

Requests Made For Kobe's Accuser's Name

Written by Westside ID152

Tuesday, 05 October 2004 14:21 -

The Rocky Mountain News asked a federal judge Monday to require the woman who has accused Kobe Bryant of rape to use her real name in the civil lawsuit she has filed against the basketball star. That and this report from The Rocky Mountain News" Karen Abbott

Bryant's lawyers also filed a motion Monday opposing her request to remain anonymous, saying it would result in "unfairness and prejudice" to Bryant.

The woman's lawyer, Lin Wood, said the woman has received several death threats and should remain anonymous in the civil lawsuit to protect her safety.

"The issue here is not one of trying to hide this young lady from the public," Wood said. "It is a matter of trying to protect her."

The newspaper's legal position doesn't mean it will publish the woman's name, News Editor John Temple said.

"In such a highly visible case, it's very important to uphold key matters of principle, and one key principle of our society is that judicial proceedings should remain open, should remain public, to the fullest extent possible," Temple said.

Sarah Graham Miller, spokeswoman for the Washington, D.C.-based Rape, Abuse & Incest National Network, said the organization doesn't believe alleged rape victims should be forced to be publicly identified by name.

"There's a lot of reasons why alleged rape victims don't want their names out there," Miller said. "There's still, unfortunately, a stigma attached to rape and sexual assault, and especially in such a high-profile case.

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"But we also hope that more and more victims will let their names be published and will have their names as part of their filings," Miller said, "because it shows that they have nothing to be ashamed of."

The Eagle County woman has accused L.A. Lakers star Bryant of raping her during the summer of 2003 at the mountain resort hotel where she worked and he was a guest.

Bryant, who is married, admitted having sex with the woman, but said it was consensual. He was charged with sexual assault in Eagle County, but District Attorney Mark Hurlbert dismissed the criminal case during jury selection in September after the accuser decided not to proceed as a witness.

Her name has been available on the Internet and in some publications, although mainstream news organizations have not disclosed it.

She filed a civil lawsuit against Bryant in Colorado U.S. District Court and asked Judge Richard Matsch to let her proceed in that case as "Jane Doe" instead of under her real name.

"The unfairness of allowing a plaintiff, proceeding anonymously, to publicly attack and vilify a named defendant . . . is a compelling reason to deny a plaintiff's request for anonymity," Bryant's lawyers said.

They said the woman, while seeking anonymity in her civil lawsuit against Bryant, opposed his effort to have the records sealed in the Eagle County criminal case.

This "desire to have it both ways - preserving her anonymity while exposing the intimate details of her sexual encounter with Mr. Bryant" - is more a litigation strategy than anything else, Bryant's lawyers said.

They also said defending Bryant in the lawsuit would be needlessly complicated if her real name

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can't be used.

Wood disputed that.

"Mr. Bryant and his defense team are well-aware of this young lady's identity and, as demonstrated in the criminal case, their ability to investigate and defend the claim is in no way hampered or diminished by her identity remaining anonymous at this particular time," Wood said.

The News" motion said courts rarely allow parties in civil suits to remain anonymous, even in cases involving allegations of sexual assault. It cited a civil lawsuit against late rap singer Tupac Shakur, in which a woman contended that Shakur sexually assaulted her. The judge refused to let her proceed as "Jane Doe," saying, "Fairness requires that she be prepared to stand behind her charges publicly."

The News" motion said a defendant in a sexual-assault civil suit "is often prejudiced when a plaintiff is allowed to hide behind anonymity."

"Additionally," the News argued, "the plaintiff here cannot assert that any injury would result from disclosure of her name because her name has already been disclosed to the public; it is widely known within her community, it can readily be ascertained on the Internet, and it has already been printed in a local Eagle County newspaper."

Countered Wood: "The public has a right to know certain things. Certainly the media has an interest in reporting certain things. But both the public and the media have a more important interest in this case, and that is to protect the safety and well-being of this young girl."

Temple said the News hopes its opposition to the woman's requested anonymity will help ensure the openness of the court system in the future.

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"A case like this can send ripples through a community because people view it as setting how other things can happen, and we view it as important to argue for the openness of the courts," he said. That and this report from The Rocky Mountain News" Karen Abbott

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