

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE DUNCAN,

Plaintiff,

19-cv-5184 (JGK)

- against -

MEMORANDUM OPINION &
ORDER

OHM SPA LLC,

Defendant.

JOHN G. KOELTL, District Judge:

The parties are free to settle a case and dismiss it without the Court's involvement. See Fed. R. Civ. P. 41(a).

However, if, as in this case, the parties ask the Court to enter a consent decree, which "resolves, settles, and compromises all issues between the Parties in the Action," Dkt. No. 12 at ¶ 5, the parties should provide the Court with all of the documents that relate to the settlement and the consent decree. In deciding whether to approve agreements calling for entry of a consent judgment, a "judge does not merely sign on the line," but must make "the minimal determination of whether the agreement is appropriate to be accorded the status of a judicially enforceable decree." Janus Films, Inc. v. Miller, 801 F.2d 578, 582 (2d Cir. 1986) (internal quotation marks and citations omitted). The parties should provide such documents by **May 15, 2020**.

The parties may file any document in its unredacted form under seal and explain why the document should continue to be filed under seal or why any portions of the document should be redacted; the parties should discuss whether the settlement agreement is a judicial document to which the common law or First Amendment presumption of access attaches, the weight of that presumption, and any countervailing interests or higher values that overcome that presumption. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006); *United States v. Amodeo*, 71 F.3d 1044, 1050-52 (2d Cir. 1995) (discussing balancing test to be applied when party seeks to file judicial document under seal).

SO ORDERED.

**Dated: New York, New York
 May 5, 2020**

/s/ John G. Koeltl
John G. Koeltl
United States District Judge