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February 7, 2023

Via ECF

The Honorable Stewart D. Aaron
United States District Court for the
Southern District of New York
500 Pearl St.
New York, NY 10007-13127

Request GRANTED. Valid grounds have been articulated by
Defendants for sealing. SO ORDERED.
Dated: 05/19/2023

Re: Capolongo v. Brann and Yang, Case No. 21-CV-1469 (VEC)(SDA)

Dear Magistrate Judge Aaron:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for Defendants in the above-captioned action. Pursuant to Section III-E of Your Honor's Individual Rules, I write to respectfully request leave to file documents under seal in support of Defendants' motion for summary judgment, filed today, February 7, 2023.

In this action, Plaintiff alleges that his constitutional rights were violated while he was detained at the Vernon C. Bain Center ("VCBC"), a New York City Department of Correction ("DOC") facility. Defendants have now moved for summary judgment. In support of their motion, Defendants rely upon Correctional Health Services records pertaining to Plaintiff's medical condition. Defendants submit that these records are highly sensitive and confidential. *See, e.g., Offor v. Mercy Med. Ctr.*, 167 F. Supp.3d 414, 445 (E.D.N.Y. 2016) ("Courts in this Circuit have repeatedly held that information protected by HIPAA is not subject to a First Amendment or common-law right of access and thus have sealed docket entries and redacted documents that contain such information."); *Fox v. Poole*, 2007 U.S. Dist. LEXIS 64779, at *38 (W.D.N.Y. Aug. 31, 2007) (ordering parties to file inmate medical record under seal). Accordingly, Defendants respectfully request permission to file relevant pages from these medical records, annexed as "Exhibit B" to the Declaration of Darian Alexander, under seal, in order to protect Plaintiff's privacy and confidentiality interests.

I thank the Court for its consideration of this request.

Respectfully yours,

/s/
Darian Alexander
Assistant Corporation Counsel

cc. All counsel of record, via ECF