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January 30, 2023

Via ECF

Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *The Fashion Exchange LLC v. Hybrid Promotions, LLC*/S.D.N.Y. 14-1254

Dear Judge Stein:

I represent Plaintiff The Fashion Exchange LLC (“Plaintiff”) in the above-referenced action. On January 27, 2023, I filed Plaintiff’s response to Defendants’ cross-motion for partial summary judgment and supporting documents. (ECF 456, 457, 458, 459). Two of those documents, Plaintiff’s memorandum of law (ECF 456) and one exhibit to my declaration in support of the motion (select pages from the deposition of David Lederman) (ECF 459, Exh. 1), contain redactions.

These redactions consist of revenue information related to Defendant Hybrid Promotions about which Mr. Lederman was questioned during his deposition. (ECF 456, p. 20; ECF 459, Exh. 1, pp. 226-228, 230, 233-235) This revenue information appeared in Defendants’ profit and loss statements, which Defendants designated as highly confidential pursuant to the parties’ stipulated confidentiality agreement.

Plaintiff therefore requests the Court to seal this information. Courts in the Second Circuit have sealed such information. See *Pool Deals, LLC v. United Parcel Service*, 20-CV-47 at *3-4 (W.D.N.Y. May 18, 2020) (“Because Pool Deals is a privately held company, the public’s right of access to its financial information is weak and does not outweigh Pool Deals’ interest in keeping such information private. Pool Deals seeks to redact only the dollar amount of its 2019 revenue and the dollar amount of its 2018 profits. Therefore, these redactions are narrowly tailored to protect Pool Deals’ interest in confidentiality.”); *Rubik’s Brand Ltd v. Flambeau, Inc.*, 17-CV-6559 at *3 (S.D.N.Y. March 22, 2021) (“The second document contains excerpts of the deposition of Michael Burke, Flambeau’s Vice President of Sales for its Duncan Division. Flambeau seeks to redact limited portions of the testimony that pertain to projected sales, net sales, and revenue figures for the relevant time period in this action – i.e. 2016

through the time of the deposition. Having reviewed the documents, the Court agrees that the proposed redactions cover material that, if disclosed, would competitively harm Flambeau.”)

Thank you for your consideration of this request.

Sincerely,

/s/ Scott Zarin

Scott Zarin, Esq.

The request to redact certain information as set forth above is granted.

Dated: New York, New York
February 1, 2023

SO ORDERED:



A handwritten signature in cursive script, appearing to read "Sidney H. Stein", is written over a horizontal line.

Sidney H. Stein, U.S.D.J.

cc: Mark J. Rosenberg, Esq. (via ECF)