

# GIBSON DUNN

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November 22, 2024

VIA ECF

The Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
500 Pearl Street, New York, NY 10007

Re: *DoorDash, Inc. v. City of New York*, No. 21-cv-7695  
*Portier, LLC v. City of New York*, No. 21-cv-10347  
*Grubhub Inc. v. City of New York*, No. 21-cv-10602

Dear Judge Torres:

Plaintiff DoorDash, Inc. (“DoorDash”) respectfully submits this letter motion to request that the “temporar[y] seal[.]” currently placed on the document at **ECF No. 227-34** be made permanent.<sup>1</sup> See S.D.N.Y. Electronic Case Filing Rule 21.7 (mistaken filing of sensitive or confidential information). One exhibit within this document, DD-151, is a contract between DoorDash and a non-restaurant third-party marketing-services provider. The contract contains non-redacted references to identifiable features of the third party that, if viewed in toto, could reveal the party’s identity, given that very few entities provide these specific services on a scale sufficient to serve DoorDash end users. DoorDash thus seeks to narrowly redact words and phrases in Exhibit DD-151 that would effectively disclose the identity of the third-party vendor and thereby reveal key language the vendor contains within its agreements. See generally ECF No. 213 at 7–8 (Sealing Order).

Accordingly, DoorDash respectfully requests that the Court “formally seal[.]” ECF No. 227-34 and permit DoorDash to file an updated version of ECF No. 227-34 that would, in addition to preserving all original redactions within the file, narrowly redact references in Exhibit DD-151 to certain words and phrases related to the third party’s identifiable services. See ECF Filing Rule 21.7(b)–(c). For the avoidance of doubt, the other 62 attachments to ECF No. 227 (Declaration of Anne Champion in support of Plaintiffs’ Renewed Omnibus Letter Motion to Seal) would remain on the docket as the public filing.

To ensure consistency between the public and under-seal versions of DD-151, DoorDash also respectfully requests leave to file an updated sealed counterpart, which would replace ECF No. 234-16 (sealed exhibit containing DD-151).<sup>2</sup>

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<sup>1</sup> Citations to ECF docket entries refer to *DoorDash, Inc. v. City of New York*, No. 21-cv-7695-AT-SLC, except where otherwise noted.

<sup>2</sup> The corresponding ECF numbers on Portier, LLC’s docket (Case No. 21-cv-10347) are ECF Nos. **196-34** (public version, now temporarily under seal pursuant to ECF Rule 21.7(a)) and **203-**

In sum, DoorDash respectfully requests that the Court:

1. **Formally seal ECF No. 227-34**, which contains the current public version of DD-151, pursuant to S.D.N.Y Electronic Case Filing Rule 21.7(b).
2. **Grant DoorDash leave to file an updated public (redacted) version of ECF No. 227-34**. For the avoidance of doubt, DoorDash would do so by again filing the Declaration of Anne Champion in support of Plaintiffs' Renewed Omnibus Letter Motion (*i.e.*, the same declaration on file at ECF Nos. 227 and 234) along with an updated public (redacted) version of ECF No. 227-34 only. The other 62 attachments to the Champion Declaration would not be refiled, as they remain on the docket as DoorDash's public filing under ECF No. 227.
3. **Grant DoorDash leave to file an updated sealed (highlighted) version of ECF No. 234-16**, which contains the sealed (highlighted) counterpart to the redacted version of DD-151. For the avoidance of doubt, DoorDash would do so by again filing under seal the Declaration of Anne Champion in support of Plaintiffs' Renewed Omnibus Letter Motion along with an updated (highlighted) version of ECF No. 234-16. The other 34 attachments to ECF No. 234 would not be refiled, as they remain on the docket as DoorDash's sealed filing under ECF No. 234.

Respectfully submitted,

GRANTED.

SO ORDERED.

Dated: November 25, 2024  
New York, New York



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ANALISA TORRES  
United States District Judge