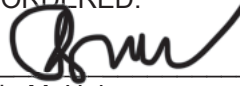


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Frei-Pearson & G**

Application granted. The redacted document filed on the public docket (Doc. 398) will remain the publicly-filed version of the parties' joint proposed findings of fact and conclusions of law, and the unredacted version (Doc. 399) will remain under seal. The parties shall submit one courtesy copy of the revised submissions filed on December 4, 2023 to Chambers.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
December 5, 2023

BY ECF

Hon. Philip M. Halpern
United States District Judge
The Hon. Charles L. Briant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: Lowell, et al. v. Lyft, Inc., No. 7:17-cv-06251-PMH-AEK (S.D.N.Y.)

Dear Judge Halpern,

Pursuant to this Court's Stipulated Protective and Confidentiality Order dated May 24, 2019, ECF No. 67 ("Protective Order"), Westchester Disabled On The Move, Inc. and Harriet Lowell (collectively "Plaintiffs") respectfully move for leave to file under seal 1 document that either Plaintiffs or Defendant Lyft, Inc. ("Lyft") designated as confidential.

In compliance with this Court's Electronic Case Filing Rules & Instructions § 6 ("ECF Rules"), the Protective Order also outlines the procedural requirements for filing documents containing information under seal:

In filing Protected Material with this Court, or filing portions of any pleadings, motions, or other papers that disclose such Protected Material ("Confidential Court Submission"), the Parties shall publicly file a redacted copy of the Confidential Court Submission via the Electronic Case Filing System. The parties shall file an unredacted copy of the Confidential Court Submission under seal with the Clerk of this Court, and the Parties shall serve this Court and opposing counsel with unredacted courtesy copies of the Confidential Court Submission.

Protective Order, ¶ 15.

In light of the Protective Order, Plaintiffs respectfully request that various documents designated as confidential be filed under seal.¹ Plaintiffs also request that references to those documents and their contents be redacted from Plaintiffs' Response. This request is narrowly tailored to cover only the relevant document that Defendant has designated as confidential, quotations of the document, or references to the substance of the document.

Redaction of the confidential information at issue is authorized by federal law. Although there is a presumption of public access to judicial documents, Federal Rule of Civil Procedure 26(c) authorizes district courts, upon a showing of good cause, to "require that the parties simultaneously file specified documents or information in sealed envelopes, to be

¹ Plaintiffs take no position as to whether Defendant's confidentiality designation is correct, and Plaintiffs have no objection to Defendant submitting a letter that better articulates their basis for designating the documents as confidential.

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opened as the court directs.” Fed. R. Civ. P. 26(c)(1)(H). “Documents may be sealed 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.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (internal quotations and alterations omitted). These “countervailing factors include but are not limited to . . . the privacy interests of those resisting disclosure.” *Id.* (internal quotations omitted).

Here, Plaintiffs are filing the Parties’ Joint Proposed Findings of Fact and Conclusions of Law -- documents which contain confidential information -- and therefore must submit these documents under seal in keeping with Defendant’s designations of confidential information. *See* Protective Order, ¶ 15. This request is narrowly tailored, in that it relates only to the relevant information that Defendant labeled as Confidential pursuant to the Protective Order.

Based on the foregoing, Plaintiffs respectfully request that: (i) their Motion for Leave to File Under Seal be granted; (ii) the redacted versions of the Parties’ Joint Proposed Findings of Fact and Conclusions of Law electronically filed on December 4, 2023, be accepted as the public version of this filing; and (iii) that the Court grant Plaintiffs leave to file un-redacted versions of the same under seal.

Dated: December 4, 2023

Respectfully submitted,

s/ Jeremiah Frei-Pearson

Jeremiah Frei-Pearson

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