

Tekiner v Bremen House Inc.

2023 NY Slip Op 30993(U)

March 29, 2023

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,	INDEX NO. <u>657193/2020</u>
Plaintiff,	MOTION DATE <u>02/24/2023</u>
- v -	MOTION SEQ. NO. <u>049</u>
BREMEN HOUSE INC., GERMAN NEWS COMPANY, INC., BERRIN TEKINER, GONCA TEKINER, BILLUR AKIPEK, ZEYNEP TEKINER,	DECISION + ORDER ON MOTION
Defendants.	
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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 049) 1224, 1225, 1226, 1227, 1228

were read on this motion to SEAL.

Defendants Bremen House Inc., German News, Inc., Berrin Tekiner, Gonca Tekiner, and Billur Akipek (collectively, “Defendants”) moves for an order sealing and/or redacting documents filed in opposition to Plaintiff’s Motions to Compel (Motion Sequences 44, 45, and 47) and Plaintiff’s Motion to Strike Plaintiffs’ and Defendants’ Notes of Issue (Motion Sequence 46) (NYSCEF 1141, 1142, 1143, 1144, 1146, 1147, 1148, 1150, 1151, 1152, 1184, 1195, 1199, 1207, 1208, 1213, 1209, 1210, 1214, 1211, 1215, 1221). 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 NYSCEF 1147 (9/17/22 New Requests Concerning Mental Health), 1148 (9/23/22 Response to New Requests), 1150 (1/22/22 Plaintiff's Rule 14 Letter), and 1151 (11/30/22 Defendant's Rule 14 Response) and finds that good cause exists to seal as they contains sensitive medical information (*see State v Bayrock Group LLC*, 2017 NY Slip Op 30358[U], 4 [Sup Ct, NY County 2017]; NYSCEF 680 [Order and Decision dated August 17, 2022 on Mot. Seq. 022]).

However, the Court finds no basis for sealing NYSCEF 1141 (deposition transcript of Zeynep), 1142 (deposition transcript of Billur), 1143 (3/1/22 Plaintiff's Rule 14 Letter), 1144 (3/7/22 Defendants' Rule 14 Response), 1146 (9/7/22 Email Memorializing September 6 Rule 14 Conference), 1152 (12/6/12 Email Memorializing December 5 Rule 14 Conference), 1184 (12/6/12 Email Memorializing December 5 Rule 14 Conference), 1195 (deposition transcript of Billur), 1199 (deposition transcript of Gonca), 1207 (Plaintiff's 3101(d) Disclosure), 1208

(Affirmation of B. Mohler in Opposition), 1209 (Affirmation of B. Mohler in Opposition), 1210 (Exhibit Reference Sheet), 1214 (Memorandum of Law in Opposition), 1215 (Memorandum of Law in Opposition), and 1221 (Affirmation of B. Mohler in Opposition), as there has not been a sufficient showing that any sensitive information could not be protected through redaction. 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). Accordingly, Defendants must refile these documents with Defendants’ medical information appropriately redacted.

Accordingly, it is:

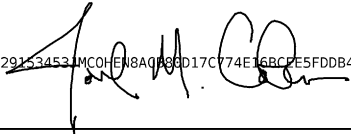
ORDERED that the motion is **GRANTED IN PART**; it is further

ORDERED that the County Clerk shall maintain NYSCEF 1141, 1142, 1143, 1144, 1146, 1147, 1148, 1150, 1151, 1152, 1184, 1195, 1199, 1207, 1208, 1213, 1209, 1210, 1214, 1211, 1215, and 1221 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 shall file redacted versions of NYSCEF 1141, 1142, 1143, 1144, 1146, 1152, 1184, 1195, 1199, 1207, 1208, 1213, 1209, 1210, 1214, 1211, 1215, and 1221 within ten (10) 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 redactions of any documents or evidence to be offered at trial.

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3/29/2023
DATE

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