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| Tekiner v Bremen House Inc. |
| 2022 NY Slip Op 33415(U) |
| October 1, 2022 |
| Supreme Court, New York County |
| Docket Number: Index No. 657193/2020 |
| Judge: Joel M. Cohen |
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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 481, 483, 485, 487, 497, 498, 499, 500, 502, 505, 507, 509, 510, and 511 and finds that they comport with the applicable sealing standards as laid out in *Mosallem*, 76 AD3d at 348-50, and its progeny, in that they contain sensitive non-public business information and/or sensitive medical information (*see State v Bayrock Group LLC*, 2017 NY Slip Op 30358[U], 4 [Sup Ct, NY County 2017]).

However, the Excerpts of Deposition of Zeynep Tekiner (NYSCEF 489) and Excerpts of Deposition of Billur Akipek (NYSCEF 488) should be unsealed as Defendants filed those documents with redactions.

Finally, Defendants are directed to file redacted versions of their brief in opposition (NYSCEF 512), the Akipek Affidavit (NYSCEF 492), the Berrin Affidavit (NYSCEF 493), and the Gonca Affidavit (NYSCEF 501) to appropriately redact confidential business information and/or sensitive medical information.

Accordingly, it is:

ORDERED that Mot. Seq. 025 is **granted in part**; it is further

ORDERED that the Clerk shall maintain NYSCEF Doc. Nos. 481, 483, 485, 487, 492, 493, 497, 498, 499, 500, 501, 502, 505, 507, 509, 510, 511, and 512 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

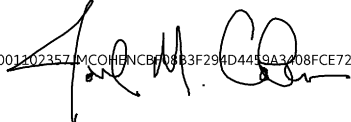
ORDERED that Defendant shall file redacted versions of NYSCEF, 492, 493, 501, and 512 in accordance with the Court's direction above within seven (7) business days of the date of this Order; it is further

ORDERED that the Clerk shall unseal NYSCEF Doc. Nos. 488 and 489; 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

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| 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 type="checkbox"/> |
| | <input type="checkbox"/> | SETTLE ORDER | DENIED | SUBMIT ORDER | OTHER |
| APPLICATION: | <input type="checkbox"/> | INCLUDES TRANSFER/REASSIGN | | FIDUCIARY APPOINTMENT | <input type="checkbox"/> |
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