

<b>Tekiner v Bremen House Inc.</b>
2022 NY Slip Op 32193(U)
July 8, 2022
Supreme Court, New York County
Docket Number: Index No. 657193/2020
Judge: Joel M. Cohen
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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.

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 016) 337, 338, 339, 340, 342

were read on this motion to

INDEX NO. 657193/2020

MOTION DATE 05/05/2022

MOTION SEQ. NO. 016

**DECISION + ORDER ON  
MOTION**

SEAL

Defendants, Bremen House, Inc., German News Company, Inc., Berrin Tekiner, Gonca (Tekiner) Chelsea, and Billur Akipek (“Defendants”), move to seal Wire Transfers (NYSCEF 316), W2 Forms (NYSCEF 317), 2020 Profit-Sharing information (NYSCEF 318), Excerpt of Health Coverage for Zeynep Tekiner (NYSCEF 319), Zeynep Tekiner Signed Consent for Sale of 1320 Madison (NYSCEF 327), Affirmation of Judi Archer (NYSCEF 329), Full Transcript of Proceedings regarding Defendants’ Motion for Temporary Restraining Order (NYSCEF 333), Email from Zeynep Tekiner to Sean Topping (NYSCEF 337), and the Memorandum of Law in Opposition (NYSCEF 336), which were filed in connection Zeynep Tekiner’s Motion to Intervene (Mot. Seq. 010). No parties oppose this motion. For the following reasons, Defendants’ motion is **granted in part**.

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]).

The Court has reviewed the Wire Transfers (NYSCEF 316), W2 Forms (NYSCEF 317), 2020 Profit-Sharing information (NYSCEF 318), and Excerpt of Health Coverage for Zeynep Tekiner (NYSCEF 319), and finds that good cause exists to seal these documents as they contain sensitive financial or medical information (*see State v Bayrock Group LLC*, 2017 NY Slip Op 30358[U], 4 [Sup Ct, NY County 2017]).

With respect to the Affirmation of Judi Archer (NYSCEF 329), Full Transcript of Proceedings regarding Defendants’ Motion for Temporary Restraining Order (NYSCEF 333), Email from Zeynep Tekiner to Sean Topping (NYSCEF 337), and the Memorandum of Law in

Opposition (NYSCEF 336), which Defendants seek to seal based on their pending claw back motion (Mot. Seq. 012), 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.

Defendant will also need to further explain the basis for seeking to seal the Zeynep Tekiner Signed Consent for Sale of 1320 Madison (NYSCEF 327).

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. 016 is **granted in part** and NYSCEF Nos. 316, 317, 318, and 319 will remain under seal, accessible by only the parties, their counsel, and authorized court personnel; it is further

**ORDERED** that the motion is otherwise **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

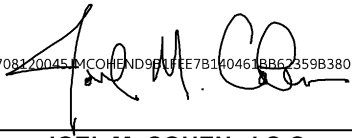
**ORDERED** that the documents filed as NYSCEF 327, 329, 333, 336, and 337, shall remain provisionally sealed for 21 days from the date of the Court's entry of this Decision and

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.

7/8/2022  
DATE

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JOEL M. COHEN, J.S.C.

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