

People v Artamonov

2025 NY Slip Op 32496(U)

July 11, 2025

Supreme Court, New York County

Docket Number: Index No. 450650/2024

Judge: Margaret A. Chan

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 49M

THE PEOPLE OF THE STATE OF NEW YORK, BY
LETITIA JAMES, ATTORNEY GENERAL OF THE STATE
OF NEW YORK,

Plaintiff,

- v -

VLADIMIR ARTAMONOV,

Defendant.

INDEX NO. 450650/2024

MOTION DATE 02/05/2025

MOTION SEQ. NO. 003

**DECISION + ORDER ON
MOTION**

HON. MARGARET A. CHAN:

The following e-filed documents, listed by NYSCEF document number (Motion 003) 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101

were read on this motion to/for

SEAL

This matter is a special proceeding commenced pursuant to Article 23-A of the New York General Business Law (the Martin Act), initiated by the New York Attorney General (OAG) in connection with an investigation into alleged securities fraud and deceptive practices by respondent Vladimir Artamonov. The Guardian ad Litem for respondent (guardian) seeks an order pursuant to 22 NYCRR § 216.1 permitting the partial sealing of certain documents submitted in support of the guardian’s February 3, 2025 application, specifically Sections 2.A and 2.B of the application itself (NYSCEF # 84), and in their redacted forms, Exhibits A, C, D, E, F, and G (NYSCEF #s 85, 87–91, respectively). The OAG does not oppose sealing the medical exhibits, but partially opposes the sealing of the application and objects to the guardian’s request for prospective blanket sealing authority.

Under New York law, there is a presumption that the public is entitled to access judicial proceedings and court records (*see Mosallem v Berenson*, 76 AD3d 345, 348 [1st Dept 2010] citing *Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499, 501 [2d Dept 2007]). The public right to access, however, is not absolute (*see Danco Labs v Chemical Works of Gedeon Richter*, 274 AD3d 1, 8 [1st Dept 2000]), and a court is empowered to seal or redact court records pursuant to section 216.1 (a) of the Uniform Rules for Trial Courts upon a showing of “good cause” (22 NYCRR 216.1 [a]).

At the same time, “[c]onfidentiality is clearly the exception, not the rule” (*Matter of Hoffman*, 284 AD2d 92, 93-94 [1st Dept 2001]), and the party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access (*see Mancheski*, 39 AD3d at 502). Sealing has been found to be appropriate to preserve the confidentiality of materials which involve internal finances of a party which are of minimal public interest (*see D’Amour v Ohrenstein & Brown, LLP*, 2007 NY Slip Op 52207[U] [Sup Ct, NY County 2002]).

The guardian moves for an order pursuant to 22 NYCRR § 216.1 permitting the sealing, in redacted form, of certain documents containing medical information alleged to be protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (NYSCEF # 93, Order to Show Cause at 1-2). Specifically, the guardian seeks to redact limited portions of the February 3, 2025 application (NYSCEF # 84), including section 2.A beginning on page 4 with the sentence “The Special Referee...” through the end of section 2.A, and the entirety of section 2.B from its heading on page 4 through the end of page 5 (NYSCEF # 83, Cohen aff. at 2-3). In addition, the guardian seeks to seal in full Exhibits A, C, D, E, F, and G, which have been filed as NYSCEF #s 85, 87, 88, 89, 90, and 91, respectively (*id.*). These documents include clinical evaluations, treatment summaries, progress notes, and correspondence from physicians and mental health professionals involved in the care of Mr. Artamonov (NYSCEF # 92, Guardian’s mol at 2). The guardian asserts that these materials contain individually identifiable health information, and that sealing is narrowly tailored to avoid unnecessary public disclosure (*id.*).

The OAG does not object to sealing Exhibits A, C, D, E, F, and G (NYSCEF #s 85, 87–91), recognizing that these documents appear to contain sensitive medical records subject to HIPAA protections (NYSCEF # 94, Yoon aff at 2). However, the OAG opposes sealing of the remaining portions of the application (*id.*). In particular, the OAG challenges the proposed redactions to section 2.A on page 3, the heading and first sentence of section 2.B on page 4, and the final three sentences on page 5 (*id.*), contending that these excerpts do not contain any clinical diagnoses or communications with health care providers (*id.*).

Rather, the OAG argues, these sections describe respondent’s conduct during a court-ordered examination and consist of procedural or behavioral descriptions that do not meet the standard for sealing under 22 NYCRR § 216.1 (*see* NYSCEF # 94, Yoon aff at 2, # 101, OAG’s mol at 3-4). The OAG further objects to the guardian’s request for a prospective order sealing any future filings containing purportedly sensitive health information, characterizing such a request as overbroad and contrary to the requirement of a document-specific showing of good cause (NYSCEF # 101, OAG’s mol at 5).

Upon consideration of the motion and the opposition, the application is granted in part and denied in part. The court finds that sealing is warranted as to Exhibits A, C, D, E, F, and G (NYSCEF #s 85, 87–91), as those documents appear to contain respondent’s sensitive and personally identifiable medical information, the disclosure of which would run afoul of HIPAA and is not necessary to further the public interest in access. However, the court declines to seal the identified redacted portions of the February 3, 2025 application itself (NYSCEF # 84). These sections do not contain clinical diagnoses, treatment plans, or provider communications, but instead recount respondent’s conduct during a judicial proceeding. As courts have held, HIPAA does not shield such procedural or behavioral summaries from public inspection (*see Arons v Jutkowitz*, 9 NY3d 393, 413 [2007] [holding that HIPAA permits informal interviews with treating physicians and does not categorically bar disclosure outside litigation discovery]).

Additionally, the guardian’s request for a blanket authorization to file under seal any future documents containing health-related information is overbroad and inconsistent with the procedural safeguards set forth in 22 NYCRR § 216.1. As a matter of settled law, sealing must be determined on a document-by-document basis, with a particularized showing of necessity for each record sought to be withheld from public inspection (*see Maxim, Inc. v Feifer*, 145 AD3d 516, 518 [1st Dept 2016]). Accordingly, the OAG’s limited objections should be sustained.

Accordingly, it is hereby

ORDERED that Guardian ad Litem for defendant Vladimir Artamonov, by order to show cause, for an order to seal is granted to the extent that Exhibits A, C, D, E, F, and G, as redacted (*see* NYSCEF #s 85, 87-91, respectively) and denied as to sections 2.A and 2.B of the Guardian’s Application (*see* NYSCEF # 84); and it is further

ORDERED that Guardian ad Litem for defendant Vladimir Artamonov’s request for a blanket authorization to file under seal any future documents containing health-related information is denied; and it is further

ORDERED that Guardian ad Litem for defendant Vladimir Artamonov shall file Exhibits A, C, D, E, F, and G in their redacted forms, consistent with NYSCEF #s 85, 87–91, respectively; and it is further

ORDERED that the Clerk of the Court is directed, upon service upon the Clerk of a copy of this Decision and Order with notice of entry, to seal the unredacted documents at NYSCEF #s 85, 87, 88, 89, and 91; and it is further

ORDERED that until further order of the court, the Clerk of the Court shall deny access to this document (NYSCEF #s 85, 87, 88, 89, and 91) to anyone (other than the staff of the Clerk or the court) except for counsel of record for any party to

this action, any party, and any representative of the counsel of record for a party upon presentation to the County Clerk of written authorization from said counsel and appropriate identification; and it is further

ORDERED that service upon the Clerk of the Court shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/supctmanh).

7/11/2025

DATE



MARGARET A. CHAN, 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