

<b>Epstein v United Talent Agency, LLC</b>
2022 NY Slip Op 32668(U)
August 8, 2022
Supreme Court, New York County
Docket Number: Index No. 652221/2022
Judge: Andrea Masley
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SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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DON EPSTEIN, DON R. EPSTEIN GRANTOR TRUST I and DON R. EPSTEIN GRANTOR TRUST II,	INDEX NO.	<u>652221/2022</u>
Plaintiffs,	MOTION DATE	<u>06/03/2022</u>
- v -	MOTION SEQ. NO.	<u>001</u>
UNITED TALENT AGENCY, LLC,	<b>DECISION + ORDER ON MOTION</b>	
Defendant.		

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 9, 10, 12, 13 were read on this motion to/for SEAL.

In motion sequence number 001, plaintiffs Don R. Epstein, Don R. Epstein Grantor Trust I, and Don R. Epstein Grantor Trust II move, pursuant to Section 216.1(a) of the Uniform Rules for Trial Courts, by Order to Show Cause, to redact paragraphs 24 (a-g), 26-29 and 31 of the Complaint. (NYSCEF 2, Complaint; see also NYSCEF 13, ex 1, Sealing Chart.)<sup>1</sup> Plaintiffs’ motion is unopposed, and there is no indication that the public or press have an interest in these matters.

As described in plaintiffs’ sealing chart, the proposed redactions include prospective client names, a nonparty employee name, business activities, commission information, and financial information of Greater Talent Network, Inc. (GTN). (See NYSCEF 2, ¶¶ 24, 26, 27-29, 31; NYSCEF 13, ex 1, Sealing Chart.) Plaintiffs assert

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<sup>1</sup> Plaintiffs failed to submit a copy of the Complaint with all proposed redactions highlighted yellow in accordance with this court’s sealing procedures. The court, however, relies on the unredacted copy of the Complaint, which plaintiffs’ have submitted under seal, and plaintiffs’ sealing chart in rendering this decision.

that disclosure of the information they seek to redact may violate a confidentiality provision in an employment agreement between GTN and defendant United Talent Agency, LLC (UTA) and plaintiff Epstein (Employment Agreement). (See NYSCEF 13, Epstein Aff ¶¶ 2-6).

Section 216.1(a) of the Uniform Rules for Trial Courts empowers courts to seal documents upon a written finding of good cause. It provides:

“(a) [e]xcept where otherwise provided by statute or rule, a court shall not enter an order in any action or proceeding sealing the court records, whether in whole or in part, except 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 the parties. Where it appears necessary or desirable, the court may prescribe appropriate notice and an opportunity to be heard.”

In the business context, courts have sealed records where the disclosure of documents “could threaten a business’s competitive advantage.” (*Mosalle v Berenson*, 76 AD3d 345, 350-351 [1st Dept 2010] [citations omitted].) Records concerning financial information may be sealed where there has not been a showing of relevant public interest in the disclosure of that information. (See *Dawson v White & Case*, 184 AD2d 246, 247 [1st Dept 1992].) “Sealing a court file may be appropriate to preserve the confidentiality of materials which involve the internal finances of a party and are of minimal public interest.” (*D’Amour v Ohrenstein & Brown*, 17 Misc.3d 1130[A], 2007 NY Slip Op 52207[U], \*20 [Sup Ct, NY County 2007].) A party “ought not to be required to make their private financial information public ... where no substantial public interest would be furthered by public access to that information.” (*Id.*)

Here, the court finds good cause to redact GTN’s prospective client names, nonparty employee names, commission information, and financial information. Plaintiffs

have demonstrated that their disclosure of GTN's confidential information may constitute a violation of the confidentiality provision contained in the Employment Agreement. (See *In re Sinzheimer*, 2016 WL 5942349, \*1 [Sur Ct, NY County 2016]) [finding "[m]ovants have demonstrated good cause to seal the unredacted materials in that their disclosure may violate a confidentiality provision contained in a general release signed by one of the movants."].) Furthermore, there is no countervailing public interest in such information. (*Id*; see also *Dawson*, 184 AD2d at 247.) Plaintiffs have therefore demonstrated good cause for their narrowly tailored proposed redactions in paragraphs 27, 28, 29, and 31 of the Complaint. However, plaintiffs' broad proposed redactions of paragraphs 24 and 26 of the Complaint in their entirety as "business activities" are not narrowly tailored to protect confidential information and should be revised to redact only the names of prospective clients and identifying information such as their employers and occupations.

Accordingly, it is

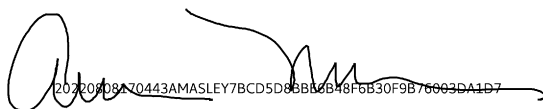
ORDERED that motion sequence 001 is granted in part and the County Clerk, upon service to him of this order by movant, shall seal NYSCEF 2; and it is further

ORDERED that plaintiffs shall file a new publicly redacted copy of the Complaint with the redactions for paragraphs 27, 28, 29, and 31 and with revised redactions in accordance with this decision in paragraphs 24 and 26; and it is further

ORDERED the New York County Clerk shall restrict access to the sealed documents with access to be granted only to authorized court personnel and designees, the parties and counsel of record in the above-captioned action, and any representative

of a party or of counsel of record upon presentation to the County Clerk of written authorization from counsel; and it is further

ORDERED that this order does not authorize sealing or redacting for purposes of trial.



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8/8/2022  
DATE

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ANDREA MASLEY, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE