

**Gottwald v Geragos**

2020 NY Slip Op 32506(U)

July 29, 2020

Supreme Court, New York County

Docket Number: 162075/2014

Judge: Robert R. Reed

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ROBERT R. REED PART 43

Justice

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LUKASZ GOTTWALD,
Plaintiff,

- v -

MARK GERAGOS, GERAGOS & GERAGOS, A
PROFESSIONAL CORPORATION,
Defendant.

INDEX NO. 162075/2014
MOTION DATE N/A
MOTION SEQ. NO. 011

DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 011) 529, 530, 531, 532, 533, 534, 535, 541, 542

were read on this motion to SEAL

Upon the foregoing documents, it is ordered that this motion is granted without opposition.

22 NYCRR 216.1(a) provides, in relevant part, that "[e]xcept where otherwise provided by statute or rule, a court shall not enter an order in any action or proceeding sealing the court records ... except upon a written finding of good cause, which shall specify the grounds thereof. In determining whether good cause has been shown, the court shall consider the interests of the public as well as of the parties." "[T]here is a broad presumption that the public is entitled to access to judicial proceedings and court records" (Mosallem v Berenson, 76 AD3d 345, 348 [1st Dept. 2010]). Nonetheless, the public's right to access is not absolute (see Danco Labs. v Chemical Works of Gedeon Richter, 274 AD2d 1 [1st Dept. 2000]). "The presumption of the benefit of public access to court proceedings takes precedence, and sealing of court papers is permitted only to serve compelling objectives, such as when the need for secrecy outweighs the public's right to access" (Applehead Pictures, LLC v Perelman, 80 AD3d 181, 191 [1st Dept.

2010]; see *Danco Labs. v Chemical Works of Gedeon Richter*, supra; see also *Matter of Holmes v Winter*, 110 AD3d 134 [1st Dept. 2013], *revd* on other grounds 22 NY3d 300 [2013], cert. denied 572 US 1135, [2014]; *Schulte Roth & Zabel, LLP v Kassover*, 80 AD3d 500 [1st Dept. 2011]). “Thus, the court is required to make its own inquiry to determine whether sealing is warranted, and the court will not approve wholesale sealing of [court] papers, even when both sides to the litigation request sealing” (*Applehead Pictures, LLC v Perelman*, supra, at 192 (citations omitted); see *Gryphon Dom. VI, LLC v APP Intl. Fin. Co., B.U.*, 28 AD3d 322 [1st Dept. 2006]; *Liapakis v Sullivan*, 290 AD2d 393 [1st Dept. 2002]; *Matter of Hofmann*, 284 AD2d 92 [1st Dept. 2001]).

Pursuant to 22 NYCRR 216.1, the party seeking to seal court records must establish “good cause” (*Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499 [2nd Dept. 2007]). “Since confidentiality is the exception,” the movant must establish that “public access to the documents at issue will likely result in harm to a compelling interest of the movant and that no alternative to sealing can adequately protect the threatened interest” (*id.* at 502 [citations omitted]). This court has discretion, on a case by case basis, to determine if good cause exists (*see id.*).

In this court’s assessment, the documents movant seek to seal contain information that could possibly result in undue personal embarrassment and ridicule. Moreover, release of the documents at issue for wholesale scrutiny by the public may even pose a security risk given movant’s celebrity. Thus, the court finds that movant’s compelling privacy interest justifies the sealing of the court records.

Accordingly, it is

ORDERED that the Clerk of the Court is directed, upon service on him (60 Centre Street, Room 141B) of a copy of this order with notice of entry, to seal (1) Kesha's September 26, 2019 Memorandum of Law in support of her motion for a protective order, Doc. No. 392 in the docket of the New York State Courts Electronic Filing System, (2) Exhibits 17-33, 37-38, and 40-42 to the Godesky Affirmation in support of Kesha's motion for a protective order Doc. Nos. 410-426, 430-431, and 433-435 in the docket of the New York State Courts Electronic Filing System, (3) Kesha's June 22, 2020 Memorandum of Law in support of Kesha's motion for leave to reargue and renew her protective order motion with regard to her medical records "Motion to Reargue and Renew" Doc. No. 474 in the docket of the New York State Courts Electronic Filing System, (4) Exhibits 13-23 to the Godesky Affirmation in support of Kesha's motion to reargue and renew Doc. Nos. 489-99 in the docket of the New York State Courts Electronic Filing System, (5) Kesha's June 22, 2020 Memorandum of Law in support of Kesha's Order to Show Cause why enforcement of the court's May 21, 2020 Order should not be stayed with regard to Kesha's medical records pending a ruling on her motion to reargue and renew "Motion to Stay" Doc. No. 508 in the docket of the New York State Courts Electronic Filing System, and (6) Exhibits 6-16 to the Godesky Affirmation in support of Kesha's motion to stay Doc. Nos. 516-522 in the docket of the New York State Courts Electronic Filing System, and to separate these documents and to keep them separate from the balance of the file in this action; and it is further

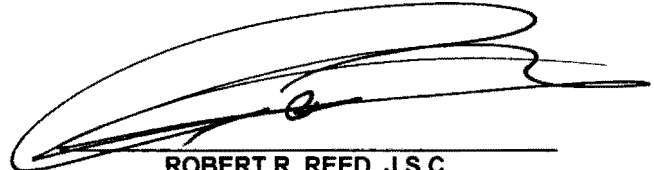
ORDERED that thereafter, or until further order of the court, the Clerk of the Court shall deny access to the said sealed documents to anyone (other than the staff of the Clerk or the court) except for counsel of record for any party to this case and any party; and it is further

ORDERED that service upon the Clerk of the Court shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for*

Electronically Filed Cases (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/supctmanh)].

This constitutes the Decision and Order of the court.

7/29/2020  
DATE

  
ROBERT R. REED, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE