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VIA ECF

The Honorable Jesse M. Furman
U.S. District Court, Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *New York Wheel Owner LLC v. Mammoet Holding B.V.*, Case No. 17-cv-4026-JMF

Dear Judge Furman:

This Firm represents Defendants Mammoet Holding B.V. (“MBV”), Mammoet USA Holding, Inc. (n/k/a Mammoet Americas Holding, Inc.) (“MAH”) and Mammoet USA North Inc. (“MUSA”) (collectively, “Defendants”). I respectfully submit this letter motion for leave to file under seal, which is being made, in accordance with Rule 7.C.i of Your Honor’s Individual Practices, at the request of plaintiff New York Wheel Owner LLC (“NYW”).

The documents that NYW has requested be filed under seal, and so are the subject of this motion, are:

1. Declaration of Anthony B. Ullman, dated February 26, 2021 and its single exhibit, relevant portions of the Limited Liability Agreement for New York Wheel Owner LLC that has been designated by NYW as “Confidential” pursuant to the terms of the Confidentiality and Protective Order entered in this action (Dkt. 122).
2. Reply Memorandum in Support of Defendants Mammoet Holding B.V., Mammoet USA Holding, Inc., and Mammoet USA North, Inc.’s Motion for Sanctions against New York Wheel Owner LLC, dated February 26, 2021, which refers to certain “Confidential” or “Highly Confidential” information this Court previously permitted, temporarily, to be filed under seal. (Dkt. 330).

Counsel for NYW has advised us that it wishes to have these documents filed under seal because they contain or refer to information that has been appropriately designated as

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“Confidential” or “Highly Confidential” and, in particular, refer to or contain non-public information about certain of its investor-members. We will file such documents with the requested ECF viewing level of Selected Parties. We have advised counsel for NYW that, under Your Honor’s Rules, they must, within three days of the date hereof, file a letter explaining why they believe sealing is appropriate.

Respectfully,



Jonathan S. Jemison

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 338. SO ORDERED.



March 2, 2021