

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

| | | |
|--------------------|---|-----------------------------------|
| ----- | X | |
| | : | |
| TOMISLAV LUKIC, | : | 20-CV-3110 (ARR) (LB) |
| | : | |
| <i>Petitioner,</i> | : | <u>NOT FOR ELECTRONIC</u> |
| | : | <u>OR PRINT PUBLICATION</u> |
| -against- | : | |
| | : | <u>OPINION & ORDER</u> |
| BAHRIJA ELEZOVIC, | : | |
| | : | |
| <i>Respondent.</i> | : | |
| | : | |
| ----- | X | |

ROSS, United States District Judge:

In this Hague Convention action, the parties jointly have moved to seal various exhibits to their cross motions for summary judgment because they “may contain confidential, personally identifiable, or private information for which special protection from public disclosure and from use for any purpose other than litigating this action would be warranted.” Mot. Seal 1, ECF No. 21. I grant the parties’ motion in part and deny it in part.

The Second Circuit has held that “documents submitted to a court for its consideration in a summary judgment motion are—as a matter of law—judicial documents to which a strong presumption of access attaches, under both the common law and the First Amendment.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006). I may seal such judicial documents only if I determine, based on “specific, on the record findings,” that sealing is “essential to preserve higher values and is narrowly tailored to serve that interest.” *Id.* at 120. Protecting personally identifiable information about a minor child is a higher value that overcomes the First Amendment presumption of access. *See* Fed. R. Civ. P. 5.2(a).

The parties seek to seal thirteen documents supporting their cross motions for summary

judgment. Mot. Seal 1. I grant their motion as to documents docketed as ECF Nos. 21-1, 21-2, 21-3, 21-4, 21-6 and 21-10. ECF Nos. 21-1 and 21-2 are depositions of petitioner and respondent which contain significant personally identifiable information about the couple's minor children. Without reviewing the parties' summary judgment briefing, I cannot determine whether sealing the documents in their entirety is narrowly tailored to protect that information, so I reserve judgment on whether to unseal portions of these documents in the future. ECF Nos. 21-3, 21-4, 21-6 and 21-10 contain sensitive identification documents about a minor child and must be sealed in their entirety.

I grant the parties' motion to seal in part as to documents docketed as ECF Nos. 21-11, 21-12 and 21-13. These documents contain some personally identifiable information about a minor child and the parties' financial accounts. I direct the parties to publicly file redacted versions of these documents.

I deny the parties' motion to seal as to documents docketed as ECF Nos. 21-5 and 21-9. These documents already are in the public record (redacted in accordance with Federal Rule of Civil Procedure 5.2(a)), docketed as ECF Nos. 10-3 and 10-6 respectively.

I reserve judgment on the parties' motion to seal documents docketed as ECF Nos. 21-7 and 21-8. These documents are written in Montenegrin and the parties have not submitted English translations. I direct the parties to submit translated versions of these documents under seal no later than January 25, 2021.

SO ORDERED.

_____/s/_____
Allyne R. Ross
United States District Judge

Dated: January 20, 2021
Brooklyn, New York