Pittman v Yantiss
2025 NY Slip Op 33453(U)
September 15, 2025
Supreme Court, New York County
Docket Number: Index No. 151274/2020
Judge: Denis Reo
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: **HON. DENIS REO** **PART** **65**

Acting Justice of the Supreme Court

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INDEX NO. 151274/2020

MEREDITH PITTMAN,

MOTION DATE 04/04/2025, 07/18/2025

Plaintiff,

MOTION SEQ. NOS. 007 and 008

- v -

RHONDA YANTISS, JOAN & SANFORD I. WEILL MEDICAL COLLEGE OF CORNELL UNIVERSITY, NEW YORK-PRESBYTERIAN HOSPITAL

DECISION + ORDER ON MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 007) 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 134, 135, 136, 137, 138, 139

were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 008) 140, 141, 142, 143, 144, 145, 146, 147, 148, 149

were read on this motion to/for MISCELLANEOUS.

Motion sequence nos. 007 and 008 are consolidated for disposition herein.

Plaintiff Meredith Pittman, M.D. (Plaintiff) brings this action for, inter alia, unlawful employment discrimination against a former coworker, defendant Rhonda Yantiss, M.D. (Dr. Yantiss), and her former employer, defendants, Joan & Sanford I. Weill Medical College of Cornell University (WCM) (Dr. Yahtiss and WCM shall be collectively referred to as the WCM

Defendants) and New York and Presbyterian Hospital (NYP) (WCM Defendants and NYP shall be collectively referred to as the Defendants).

In motion sequence 007, Plaintiff moves by order to show cause for an order sealing New York State Courts Electronic Filing System (NYSCEF) document numbers 109 and 120[1]. Plaintiff asserts that the documents contained in these filings, known as Plaintiffs_251-379, were designated by Plaintiff as being "confidential" and should not have been uploaded to NYSCEF. Plaintiff contends that these documents must be sealed. Pending the resolution of the motion, Plaintiff was granted a temporary restraining order sealing Doc. Nos. 109 and 120.

In motion sequence 008, Defendants move for a protective order pursuant to CPLR 3101(a) challenging the "confidential" designation placed on Plaintiffs_251-379.

These motions are consolidated for disposition because they both seek relief concerning Plaintiffs_251-379. Both of these motions stem from the "confidential" designation given by Plaintiff to Plaintiffs_251-379 in accordance with the terms of the Stipulation and Order for the Production and Exchange of Confidential Information filed on October 17, 2023 as Doc. No. 102 (Confidentiality Stipulation).

Procedural Posture

There has been a great deal of judicial resources and time dedicated to Plaintiffs_251-379. Beginning with motion sequence 006, filed on February 26, 2025, WCM Defendants moved for an order compelling Plaintiff to produce unredacted copies of Plaintiffs_251-379 and for an in camera inspection by the Court to determine whether Plaintiff's redaction of certain information was proper. In connection with its motion, WCM Defendants filed on NYSCEF as

[1] Any further reference to NYSCEF document numbers in this matter shall be cited as "Doc. No." or "Doc. Nos.".

Doc. No. 109 a copy of Plaintiffs _251-379 which was alleged by Plaintiff to be a violation of the terms of the parties' Confidentiality Stipulation. However it was not until April 4, 2025, over five weeks later, that Plaintiff first moved by order to show cause to seal the filings (motion sequence 007). Importantly, with the filing of the order to show cause, a temporary restraining order was signed temporarily sealing Doc. Nos. 109 and 120. Since the sealing, Plaintiff has not produced any evidence demonstrating that she was prejudiced by the five-week disclosure.

In deciding motion sequence 006, by Decision and Order dated April 23, 2025, Judge Shlomo S. Hagler ordered that an in camera inspection of Plaintiffs_251-379 be held on May 19, 2025. On May 19, 2025, an inspection lasting more than 2 hours was held where Judge Hagler made rulings regarding Plaintiff's redactions to the documents. While findings were made at the in camera inspection, there was no final determination on the sealing of Doc. Nos. 109 and 120. The determinations by Judge Hagler are the law of the case and are not to be disturbed by this decision and order (*People v Evans*, 94 NY2d 499 [2000]).

On June 30, 2025, Judge Hagler held oral argument on motion sequence 007. Again, Judge Hagler permitted over one hour and fifteen minutes of argument concerning Plaintiffs_251-379 where he made determinations concerning them; however, again, he did not make a final determination on their sealing.

During the June 30, 2025 oral argument, Judge Hagler found that WCM Defendants' filing of Doc. Nos. 109 and 120 on NYSCEF did not comply with the publication requirements required in the Confidentiality Stipulation (June 30, 2025 transcript pg. 42, ln. 10 - pg. 4, ln. 21). Judge Hagler also indicated that while the publication of the documents was not in accordance with the explicit terms of the Confidentiality Stipulation, the publication by WCM Defendants was not intentional (June 30, 2025 transcript pg. 45, lns.7-12 and pg. 46, lns. 11-21).

This court agrees with Judge Hagler as it has not found any evidence of intent on behalf of the WCM Defendants' concerning the filing of Plaintiffs_251-379 on the NYSCEF system. The filings appear to have been a clerical error that was resolved by the temporary restraining order sealing Doc. Nos. 109 and 120.

Judge Hagler also found during the June 30th oral argument that Plaintiff did not promptly request the sealing of Doc. Nos. 109 and 120 (June 30, 2025 transcript pg. 37, ln. 17 - pg. 42 through ln. 9).

At the conclusion of the June 30, 2025 oral argument, Judge Hagler permitted WCM Defendants the opportunity to contest the "confidential" designation on Plaintiffs_251-379 (June 30, 2025 transcript pg 48, ln. 8 through pg. 49, ln. 19). By motion sequence 008 filed on July 11, 2025, WCM Defendants challenged Plaintiff's "confidential" designation of Plaintiffs_251-379.

Thereafter, on August 8, 2025, all parties appeared in Part 65 for additional argument on motion sequence 007 and for oral argument on motion sequence 008. Again, the parties argued for approximately one hour, restating many of the contentions that were made in their papers, and at the June 30, 2025 oral argument, and at the May 19, 2025 inspection.

Motion Sequence 008

As the decision to seal Doc. Nos. 109 and 120 is impacted by whether the records are deemed to be "confidential", motion sequence 008 will be considered first.

The parties in their So-Ordered Confidentiality Stipulation defined "Confidential Information" as information "i. which pertain(s) to any person defined as a minor under New York Domestic Relations Law (N.Y. Dom. Rel. §2); ii. which contain(s) trade secrets, proprietary business information, competitively sensitive information, or other information the

disclosure of which would, in the good faith judgment of the party designating the material as confidential, be detrimental to the conduct of that party's business or the business of any of that party's customers or clients; iii. which pertain(s) to a non-party's employment/self-employment records or sensitive financial information." All parties were represented during the negotiation and execution of the Confidentiality Stipulation and there is no evidence of duress, mistake or any other factors that would challenge the legitimacy of the document.

While the parties entered into the Confidentiality Stipulation which contains the definition of "confidential information" a court is not bound by a party's designation concerning the documents. (*See Eusini v. Pioneer Electronics*, 29 AD3d 623 [2d Dept 2006] ["[D]efendant's designation of the materials as confidential or highly confidential is not controlling on the court's determination whether there is good cause to seal the record pursuant to 22 NYCRR 216.1"]). It is well established that courts have broad discretion when overseeing and regulating discovery (*148 Magnolia, LLC v Merrimack Mut. Fire Ins. Co.*, 62 AD3d 486, 487 [1st Dept 2009]).

Defendants challenge Plaintiff's overzealous use of a "confidential" designation placed on Plaintiffs_251-379. Plaintiff in response states, inter alia, that the "confidential" designations on the documents are necessary in order to protect Plaintiff's reputation within the close knit medical pathology community. This court disagrees.

Plaintiffs_251-379 consist of non-confidential e-mails between Plaintiff and other physicians, colleagues, and friends. The contents of the e-mails range from recipes, news items, book recommendations, to pertinent and relevant discussions about the WCM Defendants. None of the e-mails contain information that could be remotely construed as being "detrimental to the conduct of that party's business or the business of any of that party's customers or clients" or pertaining "to a non-party's employment/self-employment records or sensitive financial

information." Furthermore, none of the documents contain "trade secrets, proprietary business information, or competitively sensitive information." Doc. Nos. 109 and 120 are, at best, an informal online group therapy session where the bulk of the discussion resolves around Plaintiff and her work life. The e-mails do not invoke the protection of the Confidentiality Stipulation but rather they share unprotected work gossip.

While the documents are not those that are protected by confidentiality, there certainly are materials within them that must be redacted. A review of Plaintiffs_251-379 reveals what appears to be the names of children. These names must be redacted as they are "confidential personal information" (CPI) as defined by 22 NYCRR 202.5(e) (1) (i-v). In fact, all CPI must be redacted from Plaintiffs_251-379.

While this court believes that Plaintiffs_251-379 contains CPI, it does not mean that the documents as a whole must be treated as confidential. As discussed more fully below, the court believes that a simple redaction is sufficient to protect the identities of the children while also protecting the need for transparency within the judicial system.

Likewise, while not delineated within the NYCRR, the e-mail addresses and phone numbers of all parties, if any, must also be removed from Plaintiffs_251-379. This information is also personal identifying information (PII) and should be redacted. (*See* generally *People v Villota*, 83 Misc3d 1219[A] [Sup Ct Queens June 18, 2024] [The court reviewed redactions made by the People and found that it was appropriate to remove personal identifying information such as cell phone numbers and e-mail addresses]).

Finally, the names of non-parties must also be redacted from the production. It is well established that courts exercising their inherent ability to regulate disclosure may seal materials involving non-parties (*See* generally *Mancheski v. Gabelli Group Capital Partners*, 39 AD3d

499, 502 [2d Dept. 2007] [finding sealing is warranted where "disclosure could impinge on the privacy rights of third parties who clearly are not litigants herein"]. Additionally, the court in its general power to regulate discovery, can regulate the dissemination of non-party names. (*See J.O. v. LA Fitness International, LLC*, 86 Misc3d 1257[A] [Sup Ct Bronx August 19, 2025] [the names of non-party gym members were not to be published to individuals beyond the parties to an action]). While sealing non-party materials is authorized, it is not appropriate in this matter. Sealing is an extreme measure and since the non-party e-mails are not confidential as defined by the Confidentiality Stipulation, there is no reason to consider sealing the documents; however, there is a compelling interest to protect the names and opinions of non-parties who did not ask to be brought into this litigation. The non-party's names should not be published on NYSCEF or any other publicly filed document and must be redacted like the CPI and PII.

In short, Plaintiffs_251-379 do not fall within the parties' definition of "Confidential Information" and any CPI or PII contained within them can be resolved with simple redactions; therefore, Defendants' motion challenging the "confidential" designation on Plaintiff_251-379 is GRANTED subject to the redaction of CPI, PII and the names of non-parties as set forth above.

MOTION SEQUENCE 007

Having determined that Plaintiffs_251-379, as a whole, are not "confidential," the next inquiry is whether they should nonetheless be filed on NYSCEF under seal.

A party seeking to seal records in accordance with 22 NYCRR 216.1 must demonstrate "good cause" for the sealing. It is well settled that there is a "broad constitutional presumption, arising from the First and Sixth Amendments, as applied to the States by the Fourteenth Amendment, that the public is entitled to access to court proceedings." (*Gryphon Dom. VI, LLC*

v APP Intl. Fin. Co., B.V., 28 AD3d 322, 324 [1st Dept. 2006]). "The statutory and common law of this state have long recognized that civil actions and proceedings should be open to the public in order to ensure that they are conducted efficiently, honestly and fairly." (*Matter of Brownstone*, 191 AD2d 167, 167 [1st Dept 1993]). In general, courts have "been reluctant to allow the sealing of court records, even where both sides to the litigation have asked for such sealing." (*Gryphon,* 28 AD3d at 324 [citations omitted]). As the public is entitled to access to proceedings and its right is protected by the United States Constitution "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" (*Id*). "Since confidentiality is the exception, the court must make an independent determination of whether to seal court records in whole or in part for 'good cause'. This task involves weighing the interests of the public against the interests of the parties. The party seeking to seal documents must demonstrate compelling circumstances." (*Mancheski,* 39 AD3d at 502 [internal quotation marks and citations omitted]). "A finding of 'good cause' presupposes that public access to the documents at issue will likely result in harm to a compelling interest of the movant, and that no alternative to sealing can adequately protect the threatened interest." (*Id* at 502 [citation omitted]). "Since there is no absolute definition, a finding of good cause, in essence, boils down to the prudent exercise of the court's discretion" (*Applehead Pictures LLC v. Perelman*, 80 AD3d 181 [1st Dept 2010] [quotations omitted]).

"Embarrassing allegations" are insufficient to warrant the sealing of a record. (*Matter of Hofmann*, 284 AD2d 92, 94 [1st Dept 2001] ["the mere fact that embarrassing allegations may be made against the fiduciaries or their attorneys in opposition to their request for attorneys' fees, even if ultimately found to be without merit, is not a sufficient basis for a sealing order"]. Furthermore, prejudice to a party's reputation is also not a basis for a sealing order. (*Liapakis v*

Sullivan, 290 AD2d 393, 394 [1st Dept 2002] ["[d]efendants fail to show that the prejudice to their reputations caused by plaintiff's allegations of unethical and criminal conduct outweighs the clear public interest in such allegations, and there appears to be no other claim that any other good cause exists for sealing the record"]).

Balancing the rights of the public to review court filings with the privacy interests of the parties, the Court finds that Doc. Nos. 109 and 120 should not be sealed. Like the Court in *Mancheski*, this Court has carefully reviewed and evaluated Plaintiffs_251-379. The bulk of the content within the documents involves Plaintiff's complaints and observations concerning her employer. This material is relevant to the claims brought by Plaintiff in this action. The fact that these materials might be embarrassing or harmful to Plaintiff's reputation does not establish "good cause" for this court to seal the documents.

The court has also considered the publication of Plaintiffs_251-379 from the perspective of the non-parties named in the documents. The non-parties in these e-mails serve primarily as a sounding board for Plaintiff's concerns regarding the WCM Defendants. The non-parties did not ask to be brought into this litigation, and it is unfair for them to have their opinions, which can be assumed they believed was private, disseminated to the public. While the court may have the right to seal these non-party e-mails, in the interest of balancing the public's right to monitor judicial proceedings and to ensure that any restriction is narrowly tailored, the redaction of the non-parties' CPI, PII and names is sufficient to protect the interests of the non-parties. Plaintiff's assertion that the publication of these e-mails poses a "serious risk of harm to their business" is unfounded and can be easily solved with a simple redaction of the non-party's names.

The Court finds that redacting CPI, PII and the names of non-parties serves to protect the personal identities of children and the parties involved while also protecting the rights of the

public. This directive is narrowly tailored to ensure that important information remains private while permitting the public to continue to have access to court records to ensure the integrity of the judicial process.

Plaintiff's motion to seal NYCEF Doc Nos. 109 and 120 is hereby DENIED except that the parties are directed to redact CPI, PII and the names of non-parties from Documents_251-379 and to refile the redacted documents on NYSCEF.

Accordingly, it is

ORDERED that WCM Defendants' motion to change the "confidential" designation on Plaintiff's document production stamped as Plaintiffs_251-379 and filed in the NYSCEF system as Doc Nos. 109 and 120 (sequence number 008) is GRANTED in part as the WCM Defendants are directed to redact all confidential personal information as defined in 22 NYCRR 202.5(e), personal identifying information and the names of non-parties from Doc. Nos. 109 and 120; and it is further

ORDRED that Plaintiff's motion to seal NYSCEF Doc. Nos. 109 and 120 (sequence 007) is DENIED except that Doc. Nos. 109 and 120 shall remain sealed because they contain confidential personal information as defined in 22 NYCRR 202.5(e), personal identifying information and the names of non-parties; and it is further

ORDERED that the WCM Defendants are to refile redacted NYSCEF Doc Nos. 109 and 120 within fifteen (15) days of the date of this Decision and Order; and it is further

ORDERED that all other requests for relief not specifically addressed in this Decision and Order are DENIED; and it is further

ORDERED that the parties are to appear for a discovery status conference on October 16, 2025 at 10 a.m.

9/15/2025
DATE

Denis Reo
DENIS REO, J.S.C.

CHECK ONE:		CASE DISPOSED			X	NON-FINAL DISPOSITION	
		GRANTED		DENIED		GRANTED IN PART	X OTHER
APPLICATION:		SETTLE ORDER				SUBMIT ORDER	
CHECK IF APPROPRIATE:		INCLUDES TRANSFER/REASSIGN				FIDUCIARY APPOINTMENT	REFERENCE