

Lopez v City of New York

2025 NY Slip Op 34572(U)

December 1, 2025

Supreme Court, New York County

Docket Number: Index No. 654663/2024

Judge: Hasa A. Kingo

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. HASA A. KINGO PART 05M

Justice

-----X

MARIAH LOPEZ,

Plaintiff,

- v -

CITY OF NEW YORK, NEW YORK CITY DEPARTMENT
OF HOMELESS SERVICES, NEW YORK CITY HUMAN
RESOURCES ADMINISTRATION,

Defendant.

-----X

INDEX NO. 654663/2024

MOTION DATE 11/21/2025

MOTION SEQ. NO. 006 010

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 006) 60, 61, 62, 84, 85, 90, 131, 179, 180, 181, 182

were read on this motion to _____ SEAL _____.

The following e-filed documents, listed by NYSCEF document number (Motion 010) 186, 187, 188, 189, 190

were read on this motion to _____ SEAL _____.

Defendants The City of New York, the New York City Department of Homeless Services (“DHS”), and the New York City Human Resources Administration (“HRA”) (collectively, “defendants”) move by order to show cause (Seq. 006), pursuant to 22 NYCRR § 216.1 and the court’s inherent authority, for an order (i) sealing, or permitting the filing in redacted form, of documents on the NYSCEF docket that contain the street addresses and room-location information of homeless shelters operated or overseen by defendants, and (ii) granting such other and further relief as the court deems proper.

By separate motion filed December 1, 2026 (Seq. 010), plaintiff Mariah Lopez (“plaintiff”), appearing *pro se*, moves pursuant to 22 NYCRR § 216.1 to seal documents and correspondence she has filed which contain highly personal and sensitive information relating to non-party survivors of alleged sexual abuse and harassment in shelter settings, as well as identifying information for those individuals and for persons she accuses of misconduct.

For the reasons that follow, defendants’ motion (Seq. 006) is granted, and plaintiff’s motion (Seq. 010) is granted to the extent set forth below.

BACKGROUND AND PROCEDURAL HISTORY

This action concerns plaintiff’s challenges to conditions in, and alleged failures by, City agencies in operating and overseeing shelters serving transgender, gender-nonconforming, and

non-binary (“TGNC”) individuals. Plaintiff seeks, among other things, injunctive and related relief regarding shelter placements and practices.

On or about August 21, 2025, defendants filed an affirmation of Assistant Corporation Counsel Blake Ahlberg in support of an order to show cause seeking to seal, or permit the redacted filing of, “Shelter Address Information,” defined as the street addresses and location details of homeless shelters overseen by defendants that appear in multiple NYSCEF filings.

Defendants identify specific NYSCEF documents that contain such information and request that those documents be sealed in their entirety, or alternatively that the sensitive address information be redacted while maintaining public access to the balance of the filing.

Plaintiff, appearing *pro se*, has actively litigated this matter and has filed numerous submissions, including letters and motions, some of which contain sensitive content relating to the experiences of non-party shelter residents and staff. Recognizing plaintiff’s *pro se* status and the complexity of the issues, the court enlarged plaintiff’s time to submit opposition to defendants’ sealing motion by orders dated October 9, 2025, and October 31, 2025. The motion was fully submitted on November 21, 2025.

Subsequently, on November 28, 2025, plaintiff filed a separate motion to seal (Mot. Seq. 010), supported by her own affirmation pursuant to 22 NYCRR § 216.1, and simultaneously submitted a detailed letter to the court describing allegations of sexual harassment and exploitation of TGNC clients at a particular shelter, accompanied by at least one photographic image and references to video recordings and links. In her sealing motion and letter, plaintiff avers that these materials contain “personally-sensitive” information about survivors of sexual abuse and harassment who are not parties to this case and who fear retaliation or transfer if they speak out, and that disclosure of their identities and precise locations would jeopardize their safety and privacy.

Defendants’ motion (Seq. 006) and plaintiff’s motion (Seq. 010) thus both implicate the handling of sensitive shelter-related information. Although filed separately and at different times, they raise interrelated questions about how the court should balance the strong presumption of public access to court records against statutory confidentiality obligations and the compelling privacy and safety interests of vulnerable non-parties. The court addresses both motions together in this decision and order.

ARGUMENTS

Defendants contend that “good cause” exists under 22 NYCRR § 216.1 to seal, or permit redacted filing of, any portions of the record that disclose Shelter Address Information. They rely principally on Social Services Law (“SSL”) § 136(1), which provides that the “names or addresses of persons applying for or receiving public assistance and care shall not be disclosed,” and on a recent decision of the Appellate Division, First Department, which held that this statutory prohibition encompasses the addresses of homeless shelters themselves. Indeed, Defendants point to *Matter of NYP Holdings, Inc. v New York City Dept. of Social Servs.*, 237 AD3d 439 (1st Dept 2025), in which the Appellate Division, First Department, reversed an order compelling disclosure

of shelter addresses under the Freedom of Information Law (“FOIL”) and dismissed the Article 78 petition. There, the Court held that SSL § 136(1), via Public Officers Law § 87(2)(a), specifically exempts shelter addresses from disclosure and that the word “address” plainly includes a shelter address used as the residence of individuals in temporary housing.

Defendants further argue that public dissemination of shelter addresses would endanger the safety and privacy of shelter residents—many of whom are highly vulnerable and may be fleeing domestic violence, trafficking, or other threats—as well as the security of shelter staff and facilities. Such disclosure, they contend, could expose residents to harassment, stalking, retaliation, or other harm and could disrupt shelter operations. Finally, defendants stress that their request is narrowly tailored. They seek sealing or redaction only as to documents that contain Shelter Address Information, and even then, only as to the sensitive address and location details, leaving the substantive aspects of the litigation accessible to the public.

In her motion to seal, plaintiff asserts that certain materials she has filed concern “personally-sensitive” content relating to survivors of sexual abuse and harassment at shelters, including individuals who are not parties to this action. She avers that during a site visit to a particular shelter, multiple TGNC clients reported being sexually harassed by cisgender clients, and that those clients fear speaking openly because they might be transferred to non-affirming facilities. Plaintiff attaches or references a letter detailing these allegations, a photographic image of an individual she accuses of misconduct, and links to video recordings in which non-party TGNC clients appear on camera and describe their experiences.

Plaintiff contends that public access to these materials would unnecessarily expose survivors of sexual abuse to further trauma, potential retaliation, and stigma, and could deter them and others from reporting misconduct. She therefore asks the Court to allow such materials to be filed under seal.

Plaintiff does not oppose defendants’ request to prevent public disclosure of shelter addresses. Her motion, instead, focuses on the distinct, but complementary, concern of protecting the identities and sensitive personal narratives of non-party survivors and witnesses.

Defendants do not oppose, and indeed appear to support, an appropriately tailored approach that protects the identities and safety of non-party survivors and witnesses while preserving the public’s ability to understand the nature of the litigation and the court’s rulings.

DISCUSSION

Court records are presumptively open to the public. Judiciary Law § 4; *Mosallem v Berenson*, 76 AD3d 345, 348–349 (1st Dept 2010). 22 NYCRR § 216.1(a) codifies that presumption and provides that:

“[A] court shall not enter an order in any action or proceeding sealing the court records, whether in whole or in part, except 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.”

The presumption of access “is not absolute” (*Mosallem*, 76 AD3d at 349). Good cause may be found where sealing is necessary to preserve higher values and is narrowly tailored to serve that interest, such as where records contain statutorily protected material, trade secrets or confidential business information, or where disclosure would cause harm to non-parties or undermine law enforcement or safety interests (*id.* at 350–351; *Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499, 502 [2d Dept 2007]; *Danco Labs., Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 8–9 [1st Dept 2000]). At the same time, sealing may not be ordered merely to spare a party embarrassment or because the parties agree; courts must independently balance the interests at stake (*Mosallem*, 76 AD3d at 349–350).

The rule also requires narrow tailoring: broad, undifferentiated sealing orders are disfavored, whereas targeted redactions that protect sensitive information while leaving the remainder of the record open will often satisfy the good-cause standard (*Mosallem*, 76 AD3d at 351; *Gryphon Dom. VI, LLC v APP Intl. Fin. Co., B.V.*, 28 AD3d 322, 324 [1st Dept 2006])

Applying these principles, the court concludes that both defendants’ request regarding shelter addresses and plaintiff’s request regarding non-party survivors and witnesses demonstrate good cause for limited sealing and redaction.

Defendants have shown that disclosure of shelter street addresses and similar location details is specifically barred by statute. SSL § 136(1) provides that the “names or addresses of persons applying for or receiving public assistance and care shall not be disclosed.” As the Appellate Division, First Department, recently held in *Matter of NYP Holdings, Inc. v New York City Dept. of Social Servs.*, 237 AD3d 439 (1st Dept 2025), this prohibition extends to the addresses of homeless shelters themselves, because a shelter address functions as the “address” of its residents, who are receiving public assistance and care there.

In *NYP Holdings*, the court reversed a lower court order requiring disclosure of shelter addresses in response to a FOIL request and dismissed the Article 78 petition, holding that SSL § 136(1), via Public Officers Law § 87(2)(a), categorically exempts such addresses from disclosure. That holding—squarely on point—makes clear that shelter addresses are statutorily protected information and are not to be disclosed to the general public.

Statutory confidentiality is a paradigmatic example of “good cause” under 22 NYCRR § 216.1. Courts have consistently recognized that where a statute proscribes disclosure of certain information, a sealing order may be necessary to ensure compliance with that statute and to protect the persons whom it is designed to shield (*see, e.g., Mosallem*, 76 AD3d at 351 [recognizing propriety of sealing where records contain material that “the law clearly treats as confidential”]; *Matter of Hofmann*, 284 AD2d 92, 93 [1st Dept 2001][sealed records to protect statutorily confidential information about adoption]).

Independent of the statutory prohibition, the court also credits defendants’ assertion that public dissemination of shelter addresses would endanger the safety and privacy of shelter residents and staff. Many residents of homeless shelters are survivors of domestic violence, stalking, or other trauma, and the confidentiality of shelter locations is integral to their safety. Disclosure could facilitate harassment, retaliation, or other harm and could compromise shelter

security and operations. Protecting the physical security of vulnerable populations and the integrity of shelter operations are weighty interests that can outweigh the presumption of access when appropriately balanced and narrowly accommodated (*see Mosallem*, 76 AD3d at 351; *Dawson v White & Case*, 184 AD2d 246, 247 [1st Dept 1992]).

Defendants' requested relief is, moreover, narrowly tailored. They do not seek to seal the entire record or to obscure the substance of this litigation. Instead, they identify specific docket entries that contain Shelter Address Information—such as NYSCEF Doc. Nos. 15, 37, 46, 49, 51, 57, and 59—and ask only that those documents be sealed or that the address information within them be redacted.

This approach preserves public access to the core disputes and the court's reasoning while preventing circumvention of a clear statutory mandate and protecting the safety and privacy of shelter residents.

Balancing the strong presumption of public access against the statutory confidentiality of shelter addresses and the compelling safety interests at stake, the court finds that good cause exists to grant defendants' motion.

Plaintiff's motion to seal raises a distinct, but closely related, set of concerns. In her affirmation, plaintiff represents that she is submitting materials containing the accounts of non-party TGNC shelter clients regarding alleged sexual harassment and exploitation in shelter settings, including at least one photographic image and references to videos in which those clients appear and speak about their experiences. She avers that these individuals fear retaliation or transfer if they speak out and that the content is “personally-sensitive” in nature.

The court is mindful that allegations of sexual misconduct are serious, and that nothing in this decision and order should be read as crediting or adjudicating the truth of the allegations recounted in plaintiff's letter and related materials. Those allegations remain just that—allegations. But the question presented here is not whether the allegations are accurate; it is whether, assuming they are properly before the court for purposes of plaintiff's claims, the identities and graphic personal narratives of non-party survivors and witnesses must be made freely available to the general public via the electronic docket.

Courts have long recognized that privacy and dignity interests may warrant sealing or redaction where records contain detailed accounts of sexual abuse or similarly intimate matters, especially where non-party victims are involved. Those concerns are heightened where, as here, the individuals whose experiences are described are residents of homeless shelters and thus particularly vulnerable to retaliation, harassment, or exploitation.

Public access to court proceedings serves vital democratic interests, including transparency, accountability, and public confidence in the judicial system. But those interests are not materially advanced by exposing the names, faces, room locations, and detailed personal histories of non-party survivors of alleged sexual abuse—individuals who did not choose to litigate in open court and whose participation may be chilled if doing so necessarily entails permanent, searchable public dissemination of their identities and intimate experiences.

The court therefore concludes that there is good cause to shield the identities and other uniquely identifying details of non-party survivors and witnesses, as well as of persons plaintiff accuses of misconduct, from broad public dissemination. At the same time, consistent with 22 NYCRR § 216.1, the court must fashion relief that is no broader than necessary. The public remains entitled to know that serious allegations have been made, the nature of those allegations, and how the court resolves the legal issues that they present.

That balance can be achieved through targeted sealing and redaction. Plaintiff's motion is accordingly granted to the extent that:

- The unredacted versions of her November 28, 2025 affirmation and accompanying letter to the court, including any photographs and links to videos of non-party TGNC clients describing alleged misconduct, shall be filed and maintained under seal, accessible only to the court, the parties, and their counsel (and to plaintiff personally, in her capacity as *pro se* litigant).
- Any publicly accessible versions of these submissions shall redact the names, faces, specific room numbers, and other unique identifiers of non-party shelter clients and of individuals alleged to have engaged in misconduct, except to the extent such information is indispensable to understanding the court's rulings.
- NYSCEF Doc. Nos. 172, 181, 187, 188, 189, 191, and 192, together with any other documents that the parties may hereafter identify and the court may approve, shall be sealed and shall only be accessible to the court, the parties, and their counsel;
- Going forward in this action, plaintiff and defendants shall, to the maximum extent practicable, use initials, pseudonyms, or generic descriptors (e.g., "Client A," "Survivor B") for non-party survivors and witnesses in publicly accessible filings, and shall file unredacted versions under seal when necessary for the court's review.

This targeted approach respects the presumption of access by ensuring that the public can understand the claims and the court's decisions, while minimizing unnecessary exposure of the identities and intimate experiences of non-party survivors and witnesses.

Taken together, the relief granted on Seq. 006 and Seq. 010 preserves the core of the public's right of access. The pleadings, motion papers (in redacted form), orders, and this decision and order will all remain publicly available, allowing any interested member of the public to understand the nature of the dispute, the legal arguments advanced, and the court's reasoning.

What will be shielded from general public view are: (1) the specific street addresses and room-location details of homeless shelters, which are statutorily confidential and whose disclosure could imperil the safety of shelter residents and staff; and (2) the identities and uniquely identifying details of non-party survivors and witnesses (and of individuals alleged to have engaged in misconduct), whose privacy and safety interests are compelling and whose willingness to report abuse could be chilled by unfettered public dissemination.

This is precisely the sort of "narrowly tailored" sealing that 22 NYCRR § 216.1 contemplates and that appellate courts have approved where countervailing statutory, safety, and

privacy interests outweigh the presumption of access (*see Mosallem*, 76 AD3d at 351; *Gryphon Dom. VI, LLC*, 28 AD3d at 324).

Accordingly, it is hereby

ORDERED that, upon service of a copy of this decision and order with notice of entry, the Clerk of the Court and the County Clerk are directed to mark and maintain as sealed the following NYSCEF documents, which contain shelter street addresses and/or room-location details: NYSCEF Doc. Nos. 15, 37, 46, 49, 51, 57, and 59, together with any other documents that the parties may hereafter identify and the court may approve as containing Shelter Address Information, such sealed documents to be accessible only to the court, the parties, and their counsel; and it is further

ORDERED that, to the extent not already done, defendants shall, within twenty (20) days of the date of this decision and order, e-file on NYSCEF appropriately redacted versions of the above-referenced documents from which Shelter Address Information has been removed, for public access; and it is further

ORDERED that plaintiff's motion to seal (Mot. Seq. 010) is granted to the extent that:

1. Plaintiff's November 28, 2025 affirmation in support of motion to seal and her letter of the same date to the court, including any photographs and references to or copies of videos depicting non-party TGNC shelter clients discussing alleged misconduct, together with any attachments containing the same categories of sensitive information (collectively, the "Survivor Materials"), shall be maintained under seal by the Clerk of the Court and the County Clerk, accessible only to the court, the parties, and their counsel (and to plaintiff herself, in her *pro se* capacity); and
2. Any publicly accessible versions of the Survivor Materials shall redact the names, faces, room numbers, and other uniquely identifying information of non-party shelter residents and of individuals alleged to have engaged in misconduct, except to the limited extent that such information is indispensable to understanding the court's rulings; and it is further
3. NYSCEF Doc. Nos. 172, 181, 187, 188, 189, 191, and 192, together with any other documents that the parties may hereafter identify and the court may approve, shall be sealed and shall only be accessible to the court, the parties, and their counsel;

; and it is further

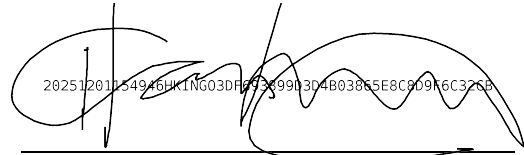
ORDERED that, prospectively, all parties shall, to the maximum extent practicable, use initials, pseudonyms, or generic descriptors to refer to non-party survivors and witnesses in publicly accessible filings, and shall file under seal unredacted versions of any documents that necessarily disclose such individuals' names, photographs, room numbers, or other uniquely identifying details; and it is further

ORDERED that nothing in this decision and order shall be construed as adjudicating the merits of any party's substantive claims or defenses in this action, or as making any factual findings regarding the truth of the allegations described in the sealed materials; and it is further

ORDERED that the parties shall confer in good faith to identify any additional existing NYSCEF filings that fall within the scope of this decision and order and shall, within thirty (30) days, either submit a joint letter identifying such documents for sealing or redaction consistent with this decision and order, or, if unable to agree, submit competing letters for the court's resolution; and it is further

ORDERED that the Clerk of the Court and the County Clerk shall take all necessary steps to implement the sealing and redaction directives set forth herein in accordance with the procedures applicable in this court and County.

This constitutes the decision and order of the court.



202512011254946HKINGO3DFH9309903D4B03865E8C909A6C325B

HASA A. KINGO, J.S.C.

12/1/2025
DATE

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