

**Tekiner v Bremen House Inc.**

2022 NY Slip Op 32192(U)

July 8, 2022

Supreme Court, New York County

Docket Number: Index No. 657193/2020

Judge: Joel M. Cohen

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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YASEMIN TEKINER,

Plaintiff,

- v -

BREMEN HOUSE INC., BREMEN HOUSE TEXAS, INC.,  
GERMAN NEWS COMPANY, INC., GERMAN NEWS  
TEXAS, INC., 254-258 W. 35TH ST. LLC, BERRIN  
TEKINER, GONCA TEKINER, BILLUR AKIPEK, ZEYNEP  
TEKINER,

Defendants.

INDEX NO. 657193/2020

MOTION DATE 05/02/2022,  
05/05/2022,  
05/23/2022

MOTION SEQ. NO. 013 015 017

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 013) 262, 263, 343  
were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 015) 310, 311, 312, 341  
were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 017) 360, 361, 362, 364  
were read on this motion to SEAL.

These motions seek to seal and/or redact certain documents filed in connection with the  
motion of Defendants Bremen House, Inc., German News Company, Inc., Berrin Tekiner, Gonca  
(Tekiner) Chelsea, and Billur Akipek (“Defendants”) to Claw Back Privileged Information (Mot.  
Seq. 012).

In Motion Sequence 013, Intervenor-Plaintiff Zeynep Tekiner (“Zeynep”) moves for an  
order sealing and/or redacting certain portions of the March 31, 2022 letter of Michele Kahn and  
the March 31, 2022 Affidavit of Zeynep Tekiner and the exhibits attached thereto (NYSCEF  
253, 254, 255, 256, and 258). In Motion Sequence 015, Zeynep additionally seeks to seal and/or

redact NYSCEF Nos. 306, 307, 308, and 309, and in Motion Sequence 017, Zeynep seeks to seal and/or redact NYSCEF Nos. 346, 347, 348, 349, 350 351, and 352. No parties oppose these motions. For the following reasons, these motions are **denied**.

Pursuant to § 216.1 (a) of the Uniform Rules for Trial Courts, this Court may seal a filing “upon a written finding of good cause, which shall specify the grounds thereof. In determining whether good cause has been shown, the court shall consider the interests of the public as well as of the parties” (22 NYCRR § 216.1 [a]).

The Appellate Division has emphasized that “there is a broad presumption that the public is entitled to access to judicial proceedings and court records” (*Mosallem v Berenson*, 76 AD3d 345, 348 [1st Dept 2010]). “Since the right [of public access to court proceedings] is of constitutional dimension, any order denying access must be *narrowly tailored to serve compelling objectives*, such as a need for secrecy that outweighs the public’s right to access” (*Danco Labs., Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 6 [1st Dept 2000] [emphasis added]; *see also, e.g. Gryphon Dom. VI, LLC v APP Intern. Fin. Co., B.V.*, 28 AD3d 322, 324 [1st Dept 2006]). “Furthermore, because confidentiality is the exception and not the rule, ‘the party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access’” (*Maxim, Inc. v Feifer*, 145 AD3d 516, 517 [1st Dept 2016] [citations omitted]).

In this case, this Court heard and decided Mot. Seq. 012 on April 18, 2022 and held that Zeynep could not waive the company’s attorney-client privilege, but she could waive her own attorney-client privilege with Norton Rose when she was seeking personal legal advice, and the Court outlined a process for identifying such privileged information (*see* NYSCEF 370 [“Transcript of April 18, 2022 Hearing”]). Defendants will need to propose and justify

targeted redactions of the documents at issue that satisfy the requirements of 22 NYCRR § 216 (a) and this Court's April 18, 2022 Order.

The documents will remain provisionally under seal to permit the prompt filing of a single follow-up motion by Defendants explaining why the documents at issue in all three motions are subject to attorney-client privilege and proposing specific redactions for those documents.

Accordingly, it is:

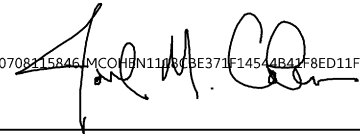
**ORDERED** that Mot. Seq. 013, 015, and 017 are **denied without prejudice** to filing a new motion within 21 days to redact confidential portions of documents consistent with this Decision and Order and applicable law; it is further

**ORDERED** that the documents filed as NYSCEF 253, 254, 255, 256, 258, 306, 307, 308, 309, 346, 347, 348, 349, 350, 351, and 352, shall remain provisionally sealed for 21 days from the date of the Court's entry of this Decision and Order on NYSCEF. If Defendants file a new motion to seal or redact confidential portions of the documents consistent with this Decision and Order within that period, the documents shall remain provisionally sealed pending resolution of that motion. If no such motion is filed within 21 days from the entry of this Decision and Order, the Court will direct the Clerk to immediately unseal the above listed documents; and it is further

**ORDERED** that nothing in this Order shall be construed as authorizing the sealing or redaction of any documents or evidence to be offered at trial.

This constitutes the Decision and Order of the Court.

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JOEL M. COHEN, J.S.C.

7/8/2022

DATE

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE