PRACTICE DIRECTION
COURT OF KING'S BENCH OF MANITOBA
GENERAL DIVISION

RE: ANONYMIZING PLEADINGS AND THE CONTENTS OF PUBLICLY AVAILABLE COURT RECORDS

Court proceedings are presumptively open to the public. Nevertheless, in certain exceptional circumstances, the Court may make discretionary orders circumscribing that constitutionalized open court principle by, among other things, ordering a publication ban, sealing order, or anonymizing order.

This practice direction addresses the process by which a plaintiff may, subject to the Court's discretion, seek to have the originating pleadings and related court records anonymized (i.e., for a plaintiff to be identified using the pseudonym "Unnamed Person" rather than their full legal name).

The Court may, at its discretion, make an anonymity order to permit a plaintiff to bring proceedings anonymously in exceptional circumstances where the public interest in open courts is displaced by another important public interest.

The procedure is as follows:

1. At the time of filing the initiating document, the plaintiff seeking to be anonymized shall file two sets of originating documents: one set with the plaintiff's full legal name; one set anonymized using the pseudonym, "Unnamed Person". Where there is more than one plaintiff seeking an anonymity order, each plaintiff should be identified using the pseudonym and numbered sequentially (e.g. "Unnamed Person 1", "Unnamed Person 2", etc.).

2. Accompanying the two sets of originating documents, the plaintiff shall file a Notice of Motion (Form 37A), seeking an order to have the pleadings and related publicly available court record anonymized as described above. The draft order should include the following relief:

    a. That the plaintiff seeking to be anonymized shall be identified to the public in the originating documents and all further documents filed in the proceeding by the pseudonym "Unnamed Person";

b. That the Court registry shall maintain two files for the proceeding: the first of which shall be publicly available and shall contain copies of all filings that have been appropriately anonymized; the second of which shall be sealed from the public and shall contain copies of all filings that identify the plaintiff by their full legal name;

c. That the Court Registry and the online Registry shall identify the plaintiff as "Unnamed Person";

d. That no party to the proceeding or any third party shall publish or broadcast the anonymized plaintiff's full legal name as it relates to the proceeding and shall only publicly identify the plaintiff using the pseudonym "Unnamed Person";

e. That the Affidavit filed by the plaintiff seeking to be anonymized, which has been filed in support of the Motion, shall be sealed from the public and only maintained in the sealed court file, and no party to the proceeding or any third party shall publish or broadcast the contents of said Affidavit.

f. That the Order may be reviewed by the Court upon request of any party to the proceeding or member of the Media and shall remain in force until such further Order of the Court.

3. The originating documents and Notice of Motion must also be submitted with a Memorandum affixed directly to the package of documents directing that the documents be sent to the attention and stored in the office of the Registry Manager's office until such time as the Motion has been heard.

4. The Court Registry shall open the applicable court file with the initialism "T.B.D." (i.e., "to be determined") until such time as the Motion is heard and the matter decided.

5. The anonymized plaintiff shall then serve forthwith upon the defendant(s)/respondent(s), copies of the Notice of Motion, draft Order, Statement of Claim, Affidavit of the Plaintiff in support of their Motion, and the Motion Brief of the Plaintiff in two sets, one of which identifies the plaintiff by their full legal name, and one of which anonymizes the plaintiff using the pseudonym "Unnamed Person".

6. Where the Court, at its discretion, deems it in the public interest to do so, the anonymized plaintiff may also be required to serve upon the Media, by way of the media outlet distribution list as maintained by the Court of King's Bench,

anonymized copies of the Notice of Motion, draft Order, Statement of Claim, Affidavit of the Plaintiff in support of their Motion, and the Motion Brief of the Plaintiff, all using the pseudonym, "Unnamed Person".

7. In the event the Court exercises its discretion in the plaintiff's favour and grants the order sought, the Court Registry shall update the court file accordingly, using the plaintiff's pseudonym, "Unnamed Person", as described above. The set of originating documents that have been anonymized shall be publicly available; the set of originating documents using the plaintiff's full legal name shall be sealed. All future documents filed with the Court in respect of the matter shall be also filed in two sets: one set using the party's full legal name, which shall be deposited in the sealed file; and, one set using the pseudonym, "Unnamed Person", which shall form a part of the publicly available court record.

8. In the event the Court declines to order the anonymization of the pleadings, subject to a request for a stay pending appeal, the Court Registry shall update the court file accordingly, using the plaintiff's full legal name, and shall return the anonymized copies of all documents then filed with the Court to the plaintiff or their counsel. All future documents filed with the Court in respect of the matter shall be filed in the usual course, with the plaintiff's full legal name.

For clarity, if a defendant or respondent is served with an originating pleading that uses the parties' full legal names, and the defendant or respondent seeks to anonymize the pleadings, the defendant or respondent must, with appropriate modification, follow the process as herein described.

This Practice Direction does not apply to orders which are mandated by statute; nor is it intended to limit the Court's inherent jurisdiction to issue a publication ban or sealing order or anonymizing order.

Coming into effect:

This Practice Direction comes into effect immediately.

ISSUED BY:

"Original signed by Chief Justice Joyal"

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The Honourable Chief Justice Glenn D. Joyal
Court of King's Bench (Manitoba)

DATE: December 10, 2025