

**Styles v Podz, Inc.**

2021 NY Slip Op 33917(U)

May 13, 2021

Supreme Court, New York County

Docket Number: Index No. 652677/2021

Judge: Arlene P. Bluth

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

<p><b>PRESENT:</b> <u>HON. ARLENE P. BLUTH</u></p> <p style="text-align: right;"><i>Justice</i></p> <p>-----X</p> <p>JENNIFER STYLES,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">- v -</p> <p>PODZ, INC., DOUG IMBRUCE</p> <p style="text-align: center;">Defendant.</p> <p>-----X</p>	<p><b>PART</b> <u>IAS MOTION 14</u></p> <p><b>INDEX NO.</b> <u>652677/2021</u></p> <p><b>MOTION DATE</b> <u>N/A</u></p> <p><b>MOTION SEQ. NO.</b> <u>001</u></p> <p style="text-align: center;"><b>DECISION + ORDER ON MOTION</b></p>
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The following e-filed documents, listed by NYSCEF document number (Motion 001) 3, 4, 5, 6, 7, 8, 9, 10 were read on this motion to/for SEAL.

The motion by plaintiff to seal the summons with notice filed by plaintiff is denied.

Plaintiff alleges that she was fired for exposing and objecting to purportedly improper conduct by defendant Imbruce. She contends that she discovered that Imbruce was allegedly sending inappropriate messages using the company’s social media account and when she confronted Imbruce about these issues, he worsened his treatment of her. Plaintiff says she was a consultant for defendant Podz, Inc. and she was eventually promised money in exchange for keeping silent about Imbruce’s lewd acts while Podz was in negotiations to be acquired by another company for a substantial amount of money. However, that agreement was never formalized. The summons with notice also mentions witnesses, a phone call and a video recording which all allegedly substantiate plaintiff’s claim.

Now plaintiff moves to seal this document on the ground that it was “prematurely filed” while negotiating a confidential settlement agreement with defendants. Plaintiff explains that the parties have agreed to a settlement in principle but that the settlement will not be finalized if this

document remains in NYSCEF with public access. She claims that all sides agree that the document should be sealed. Plaintiff emphasizes that the parties were involved in a “private dispute.”

“Under New York law, there is a broad presumption that the public is entitled to access to judicial proceedings and court records. This State has long recognized that civil actions and proceedings should be open to the public in order to ensure that they are conducted efficiently, honestly, and fairly” (*Mosallem v Berenson*, 76 AD3d 345, 348, 905 NYS2d 575 [1st Dept 2010] [internal quotations and citations omitted]). “Confidentiality is clearly the exception, not the rule and the party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access” (*id.* at 346).

The Court denies the motion. As an initial matter, the Court rejects plaintiff’s claim that the filing should be sealed because it was “prematurely filed.” That makes no sense. The document plaintiff seeks to seal is the commencing document for the entire case. Not only did plaintiff upload the document, she paid the filing fee. That demonstrates a deliberate decision to upload the document and start a case. The fact that plaintiff later regrets filing the document or that defendants insist that it should be sealed as part of a settlement is of no concern to this Court.

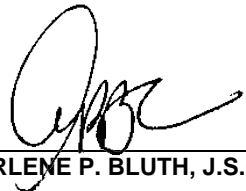
Plaintiff chose to file a document that contained serious allegations while apparently in the middle of what she now refers to as a “private dispute.” But it was plaintiff who made it a public dispute by starting the case and filing a publicly accessible document. The only reason this case is before the undersigned is because plaintiff chose to file the document. And, of course, if plaintiff was insistent on filing something, she could have filed a summons with notice that contained fewer details. The summons with notice at issue here is akin to a complaint.

The Court recognizes that there are often good reasons to seal documents, such where the filings contain confidential information (like a Social Security number) or trade secrets. This is also not a situation where a party inadvertently files an exhibit that it promised to keep confidential or forgot to include redactions. Instead, plaintiff appears to want the document sealed so she can settle the case. That’s not a reason to restrict public access to court files, especially where the document at issue is the commencing document for the entire case.

Accordingly, it is hereby

ORDERED that the motion by plaintiff to seal the summons with notice is denied, all stays are hereby vacated and the Clerk is directed to remove any restrictions with respect to NYSCEF Doc. No. 1.

Remote Conference: September 8, 2021.

<u>5/13/2021</u> DATE		 ARLENE P. BLUTH, J.S.C.
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input type="checkbox"/> GRANTED	<input type="checkbox"/> GRANTED IN PART
	<input checked="" type="checkbox"/> DENIED	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT
		<input type="checkbox"/> REFERENCE