

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESTHER MONIQUE SAVARESE,

Plaintiff,

- against -

CIRRUS DESIGN CORPORATION, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The Court has received the Report and Recommendation of Magistrate Judge Fox dated February 8, 2010. The Plaintiff and her counsel objected to various sections of the Report, but did not object to the ultimate determination that the proposed settlement should be approved on behalf of the minor children and that the attorneys' fees should be awarded as specified in the Report. The defendants have not objected to the Report and Recommendation, but defendant Cirrus Design Corporation asks that the infant compromise proceedings be maintained under seal.

It is unnecessary to resolve the objections to the Report. It should be noted that some of the objections to the Report are based on information submitted to the Court by additional affidavits that were not presented to the Magistrate Judge. Because there is no objection to the ultimate conclusion, it is unnecessary to resolve the objections or to remand to the

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MEMORANDUM OPINION
AND ORDER

Magistrate Judge for consideration of the additional material presented to this Court.

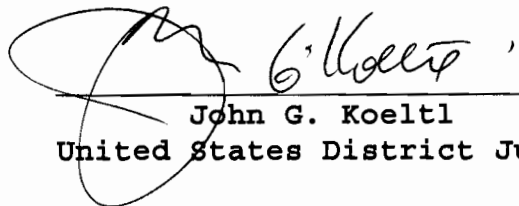
The plaintiff has requested that the entire infant compromise hearing, the Report and Recommendation, and this Court's Order approving the settlement, be filed under seal. There is an insufficient showing for such relief at this time. It is plain that some portions of the documents and proceedings must be filed under seal, including the names of minor children and bank account information. There is also a sufficient showing that the amount of the settlement should be filed under seal. But there is an insufficient showing that the remainder of the proceedings should be filed under seal. The Court does not foreclose that such a showing could be made, by citations to specific provisions permitting such sealing for these proceedings, or by pointing to sufficiently compelling privacy reasons to overcome the presumption of the openness of court proceedings and records. See United States v. Amodeo, 71 F.3d 1044, 1050-52 (2d Cir. 1995) (discussing balancing test to be applied when party seeks to file judicial document under seal).

Therefore, the Court has prepared an Order approving the settlement and infant compromise in two forms. A redacted copy will be filed in the public file. The unredacted copy will be filed under seal. The Orders also refer the matter to the

Magistrate Judge for further proceedings to determine which parts of the additional records should be under seal.

SO ORDERED.

Dated: New York, New York
March 8, 2010



John G. Koeltl
United States District Judge