

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOHN DOE :  
 :  
 V. : Case No. 17-cv-40151  
 :  
 JOHNSON & WALES UNIVERSITY :

**DEFENDANT’S MEMORANDUM IN SUPPORT OF ITS RESPONSE TO  
PLAINTIFF’S MOTION TO PROCEED UNDER PSEUDONYM**

Defendant Johnson & Wales University (“JWU”) acknowledges that this Court and others have allowed male students challenging a sexual misconduct sanction to sue under a pseudonym such as “John Doe.” JWU takes no position on Plaintiff’s motion.

JWU has moved to transfer this litigation to the United States District Court for the District of Rhode Island. (ECF Nos. 7-8). JWU submits respectfully that the Court’s ruling on Plaintiff’s motion to proceed under a pseudonym or any other motion that he intends to file should be stayed pending the adjudication of the venue issue, which has been fully briefed.

Also, JWU disputes the inaccurate and self-serving depictions of alleged events that Plaintiff has stated unnecessarily in his supporting memorandum. JWU denies that it has any liability to Plaintiff or acted in the manner portrayed by Plaintiff’s filing. JWU proceeded in accordance with its Student Handbook and applicable policies.

Defendant,  
Johnson & Wales University,  
By its Attorneys,

/s/ Steven M. Richard  
Steven M. Richard (BBO#555383)  
NIXON PEABODY LLP  
One Citizens Plaza, 5th Floor  
Providence, RI 02903  
Tel: (401) 454-1020  
Fax: (866) 947-1332  
Email: [srichard@nixonpeabody.com](mailto:srichard@nixonpeabody.com)

/s/ Jeffrey S. Brenner

Jeffrey S. Brenner (BBO#560392)

NIXON PEABODY LLP

One Citizens Plaza, 5th Floor

Providence, RI 02903

Tel: (401) 454-1042

Fax: (866) 947-0883

Email: [jbrenner@nixonpeabody.com](mailto:jbrenner@nixonpeabody.com)

Dated: December 18, 2017

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on this 18th day of December, 2017.

/s/ Steven M. Richard