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March 5, 2021

VIA ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Application granted. Exhibits 18 and 22 should be filed under seal. The memorandum of law, declaration, and Rule 56.1 statement should be redacted only to the extent that they refer to the confidential portions of Exhibits 18 and 22.

So ordered.

/s/ John G. Koeltl

March 9, 2021
New York, NY

John G. Koeltl
U.S.D.J.

RE: *Katharina Roelcke v. Zip Aviation, LLC, et al.*
Civ. No. 15-cv-06284-KGK-JLC

Dear Judge Koeltl:

We represent Defendants Zip Aviation, LLC, Manhattan Helicopters LLC, and Itai Shoshani in the above-referenced action. Concurrently with this letter, we are filing Defendants' (1) notice of motion for summary judgment; (2) memorandum of law in support of the motion; (3) declaration by the undersigned, with exhibits; and (4) Rule 56.1 Statement. In accordance with the Court's Individual Practice Rules VI(A)(1) and (2), we write to explain the reasons Defendants seek to file the memorandum of law and Rule 56.1 Statement with redactions, and file Exhibits 18 and 22 under seal.

Defendants' memorandum of law contains quoted references to Exhibits 18 and 22, which contain Protected Health Information under the Health Insurance Portability and Accountability Act ("HIPAA"), while Defendants' Rule 56.1 Statement contains quoted references to Exhibit 18. This information relates to Plaintiff's mental health diagnoses and alleged physical injuries. Portions of Exhibit 18 have also been designated either "Confidential" or "Highly Confidential – Attorneys Eyes Only" pursuant to the protective order issued on March 31, 2020. ECF No. 72.

"[B]ecause a plaintiff maintains significant privacy rights to her medical information, courts regularly seal records protected from disclosure by HIPAA." *Valentini v. Grp. Health Inc.*, 20-CV-9526 (JPC), 2020 WL 7646892, at * (S.D.N.Y. Dec. 23, 2020). *See also McCracken v. Verisma Sys., Inc.*, No. 6:14-cv-06248(MAT), 2017 WL 4250054 (W.D.N.Y. Sept. 26, 2017). Given the foregoing, Defendants respectfully request that the Court allow the above-referenced documents to be filed under seal and permit only counsel and court personnel to view the proposed sealed documents. *See* Rule 6.5(a) of the SDNY ECF Rules & Instructions.

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Respectfully submitted,

/s/ Shawn P. Naunton

Shawn P. Naunton

cc: Counsel of Record (via ECF)