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June 10, 2022

Nedgra Baker v. MTA Bus Company, et al., No. 18-cv-12231 (TMR)(KHP)

Dear Judge Reif:

I write on behalf of Nedgra Baker, the Plaintiff in the above-captioned matter. Pursuant to Rule 5.B of Your Honor's Individual Rules of Practice and Rule 21.7 of the Southern District of New York's ECF Rules & Instructions, Mr. Baker respectfully requests that certain docket filings in the above-captioned matter be sealed by the Court in order to remove his personal sensitive information from the public docket. Rule 5.B and ECF Rules 21.4 and 21.5 specifically identify the information that Mr. Baker requests to be sealed as personal sensitive information that litigants may file under seal without prior court approval. Attached hereto as Appendix A is a chart that identifies all filings in the above-captioned matter that contain such information. The Court's ECF Help Desk has already been notified of Mr. Baker's Rule 21.7 request and has instructed that Mr. Baker's counsel file this emergency letter motion to seal.

The filings identified in Appendix A contain sensitive information regarding Mr. Baker's (a) "employment history" and (b) "medical records, treatment, and diagnosis". (See ECF Rule No. 21.4.) Specifically, these filings consist of or discuss personnel files that describe Mr. Baker's disciplinary and termination history, along with various medical evaluations. "[T]ermination and disciplinary records . . . [and] medical records . . . often implicate privacy concerns and have the potential to embarrass the subject employee if [public]." *Duling v. Gristede's Operating Corp.*, 266 F.R.D. 66, 74 (S.D.N.Y. 2010); see also *In re Gen. Motors LLC Ignition Switch Litig.*, 2015 WL 2130904, at *2 n.3 (filings that included plaintiff's "medical information and employment history" filed under seal because "a party may redact such information without prior Court approval"); *United States v. Pirk*, 2018 WL 3118279, at *2 (W.D.N.Y. June 25, 2018) (filings containing information regarding party's employment history filed under seal). As in those cases, the information contained in the filings identified in Appendix A has the potential to embarrass Mr. Baker and otherwise cause

him harm, for example when applying to other jobs; on the other hand, there is little or no value to the public in being able to view Mr. Baker's specific work and medical records.

The MTA has advised that it takes no position with respect to Mr. Baker's request to seal the documents identified in Appendix A in their entirety.

Respectfully,

/s/ G. Alejandro Carvajal
G. Alejandro Carvajal

Hon. Timothy M. Reif
United States Court of International Trade
1 Federal Plaza
New York, NY 10278

VIA ECF

Copy to:

Gabriella Palencia, Esq.
MTA Bus Company
2 Broadway
New York, NY 10004

VIA ECF

GRANTED. The Clerk of the Court is directed to fully seal the filings set forth in Appendix A. The parties are directed to electronically file redacted versions of the filings set forth in Appendix A. The parties are not required to file in redacted form Dkt. 62, which has been superseded by Dkts. 70, 71 and 72. The redacted versions of the remaining filings shall omit "sensitive information" regarding plaintiff's "[e]mployment history" and "[m]edical records, treatment and diagnosis." Rule 21.4, U.S. District Court for the Southern District of New York, Electronic Case Filing Rules & Instructions.

SO ORDERED



TIMOTHY M. REIF, JUDGE
UNITED STATES COURT OF
INTERNATIONAL TRADE
SITTING BY DESIGNATION
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK

June 17, 2022

Appendix A – Documents to be Sealed

ECF No.	Document Name	Reason(s) for Seal
2	Complaint	Discusses Mr. Baker's employment history and medical treatment and diagnosis.
17	Answer	Discusses Mr. Baker's employment history and medical treatment and diagnosis.
25	Letter to J. Broderick from G. Palencia	Discusses Mr. Baker's employment history.
48-1	Exhibit A	Discusses Mr. Baker's employment history.
62 (and all corresponding exhibits)	Notice of Defendants' Summary Judgment Motion (With Rule 56.1 Statement)	Discusses Mr. Baker's employment history and medical treatment and diagnosis. Additionally, this was a deficient docket entry that had to be re-filed.
63	Plaintiff's Rule 56.1 Statement	Discusses Mr. Baker's employment history and medical treatment and diagnosis.
64	Memorandum in Opposition to Defendants' Motion for Summary Judgment	Discusses Mr. Baker's employment history and medical treatment and diagnosis.
65-1	Exhibit 1	Discusses Mr. Baker's employment history and medical treatment and diagnosis.
65-2	Exhibit 2	Discusses Mr. Baker's employment history.
65-3	Exhibit 3	Discusses Mr. Baker's employment history.
65-4	Exhibit 4	Discusses Mr. Baker's employment history.
65-5	Exhibit 5	Discusses Mr. Baker's employment history.
65-6	Exhibit 6	Discusses Mr. Baker's employment history.
65-7	Exhibit 7	Discusses Mr. Baker's employment history.

65-8	Exhibit 8	Discusses Mr. Baker's employment history.
65-10	Exhibit 10	Discusses Mr. Baker's employment history.
65-11	Exhibit 11	Discusses Mr. Baker's employment history.
65-12	Exhibit 12	Discusses Mr. Baker's employment history.
65-13	Exhibit 13	Discusses Mr. Baker's employment history.
65-14	Exhibit 14	Discusses Mr. Baker's employment history.
65-15	Exhibit 15	Discusses Mr. Baker's employment history.
65-16	Exhibit 16	Discusses Mr. Baker's employment history.
65-17	Exhibit 17	Discusses Mr. Baker's employment history.
65-18	Exhibit 18	Discusses Mr. Baker's medical treatment.
65-19	Exhibit 19	Discusses Mr. Baker's medical treatment.
65-22	Exhibit 22	Discusses Mr. Baker's employment history..
65-23	Exhibit 23	Discusses Mr. Baker's employment history.
65-24	Exhibit 24	Discusses Mr. Baker's employment history.
65-25	Exhibit 25	Discusses Mr. Baker's employment history.
65-26	Exhibit 26	Discusses Mr. Baker's employment history.
65-27	Exhibit 27	Discusses Mr. Baker's employment history.
65-28	Exhibit 28	Discusses Mr. Baker's employment history.
65-29	Exhibit 29	Discusses Mr. Baker's employment history.
65-30	Exhibit 30	Discusses Mr. Baker's employment history.
65-31	Exhibit 31	Discusses Mr. Baker's employment history and contains medical records, treatment and diagnosis.
65-32	Exhibit 32	Discusses Mr. Baker's employment history.
65-33	Exhibit 33	Discusses Mr. Baker's employment history.
65-34	Exhibit 34	Discusses Mr. Baker's employment history.

67	Defendants' Reply In Support of Their Motion for Summary Judgment Dismissing the complaint	Discusses Mr. Baker's employment history and medical treatment.
67-1	Declaration of Hope Duncan	Discusses Mr. Baker's employment history and medical treatment.
67-4	Exhibit AA	Discusses Mr. Baker's employment history.
70	Notice of Defendants' Summary Judgment Motion (With Rule 56.1 Statement)	Discusses Mr. Baker's employment history and medical records and treatment.
71	Defendants' Memorandum In Support of Their Motion for Summary Judgment Dismissing the Complaint	Discusses Mr. Baker's employment history and medical treatment and diagnosis.
72	Declaration of Gabriella Palencia In Support of Defendant's Summary Judgment Motion	Discusses Mr. Baker's employment history.
72-1	Exhibit A	Discusses Mr. Baker's employment history.
72-2	Exhibit B	Discusses Mr. Baker's employment history and medical records, treatment and diagnosis.
72-3	Exhibit C	Discusses Mr. Baker's employment history.
72-4	Exhibit D	Discusses Mr. Baker's employment history.
72-5	Exhibit E	Discusses Mr. Baker's employment history.
72-7	Exhibit G	Discusses Mr. Baker's employment history.

72-11	Exhibit K	Discusses Mr. Baker's employment history.
72-12	Exhibit L	Discusses Mr. Baker's employment history.
72-13	Exhibit M	Discusses Mr. Baker's employment history.
72-14	Exhibit N	Discusses Mr. Baker's employment history.
72-15	Exhibit O	Discusses Mr. Baker's employment history.
72-16	Exhibit P	Discusses Mr. Baker's employment history.
72-17	Exhibit Q	Discusses Mr. Baker's employment history.
72-18	Exhibit R	Discusses Mr. Baker's employment history.
72-19	Exhibit S	Discusses Mr. Baker's employment history.
72-20	Exhibit T	Discusses Mr. Baker's employment history.
72-21	Exhibit U	Discusses Mr. Baker's employment history.
72-22	Exhibit V	Discusses Mr. Baker's employment history.
72-23	Exhibit W	Discusses Mr. Baker's employment history.
72-24	Exhibit X	Discusses Mr. Baker's employment history and contains medical records, treatment and diagnosis.
72-25	Exhibit Y	Contains Mr. Baker's medical records and discusses medical treatment and diagnosis.