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September 30, 2022

VIA ECF

The Honorable Louis L. Stanton United States District Court Southern District of New York Daniel Patrick Moynihan United State Courthouse 500 Pearl Street New York, NY 10007

While noting Innovatus's politesse in suggesting that the high-lighted portion of its opposition should be sealed (on MV's behalf) those portions approach the banal, and shall not be sealed.

Louis L. Stanton

10/5/22

Re: Innovatus Capital Partners, LLC v. Neuman, No. 1:18-cv-04252-LLS (S.D.N.Y.)<sup>1</sup> and MV Realty PBC, LLC v. Innovatus Capital Partners, LLC, No. 1:18-07142-LLS (S.D.N.Y.)

Dear Judge Stanton:

We are counsel to Innovatus Capital Partners, LLC ("Innovatus"), which is Plaintiff in the first above-captioned action and Defendant and Cross-Claimant in the second. We write to request permission to file under seal portions of Innovatus' Opposition to the MV Realty Parties'<sup>2</sup> Motion in Limine No. 2. Dkt. 341.

A court may seal judicial documents if that sealing "is essential to preserve higher values and is narrowly tailored to serve that interest." Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 120 (2d Cir. 2006) (internal quotations omitted). Materials that reveal marketing strategy, financial analysis, and business development strategy are routinely considered highly proprietary by courts and worthy of protection by sealing from the public. See, e.g., Playtex Products, LLC v. Munchkin, Inc., 2016 WL 1276450, at \*11-12 (S.D.N.Y. March 29, 2016); New York v. Actavis, PLC, 2014 WL 5353774, at \*3 (S.D.N.Y. Oct. 21, 2014).

The proposed redactions to Innovatus' Opposition to the MV Realty Parties' Motion in Limine No. 2 are aimed at protecting references to and quotes from information that has been designated by the MV Realty Parties as "HIGHLY CONFIDENTIAL," which is defined in the Protective Order as "information which is in the possession of a Designating Party who believes in good faith that the Disclosure of such information to another Party or non-Party would create a substantial risk of serious financial, competitive or other injury that cannot be avoided by less restrictive means."

<sup>1</sup> All citations to "Dkt." herein refer to the docket entries in Innovatus Capital Partners, LLC v. Neuman, No. 1:18-cv-04252-LLS (S.D.N.Y.).

<sup>2</sup> The "MV Realty Parties" refers collectively to Defendants and Cross-Claimants Jonathan Neuman, Antony Miller, Ritz Advisors, LLC, Greg Williams, Daryl Clark, and Amanda Zachman in the first above-captioned action, and Plaintiff MV Realty PBC, LLC in the second above-captioned action.

MEMO ENDORSED

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LLP

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*See* Dkt. 75 at 2 (Protective Order). The Protective Order also requires the parties to follow “the procedures outlined in Fed. R. Civ. P. 5.2., the Standing Order Regarding Electronic Filing Under Seal in Civil and Miscellaneous Cases dated December 19, 2019, and the Individual Rules of Practice issued of the Court, or any Standing Procedural Order subsequently issued by the Court.” *Id.* at 11.

Pursuant to the Protective Order, we understand that the MV Realty Parties’ designation of these materials as “HIGHLY CONFIDENTIAL” means that the MV Realty Parties believe the information contained therein is competitively sensitive and would be harmful if released to the public.

Accordingly, Innovatus respectfully requests the Court’s permission to file its Opposition to the MV Realty Parties’ Motion *in Limine* No. 2 under seal, pending any further briefing from the MV Realty Parties.

Respectfully,



Michael H. McGinley

CC: All counsel of record (via ECF)