

Tekiner v Bremen House Inc.

2023 NY Slip Op 30994(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,

Plaintiff,

- v -

BREMEN HOUSE INC., GERMAN NEWS COMPANY,
INC., BERRIN TEKINER, GONCA TEKINER, BILLUR
AKIPEK, ZEYNEP TEKINER,

Defendants.

INDEX NO. 657193/2020

MOTION DATE N/A, N/A, N/A

MOTION SEQ. NO. 052 055 057

**DECISION + ORDER ON
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 052) 1361, 1362, 1363, 1377, 1406

were read on this motion to SEAL

The following e-filed documents, listed by NYSCEF document number (Motion 055) 1371, 1372, 1402

were read on this motion to SEAL

The following e-filed documents, listed by NYSCEF document number (Motion 057) 1398, 1399, 1404

were read on this motion to SEAL

These motions are brought by Parker Ibrahim & Berg LLP (“PIB”), Foley Hoag LLP (“Foley”), and Kahn & Goldberg, LLP’s (“K&G”) (collectively, “Counsel”), counsel for Plaintiffs Yasemin Tekiner (“Yasemin”) and Zeynep Tekiner (“Zeynep”),¹ seeking an order permitting them to (i) electronically file on NYSCEF their motions to withdraw as co-counsel of record to Yasemin and Zeynep (the “Withdrawal Motions”) and to redact from such motion any and all privileged and confidential information; and (ii) permitting them to submit confidentially to the Chambers of the Honorable Joel M. Cohen an unredacted hard copy of such motion and to

¹ Parker Ibrahim & Berg LLP and Foley Hoag LLP represent Yasemin, and Kahn & Goldberg, LLP represent Zeynep.

serve such unredacted motion via email on co-counsel, with any responses or reply to the withdrawal motions to be filed and submitted in the same manner. No parties have opposed these motions. For the following reasons, the motions are **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 considered this application in connection with the Withdrawal Motions and concludes that the requested relief is appropriate given that these motions present an unusual circumstance, in which court papers may include privileged and confidential information relating *solely* to the request to withdraw as counsel. Such documents and communications should not be revealed to Defendants’ counsel since such disclosure could prejudice Yasemin and Zeynep. Accordingly, each Counsel’s moving brief and affidavit are properly redacted (*see* NYSCEF

1391 and 1397 [PIB's affidavit and moving brief]; NYSCEF 1369 and 1370 [Foley's affidavit and moving brief]; NYSCEF 1408 and 1425 [K&G's affidavit and moving brief]).

However, while *portions* of the Exhibits may well include communications that should be redacted due to attorney-client privilege, both PIB and K&G² filed exhibits that are completely redacted (*see* NYSCEF 1382–1396 [exhibits A–O] and NYSCEF 1409–1424 [exhibits A–P]), which amounts to wholesale sealing all of exhibits filed in connection with the Withdrawal Motions. In view of the admonition that sealing of court records must be “narrowly tailored to serve compelling objectives,” (*Danco*, 274 AD2d at 6), PIB and K&G will need to re-file their exhibits to the Withdraw Motions with targeted redactions. Counsel is directed to comply with this directive within ten (10) days of the date of this Order.

Accordingly, it is:

ORDERED that Parker Ibrahim & Berg LLP's motion (Mot. Seq. 052) is **GRANTED IN PART**, subject to PIB complying with the Court's requirement to re-file the exhibits filed in connection with Mot. Seq. 058 with targeted redactions within ten (10) days of the date of this Order; it is further

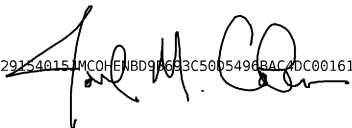
ORDERED that Foley Hoag LLP's motion (Mot. Seq. 055) is **GRANTED**, subject to Foley complying with the Court's requirement to file any future exhibits in connection with Mot. Seq. 054 with targeted redactions; it is further

ORDERED that Kahn & Goldberg, LLP's motion (Mot. Seq. 057) is **GRANTED IN PART**, subject to K&G complying with the Court's requirement to re-file the exhibits filed in

² Foley has not filed any exhibits in connection with its motion to withdraw (Mot. Seq. 054).

connection with Mot. Seq. 059 with targeted redactions within ten (10) days of the date of this Order; 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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JOEL M. COHEN, J.S.C.

3/29/2023
DATE

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