

FILED

CAUSE NO. 25DCV357599

2026 MAR 26 PM 3:06

JANE DOE
Plaintiff

v.

BLAINE MCGRAW
Defendant

JANE DOES #2-82
Intervenor-Plaintiffs

v.

BLAINE MCGRAW
Defendant

IN THE DISTRICT COURT
BY Joanna Stator

JOANNA STATOR
DISTRICT COURT
BELL COUNTY, TX

BELL COUNTY, TEXAS

146TH DISTRICT COURT

MOTION FOR SPECIAL EXCEPTION

I, Blaine McGraw, defendant in the above cause, do hereby file a Motion for Special Exception to Plaintiff's and Intervenor-Plaintiffs' violation of Texas Civil Practice and Remedies Code (hereinafter referred to as "Code") §30.015 and Tex. R. Civ. P. 79 and 47, inasmuch as they failed to provide their names and addresses at the time of their initial pleading. With the above-referenced sections, the State of Texas codifies a presumption of transparency and accountability for public accusations, and Rule 79 prohibits anonymity other than in a few specified exceptions (see Tex. Civ. Prac & Rem. Code §§ 30.013, 98.007, 98B.008, and 100B.004), none of which are alleged.

The original petition asserts that "Jane Doe's identity is protected for her safety" (Paragraph 5), without

citing any Code or other authority to base this assertion, nor any explanation as to why complying with the law would affect her safety. In the Petition in Intervention, the Intervenor-plaintiffs do not even provide a vague justification. They state as a matter of fact that their "identities are also protected at this time" (Petition in Intervention Paragraph 23). They never acknowledge the requirements of Rule 79, or explain the need to so blatantly violate it.

Even in the rare exceptions where the use of pseudonyms are permitted, such as human trafficking and sexual abuse of a minor, the defendant is still entitled to know the plaintiff's real identity, though it is withheld from the public in these very specific exceptions.

One of the key reasons for a presumption of transparency is because anonymity interferes with the fair notice required by Rule 47 (See *Doe vs University of Incarnate Word*, No. 04-19-00453-CV (Tex. App. June 17, 2020)). A defendant cannot be expected to prepare his defense without knowing who is suing him and why. Rule 47 also requires "a short statement of the cause of action sufficient to give fair notice of the claim involved." In this Petition in Intervention, 81 anonymous Plaintiffs make nonspecific allegations. In fact, only three of the vignettes are attributed to Intervenor-Plaintiffs.

The few other examples cited in the Petition in Intervention are merely attributed to "patients" and appear to have been pulled from recent news stories. It is impossible to tell, in both the original petition and the Petition in Intervention, where Plaintiffs' complaints end and attorneys' editorializing begins. Rule 47 prohibits this type of ambiguity.

Defendant seeks remedy from the Court and prays that Plaintiffs be given the option to amend their pleadings in compliance with Rule 79 or have the cause dismissed with prejudice, as set forth in Doe vs University of Incarnate Word. In addition, each of the 81 Intervenor-Plaintiffs must submit at the very least a short statement attributed to them individually, and by name, describing their specific allegation and a precise date when the wrongdoing is alleged to have occurred.

Furthermore, Tex. Civ. Prac. & Rem. Code § 30.015(e) sets a penalty of \$50 for attorneys' failure to provide petitioners' names and addresses in their initial pleadings, which in this case would total \$4,100 for the 82 violations. Should the Plaintiffs wish to proceed to avoid immediate dismissal with prejudice, I pray that the court will set a deadline in the near future to proceed with the motions previously filed, or dismiss with prejudice for failure to comply by the deadline.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Blaine McGraw". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Blaine D. McGraw, M.D.

MAJ, U.S. Army

c/o Bell County Jail

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