

Tekiner v Bremen House Inc.

2025 NY Slip Op 34439(U)

November 19, 2025

Supreme Court, New York County

Docket Number: Index No. 657193/2020

Judge: Anar R. Patel

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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 45

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YASEMIN TEKINER,	INDEX NO.	<u>657193/2020</u>
Plaintiff,	MOTION	10/15/2025,
- v -	DATES	<u>10/24/2025</u>
BREMEN HOUSE INC., GERMAN NEWS COMPANY, INC., BERRIN TEKINER, GONCA TEKINER, BILLUR AKIPEK, ZEYNEP TEKINER,	MOTION SEQ. NOS.	<u>094 095</u>
Defendants.	DECISION + ORDER ON MOTIONS	

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HON. ANAR RATHOD PATEL:

The following e-filed documents, listed by NYSCEF document number (Motion 094) 2962–2969, 2978 were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 095) 2979–2984, 2989 were read on this motion to/for SEAL.

Pursuant to § 216.1(a), the 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.” “There is a presumption that the public has the right of access to the courts to ensure the actual and perceived fairness of the judicial system, as the ‘the bright light cast upon the judicial process by public observation diminishes the possibilities for injustice, incompetence, perjury, and fraud.’” *Mancheski v. Gabelli Grp. Cap. Partners*, 39 A.D.3d 499, 501 (2d Dept. 2007) (quoting *Republic of Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653 (3d Cir. 1991)). “The public right to access, however, is not absolute.” *Mosallem v. Berenson*, 76 A.D.3d 345, 349 (1st Dept. 2010). “Although the rule does not further define ‘good cause,’ a standard that is ‘difficult to define in absolute terms,’ a sealing order should rest on a ‘sound basis or legitimate need to take judicial action,’ a showing properly burdening the party seeking to have a sealed record remain sealed.” *Danco Lab ’ys, Ltd. v. Chem. Works of Gedeon Richter, Ltd.*, 274 A.D.2d 1, 8 (1st Dept. 2000) (internal citations omitted).

Motion 094

Defendants Bremen House Inc., German News, Inc., Berrin Tekiner, Gonca Tekiner, and Billur Akipek (collectively, “Defendants”) move by Order to Show Cause for an order: (i) permitting certain documents filed in support of Defendants’ motion to exclude the report and testimony of Plaintiff Yasemin Tekiner’s putative expert, Howard Forman, M.D. (Motion 091), to

be filed under seal; (ii) permitting certain documents filed in support of Defendants' motion to preclude Plaintiffs Yasemin and Zeynep Tekiner from introducing at trial any evidence or arguments related to 254-258 W 35th St LLC or the building known as and located at 254-258 West 35th Street, New York, New York (Motion 093), to be filed under seal; (iii) permitting certain documents filed in opposition to Plaintiffs' motion to exclude the testimony and report of Defendants' psychiatric expert Dr. Paul S. Appelbaum (Motion 092), to be filed under seal (collectively, the "Sealed Documents"); and (iv) granting Defendants such other and further relief as this Court deems just and proper.

Defendants maintain that the documents they seek to seal/redact contain "Confidential Information", as defined in the parties' Amended Stipulation and Order for the Production and Exchange of Confidential Information (NYSCEF Doc. No. 856) ("Confidentiality Stipulation") pertaining to: (i) Bremen House Inc. and German News, Inc.'s ongoing business, and (ii) confidential, protected health communications and testimony regarding the personal health and treatment information of Defendants. Defendants further state that the Court has held in prior Decisions and Orders that good cause has been established to merit continued sealing of this information. *See* April 30, 2025 Decision and Order (NYSCEF Doc. No. 2853), January 27, 2025 Decision and Order (NYSCEF Doc. No. 2554), and November 9, 2024 Decision and Order (NYSCEF Doc. No. 2376). The Court observes that prior Orders directed that there is no basis to seal certain documents in their entirety, but rather to file versions reflecting tailored redactions to the confidential portions of the documents.

Defendants identify in their Sealing Chart (NYSCEF Doc. No. 2965) the specific documents they seek to redact or seal, and the respective basis for the relief sought. Upon review, the Court determines that the proposed redactions to NYSCEF Document Number(s) 2938, 2939, 2945, 2946, and 2948 reflect tailored redactions for confidential and sensitive health/medical information only. However, as to NYSCEF Doc. Nos. 2921 and 2922, Defendants have not identified the NYSCEF Document Numbers for the redacted versions of the documents (both the versions with proposed redactions in yellow highlighting and the publicly filed redacted versions).

Motion 095

Plaintiffs Yasemin Tekiner and Zeynep Tekiner ("Plaintiffs") move by Order to Show Cause for an order permitting certain documents filed in connection with (1) Plaintiffs' Memorandum of Law in Support of Plaintiffs' Joint Motion in Limine to Exclude the Testimony and Report of Defendants' Proffered Psychiatric Expert Dr. Paul S. Appelbaum; (2) Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion in Limine to Preclude the Report and Testimony of Plaintiffs' Proffered Psychiatric Expert Dr. Howard Forman, M.D.; and (3) Plaintiffs' Joint Opposition to Defendants' Motion in Limine to Preclude Documents or Testimony Related to 254-258 W. 35th St. LLC and 254-258 W. 35th St., New York NY, to be filed under seal or redacted, and granting such other and different relief as the Court may deem just and proper.

Specifically, Plaintiffs request that the 2018 and 2019 financial statements of 254-258 W. 35th Street remain under seal because the parties have designated the information as "Confidential" under the parties' Confidentiality Stipulation, and because they contain proprietary business information. "Merely because some of the documents were marked 'confidential' or 'private' is not controlling on the court's determination whether there is good cause to seal the

record.” *Eusini v. Pioneer Elecs. (USA), Inc.*, 29 A.D.3d 623, 626 (2d Dept. 2006). Nevertheless, the financial statements contain sensitive, internal financial information and there is no indication that the public has any interest in the financial statements at issue. *Feffer v. Goodkind, Wechsler, Labaton & Rudoff*, 152 Misc.2d 812, 815–816, 578 N.Y.S.2d 802 (Sup. Ct., N.Y. County 1991). Accordingly, the Court determines there is good cause to seal the financial statements filed at NYSCEF Doc. Nos. 2955 and 2956.

Upon review, the Court determines that the proposed redactions at NYSCEF Document Number(s) 2983 and 2984¹ reflect tailored redactions for confidential and sensitive health/medical information only and consistent with the Court’s prior Decisions and Orders.

Accordingly, it is hereby

ORDERED that Defendants’ Motion to Seal (Motion 094) is GRANTED; and it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Number(s) 2921, 2922, 2935, 2936, 2938, 2939, 2945, 2946, 2947, 2948, 2949, and 2951 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; and it is further

ORDERED that Defendants shall file publicly redacted versions of NYSCEF Document Number(s) 2938, 2939, 2945, 2946, and 2948 and shall file the redacted versions previously approved by the Court as to NYSCEF Document Number(s) 2921 and 2922 within seven (7) day of the e-filing of this Decision and Order; and it is further

ORDERED that Plaintiffs’ Motion to Seal (Motion 095) is GRANTED; and it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Number(s) 2983, 2984, 2955, and 2956 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; and it is further

ORDERED that Plaintiffs shall file publicly redacted versions of NYSCEF Document Number(s) 2983 and 2984 within seven (7) day of the e-filing of this Decision and Order; and it is further

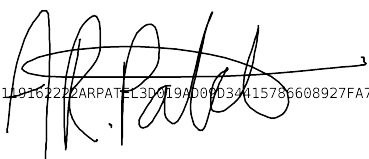
ORDERED that the parties shall serve a copy of this order upon the Clerk’s Office within seven (7) days of the date of this Order, and such service shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the “E-Filing” page on the court’s website); and 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

¹ The NYSCEF descriptions to these documents are labeled inaccurately as *2018 Financial Statement* and *2019 Financial Statement*.

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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ANAR R. PATEL, A.J.S.C.

11/19/2025
DATE

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
				REFERENCE	