

Tekiner v Bremen House Inc.

2022 NY Slip Op 33414(U)

October 1, 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.

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INDEX NO. 657193/2020

MOTION DATE 07/11/2022

MOTION SEQ. NO. 018

**DECISION + ORDER ON
 MOTION**

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 018) 377, 378, 380, 381, 382, 383, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 419, 463, 464 were read on this motion to SEAL.

Plaintiff Yasemin Tekiner (“Plaintiff”) moves for an order sealing and/or redacting certain documents (NYSCEF Doc. Nos. 377, 378, 380, 381, 382, 383, 385, 386, 387, 388, and 389) filed in connection with Mot. Seq. 022, which involves the parties’ dispute as to whether Plaintiff should be able to take discovery into the mental health and substance abuse and addiction issues of defendants Berrin Tekiner and Gonca Tekiner (“Defendants”). Michele Kahn, on behalf of her client plaintiff Zeynep Tekiner, filed an affirmation in support of this motion (NYSCEF 464). No parties oppose this motion. For the following reasons, Plaintiff’s 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 fact that the parties have stipulated to sealing documents, or that they have designated the documents during discovery as “Confidential” or “Highly Confidential,” does not, by itself, require granting of the motion” (*see, e.g., Maxim*, 145 AD3d at 518; *Gryphon*, 28 AD3d at 324).

The Court has reviewed NYSCEF Doc. Nos. 380, 381, 382, 383, 385, 386, 387, 388, and 389, and finds good cause exists to seal these exhibits as they contain sensitive medical information (*see State v Bayrock Group LLC*, 2017 NY Slip Op 30358[U], 4 [Sup Ct, NY County 2017]). Further, Motion Sequence 022 was decided by Order and Decision dated August 17, 2022 (NYSCEF 680), and the Order directed the parties to “meet and confer to narrow the categories of documents in dispute, taking into account the Court’s guidance, and that the parties carefully and narrowly tailor their proposed discovery relating medical information to that which

is necessary and appropriate to prosecute and defend the claims at issue in this litigation.” The Order also granted in part Defendant’s cross-motion for a protective order relating to Defendants’ medical information. Given this determination, sealing of these documents is appropriate.

Plaintiff is directed to work with Defendants to file redacted versions of Plaintiff’s Memorandum of Law (NYSCEF 377) and the Affirmation of Stephen P. Younger (NYSCEF 378) with Defendants’ medical information appropriately redacted.

Accordingly, it is:

ORDERED that Mot. Seq. 018 is **granted in part**; it is further

ORDERED that the Clerk shall maintain NYSCEF Doc. Nos. 377, 378, 380, 381, 382, 383, 385, 386, 387, 388, and 389 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

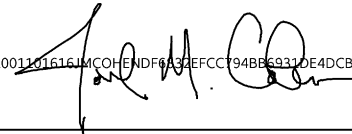
ORDERED that Plaintiff is directed to work with Defendants to file redacted versions of NYSCEF 377 and NYSCEF 378 within fourteen (14) days of the date of this Order; it is further

ORDERED as it related to future submissions, made by any party, that contain subject matter that the Court has authorized to be sealed by this Order, parties may file a joint stipulation, to be So Ordered, which will authorize the filing of such future submissions to be filed in redacted form on NYSCEF, provided that an unredacted copy of any redacted document is contemporaneously filed under seal; 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.

10/1/2022

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