

presumption against competing considerations, a court must consider the “qualified First Amendment right of access” and can seal documents only “if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Id.*

WHEREAS, the presumption of public access applies. “[P]etitions to confirm arbitration awards, and their attendant memoranda of law and supporting documents, are ‘judicial documents that directly affect[] the Court’s adjudication’ of the confirmation petition.” *Breaking Glass Pictures, LLC v. Sal Franciosa Productions, LLC*, No. 20 Civ. 4304, 2020 WL 3318050, at *1 (S.D.N.Y. June 18, 2020). “Such documents are subject to the presumption of public access under the First Amendment because [i]n circumstances where an arbitration award is confirmed, the public in the usual case has a right to know what the Court has done.” *Alexandria Real Estate Equities, Inc. v. Fair*, No. 11 Civ. 3694, 2011 WL 6015646, at *2 (S.D.N.Y. Nov. 30, 2011) (internal quotation marks omitted).

WHEREAS, the party moving to place these documents under seal bear “the burden of demonstrating what ‘higher values’ overcome the presumption of public access and justify sealing.” *Id.* at *3. Examples of “higher values” include protecting the attorney-client privilege, *Lugosch*, 435 F.3d at 125, the privacy of innocent third parties, *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995), and the confidentiality of sensitive commercial information, *Syntel Sterling Best Shores Mauritius Ltd. v. TriZetto Grp.*, No. 15 Civ. 211, 2021 WL 1541385, at *3 (S.D.N.Y. Apr. 20, 2021).

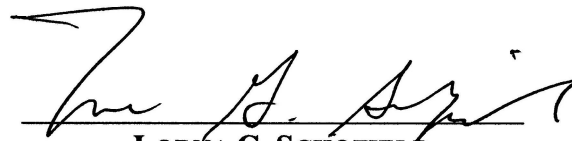
WHEREAS, the parties have proposed narrow categories of documents to remain under seal and have proposed specific redactions of remaining documents, including confidential

settlement discussions, confidential pricing and financial information, commercially sensitive information and trade secrets. It is hereby

ORDERED that the parties' pending application to seal is **GRANTED**. By **October 15, 2021**, the parties file redacted and/or excepted versions of the documents in question on the public record, as outlined in Appendix A of their Joint Letter (Dkt. No. 20-1).

The Clerk of Court is respectfully directed to terminate the motion at Docket No. 20.

Dated: October 8, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Lorna G. Schofield", written over a horizontal line.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE