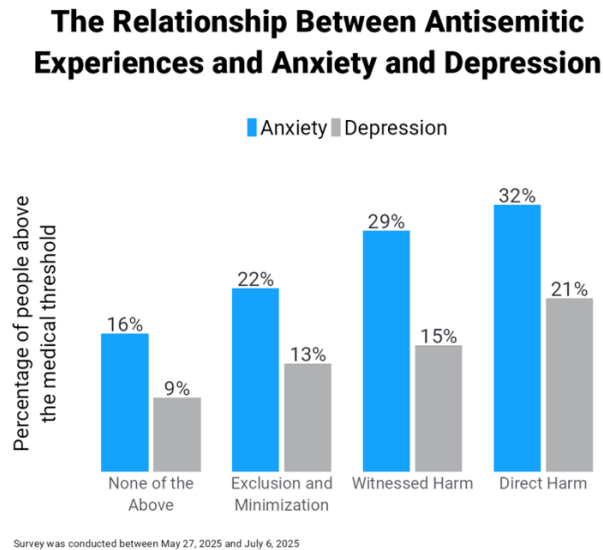
directed at Jewish students like Jane Doe who are associated with supporting the Jewish state of Israel. Plaintiff-Appellant’s Br. at 10-11.

As to “whether identification poses a risk of retaliatory physical or mental harm,” the danger of someone acting upon the types of violent threats that have already been directed at Doe, *see id.*, is not remote. *See supra* Part I.A (increasing physical violence, hate crime assaults, and threats against Jews across the U.S., including specifically in New York City and at colleges), Part I.C (Jewish faculty members describing, due to harassment and shunning, “worsening mental and physical health” and “fear for public safety”), *and* Part I.D (describing Jews’ fear of reporting anti-Semitism).

In a recent ADL study, those surveyed who experienced or witnessed anti-Semitic acts also “exhibited higher rates of symptoms used to screen for anxiety and depression,” using the medically standard questions used to assess generalized anxiety disorder and depression in clinical settings.⁴⁵ *See also Doe v. Townes*, No. 19-cv-8034,

⁴⁵ *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, ANTI-DEFAMATION LEAGUE & JEWISH FEDERATIONS OF NORTH AMERICA (Oct. 6, 2025), <https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025>.

2020 WL 2395159, at *4 (S.D.N.Y. May 12, 2020) (“If disclosure creates risk of harm from third parties, disclosure is disfavored.”).



As to “whether identification presents other harms and the likely severity of those harms,” including “whether the injury litigated against would be incurred as a result of the disclosure of the plaintiff’s identity,” *see supra* Part I.B (describing discrimination, exclusion, targeted harassment, online doxxing and threats, hostile environments, and retaliation faced by Jewish Americans, particularly on college campuses) *and* Part I.C (Jewish faculty members reporting being “effectively forced out of academia or abandoning research areas they are passionate about”). It is precisely the injury litigated against—reputational harm from having her faulty suspension publicized, *see* Plaintiff-Appellant’s Br. at 20, and further anti-Semitic harassment,

including express threats of violence directed toward Jane Doe both in person and online, *see* A. 37, 40-41, Am. Compl. ¶¶ 25, 44-49—which poses a continued risk to Doe if her identity in connection with this lawsuit is publicized to a broader audience.

As to “whether the plaintiff is particularly vulnerable to the possible harms of disclosure,” *see supra* Part I (data and anecdotal evidence of particularly high rates of anti-Semitic violence, harassment, and discrimination directed at students on and near college campuses).

B. The public interest favors supporting Jews’ ability to vindicate their civil rights.

The ability to pursue litigation pseudonymously is critical to mitigate the chilling effect of the pervasive (and data-grounded) fear of violence, exclusion and retaliation that is deterring Jews from seeking to vindicate their civil rights in court. As Plaintiff-Appellant argues, the district court’s analysis over-valued the public interest in learning Jane Doe’s identity, while discounting the more critical countervailing public interest that access to the courts be within reach, particularly for plaintiffs representing stigmatized minorities. *See* Plaintiff-Appellant’s Br. at 39-40 (citing cases).

The other two branches of the federal government have recognized and taken steps to address the anti-Semitism epidemic in the U.S. In Congress, six House committees produced a comprehensive report in late 2024 detailing how college campus “antagonists ... engaged in antisemitic behavior, encampments, and intimidating tactics such as campus checkpoints.”⁴⁶ Multiple House and Senate committees have held hearings in 2025 on the underlying causes of anti-Semitism in education, the workplace, and broader civil society.⁴⁷ The Department of Justice similarly established a “multi-agency Task Force to Combat Anti-Semitism” with the objective of “eradicate[ing] antisemitic harassment in schools and on college campuses.”⁴⁸ Since forming in February 2025, the Task Force has identified numerous universities

⁴⁶ *U.S. House of Representatives Staff Report on Antisemitism*, 118TH CONG. (Dec. 18, 2024), <https://www.speaker.gov/wp-content/uploads/2024/12/House-Antisemitism-Report.pdf>.

⁴⁷ See, e.g., Hearing before H. Comm. on Educ. & the Workforce, *Antisemitism in Higher Education—Examining the Role of Faculty, Funding, and Ideology*, 119TH CONG. (July 15, 2025); Hearing before Subcomm. on Oversight of the H. Comm. on the Judiciary, *Rising Threat—America’s Battle Against Antisemitic Terror*, 119TH CONG. (June 24, 2025); Hearing before S. Comm. on Health, Educ., Labor & Pensions, *Antisemitic Disruptions on Campus—Ensuring Safe Learning Environments for All Students*, 119TH CONG. (Mar. 27, 2025).

⁴⁸ *Justice Department Announces Formation of Task Force to Combat Anti-Semitism*, U.S. DEP’T OF JUSTICE (Feb. 3, 2025), <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>.

that have “fail[ed] to protect students from anti-Semitic harassment on campus.”⁴⁹ The courts must also do what is within their power to remove barriers to Jewish Americans’ ability to challenge unlawful forms of anti-Semitic conduct through the judicial process.

On a daily basis, lawyers at the Brandeis Center speak with victims and witnesses who swear us to anonymity. In line with the data outlined above, they tell us they are afraid to have their identities publicly tied to even the strongest cases against perpetrators of anti-Semitism. They fear, in many cases because they have already experienced, harassment and retaliation in the form of threats, violence, doxxing, stalking, defamation, shunning, firing or demotion, and exclusion from academic and professional opportunities and spaces.

The Brandeis Center has seen firsthand scores of potential plaintiffs, when faced with the prospect of being publicly named and shamed for exercising their civil rights via the legal process, choose to abandon those rights rather than face those severe consequences.

⁴⁹ See, e.g., *DOJ, HHS, ED, and GSA Announce Initial Cancellation of Grants and Contracts to Columbia University Worth \$400 Million*, U.S. DEP’T OF JUSTICE (Mar. 7, 2025), <https://www.justice.gov/opa/pr/doj-hhs-ed-and-gsa-announce-initial-cancellation-grants-and-contracts-columbia-university>.

Both as a matter of public policy, and consistent with Second Circuit case law, the Court should permit Jane Doe and similarly situated plaintiffs to proceed pseudonymously when the alternative is to allow wrongs committed against them on the basis of race, religion, ancestry or national origin to go unremedied.

CONCLUSION

For the foregoing reasons, the district court's order denying Plaintiff Jane Doe's motion to proceed under a pseudonym should be reversed, and she should be permitted to proceed as a Jane Doe in the district court action.

Date: November 6, 2025

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CERTIFICATE OF COMPLIANCE

This brief contains 5,604 words and uses a proportionally spaced font in size 14-point Century Schoolbook, in compliance with the length, typeface and type style requirements of Federal Rules of Appellate Procedure 27(d) and 32(a) and Local Appellate Rule 29.1(c).

Pursuant to Local Appellate Rule 27.1(b), before filing this brief, counsel for the Brandeis Center sought permission from all parties' counsel to file an *amicus* brief. Plaintiff-Appellant's counsel consented. Counsel for Defendant-Appellee stated that they do not consent but did not indicate whether they intend to file a response.

Date: November 6, 2025

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