

Kornblau v Sauter

2026 NY Slip Op 30201(U)

January 15, 2026

Supreme Court, New York County

Docket Number: Index No. 805344/2015

Judge: John J. Kelley

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

PRESENT: HON. JOHN J. KELLEY PART 56M

Justice

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LYNN SARE KORNBLAU, as Executrix of the Estate of
JEFFREY M. KORNBLAU, and LYNN KORNBLAU,
Individually,

Plaintiff,

- v -

CRAIG SAUTER, M.D., MEMORIAL SLOAN-KETTERING
CANCER CENTER, MEMORIAL HOSPITAL FOR CANCER
AND ALLIED DISEASES, FATIMA CONTEH, N.P., ROSINA
ROSARIO, P.A., JAMES YOUNG, M.D., ANN
JAKUBOWSKI, M.D., and JENNA GOLDBERG, M.D.,

Defendants.

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INDEX NO. 805344/2015

MOTION DATE 12/23/2025

MOTION SEQ. NO. 007

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 007) 326, 327, 328, 329, 330, 331, 332, 333

were read on this motion to/for SEAL.

In this settled medical malpractice action, the plaintiff moves pursuant to 22 NYCRR 216.1 to seal the document that she had uploaded to the New York State Court Electronic Filing system as Docket Entry No. 323. The defendant submitted an affirmation supporting the plaintiff's motion. The motion is granted.

22 NYCRR 216.1(a) provides, in relevant part, that,

“[e]xcept where otherwise provided by statute or rule, a court shall not enter an order in any action or proceeding sealing the court records . . . 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.”

“[T]here 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]). Although the public's right to access is not absolute (*see Danco Labs. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 6 [1st Dept. 2000]), “[t]he presumption of the benefit of public access to court

proceedings takes precedence, and sealing of court papers is permitted only to serve compelling objectives, such as when the need for secrecy outweighs the public's right to access" (*Applehead Pictures, LLC v Perelman*, 80 AD3d 181, 191 [1st Dept 2010]; see *Matter of East 51st St. Crane Collapse Litig.*, 106 AD3d 473, 474 [1st Dept 2013]; *Danco Labs. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d at 6; see also *Schulte Roth & Zabel, LLP v Kasser*, 80 AD3d 500, 501-502 [1st Dept 2011]). As the Appellate Division, First Department, has explained, it has "been reluctant to allow the sealing of court records" (*Gryphon Dom. VI, LLC v APP Intl. Fin. Co., B.U.*, 28 AD3d 322, 324 [1st Dept 2006]; see *Matter of Holmes v Winter*, 110 AD3d 134, 138 [1st Dept 2013], *rev'd other grounds* 22 NY3d 300 [2013]; *Mosallem v Berenson*, 76 AD3d at 350; see generally *Davis v Nyack Hosp.*, 130 AD3d 455, 456 [1st Dept 2015]; *Matter of Brownstone*, 191 AD2d 167, 168 [1st Dept 1993]).

"Thus, the court is required to make its own inquiry to determine whether sealing is warranted, and the court will not approve wholesale sealing of [court] papers, *even when both sides to the litigation request sealing*" (*Applehead Pictures, LLC v Perelman*, 80 AD3d at 192 [citations omitted] [emphasis added]; see *Gryphon Dom. VI, LLC v APP Intl. Fin. Co., B.U.*, 28 AD3d at 324; *Liapakis v Sullivan*, 290 AD2d 393, 394 [1st Dept 2002]; *Matter of Hofmann*, 284 AD2d 92, 93 [1st Dept 2001] [denying request to seal court records despite the parties' confidentiality agreement]).

The party seeking to seal court records has the burden of establishing "good cause" for the sealing order (*Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499, 502 [2d Dept 2007]). "Since confidentiality is the exception," the movant must establish 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.* [citations omitted]). This court has discretion, on a case-by-case basis, to determine if good cause exists (see *id.*). Hence, where a party fails to show the existence of a compelling reason to seal a record, sealing should be denied (see *Davis v Nyack Hosp.*, 130 AD3d at 456).

Although conclusory claims of the need for confidentiality of settlement agreements, and even the existence of a general confidentiality agreement between the parties, are insufficient to seal court records (see *Matter of Benkert*, 288 AD2d 147, 147 [1st Dept 2001]; *Matter of Hofmann*, 284 AD2d at 93; *Matter of Tram Thuy Nguyen*, NYLJ, Feb. 23, 2016, at 22, col 6, 2016 NYLJ LEXIS 2391 [Sur Ct, N.Y. County, Feb. 18, 2016]; *Matter of Golden*, NYLJ, Jul. 16, 2015, at 24, col 1 [Sur Ct, N.Y. County]; *Matter of Brown*, NYLJ, Apr. 10, 2013, at 23, col 6 [Sur Ct, Kings County] [denying sealing even if confidentiality asserted to be a “vital component” of the settlement]; *Matter of Soltesz*, NYLJ, Jun. 29, 2015 at 25 [Sur Ct, Bronx County] [“to allow sealing of a record solely based upon the ‘desire’ of the parties to keep secret the settlement amount would open the door to an application[s] being made in every tort action”]; see generally *Matter of E. 51st St. Crane Collapse Litig.*, 106 AD3d 473, 474 [1st Dept 2013]), under the unique circumstances presented by this case, the court concludes that the plaintiff has established good cause for the sealing of Docket Entry No. 323.

Accordingly, it is,

ORDERED that the plaintiff’s motion to seal the document that she uploaded to the New York State Court Electronic Filing system as Docket Entry No. 323 is granted, without opposition; and it is further,

ORDERED that the document uploaded to the New York State Court Electronic Filing system as Docket Entry No. 323 be, and hereby is, sealed, except as to the parties, their attorneys, and court personnel; and it is further,

ORDERED that, within 15 days of the entry of this decision and order, the plaintiff shall serve a copy of this decision and order upon both the County Clerk and the Clerk of the General Clerk’s Office, which shall be effectuated 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, to comply with those procedures, the plaintiff shall (1) upload the decision and order to the NYSCEF system under document title “SERVICE

ON SUPREME COURT CLERK (GENL CLERK) W/COPY OF ORDER” **AND** (2) separately file and upload the notice required by CPLR 8019(c) in a completed Form EF-22, along with a copy of the decision and order, under document title “NOTICE TO COUNTY CLERK CPLR 8019(C),” and the County Clerk and all appropriate court support offices shall thereupon seal Docket Entry No. 323, except as to the parties, their attorneys, and court personnel; and it is further,

ORDERED that, immediately after serving a copy of this order with notice of entry upon the County Clerk and the Clerk of the General Clerk’s Office in accordance with the previous paragraph, the plaintiff shall contact either Janaud J. Miller, jjmiller@nycourts.gov, 646-386-3998, or Lupita J. Sosa, lsosa@nycourts.gov, 646-386-3737, or Deaunte Timmons, dtimmons@nycourts.gov, 646-386-3737, to inform one of them that she has properly served the County Clerk and the Clerk of the General Clerk’s Office with a copy of this decision and order with notice of entry.

This constitutes the Decision and Order of the court.

1/15/2026
DATE



JOHN J. KELLEY, 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