



Jonathan R. Wise
Tel 215.988.7850
Fax 215.988.7801
wisej@gtlaw.com

March 15, 2021

VIA ECF

The Honorable Loretta A. Preska
United States District Court, Southern District of New York
United States Courthouse, Courtroom 12A
500 Pearl Street
New York, NY 10007-1312

Re: Berall v. Verathon, Inc. et al., C.A. No. 1:10-cv-05777-LAP-DCF (S.D.N.Y.)

Dear Judge Preska:

We represent Defendant Teleflex Medical Incorporated (“Teleflex”) in the above-referenced matter. Pursuant to Your Honor’s Individual Practices, Teleflex seeks an order permitting Teleflex to file under seal the following documents:

- An unredacted copy of Teleflex’s Reply Memorandum of Law in Support of its Motion for Summary Judgment (“Reply”), filed on March 15, 2021; and
- An unredacted copy of Teleflex’s Reply to Berall’s Rule 56.1 Statement of Additional Material Facts (“Reply Statement”), filed on March 15, 2021.

The redacted sections of the Reply and the Reply Statement reflect terms of a Confidential Settlement Agreement entered into by Plaintiff, Jonathan Berall (“Settlement Agreement”). In addition, the redacted sections include financial information and confidential communications between the parties.

Teleflex and the parties to the Settlement Agreement have agreed to keep its terms confidential. In addition, Berall has marked the Settlement Agreement “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY,” pursuant to the Stipulated Protective Order entered on February 5, 2021 (Dkt. 252.) Moreover, Courts in this district have routinely recognized that settlement agreements and financial information is confidential and have ordered that documents referencing information may be filed under seal. *See e.g. Comoosl Corp. et al. v. C-Callon. Inc. et al.*, 11-cv-1922 (S.D.N.Y. May 19, 2011), Dkt. No. 33; *Comoosl Corp. et al. v. C-Callon. Inc. et al.*, 11-cv-1922 (S.D.N.Y. July 25, 2011), Dkt. No. 66; *Seoul Viosys Co., Ltd v. P3 Int’l Co.*, 16-cv-6272, (S.D.N.Y. Sep. 30, 2018), Dkt. No. 164 at 26-27.

Moreover, this Court has already permitted the parties to file the redacted information in the Reply and Reply Statement under seal. *See* Dkts. 226, 254, 270.

SO ORDERED


LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE
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Accordingly, Teleflex respectfully requests that this Court enter an order that its Reply and Reply Statement may be filed under seal.

Respectfully submitted,

By: /s/ Jonathan R. Wise

Jonathan R. Wise
GREENBERG TRAUERIG, LLP
1717 Arch Street, Suite 400
Philadelphia, PA 19103
(215) 988-7850
wisej@gtlaw.com

Scott J. Bornstein
Elana B. Araj
200 Park Avenue
New York, NY 10166
(212) 801-9200
bornsteins@gtlaw.com
araje@gtlaw.com

Counsel for Defendant Teleflex Medical Incorporated

cc: All Counsel of Record via ECF