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JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

STEFANO PÉREZ
Assistant Corporation Counsel
Phone: (212) 356-2381
Fax: (212) 356-3509
sperez@law.nyc.gov

February 5, 2021

VIA ECF

Honorable Andrew L. Carter, Jr.
United States District Judge
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Tyrone Massey v. Captain Josette Morgan,
18-CV-3994 (ALC) (KHP)

Your Honor:

I am the attorney assigned to the defense of this matter. Defendant respectfully writes to seek permission to file its opposition to plaintiff's motion for summary judgment and its cross-motion for summary judgment under seal and/or in a redacted form.

Defendant seeks to file certain of plaintiff's medical records. Defendant also references plaintiff's medical records in its declarations and accompanying memoranda of law. This information should not be publicly disclosed in order to preserve plaintiff's privacy under the Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320, *et seq.*, ("HIPAA"). See also Dubose v. Boudreaux, No. 12 Civ. 7633 (KBF), 2014 U.S. Dist. LEXIS 123777, at *2 n.3 (S.D.N.Y. Aug. 20, 2014) ("Defendants appropriately filed plaintiff's medical records under seal").

The proposed sealed documents will be contemporaneously filed under seal in compliance with the procedures set forth in Your Honor's Individual Rules of Practice for e-filing sealed documents in civil cases.

Thank you for your consideration herein.

Respectfully submitted,

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Stefano Pérez
Stefano Pérez
Assistant Corporation Counsel
Special Federal Litigation Division

February 8, 2021

BY FIRST CLASS MAIL

cc: Tyrone Massey
Book and Case No. 8952000522
Plaintiff *Pro Se*
Manhattan Detention Complex
125 White Street
New York, New York 10013