

**Tekiner v Bremen House Inc.**

2024 NY Slip Op 34018(U)

November 9, 2024

Supreme Court, New York County

Docket Number: Index No. 657193/2020

Judge: Joel M. Cohen

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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YASEMIN TEKINER,

Plaintiff,

- v -

BREMEN HOUSE INC., GERMAN NEWS COMPANY,  
INC., BERRIN TEKINER, GONCA TEKINER, BILLUR  
AKIPEK, ZEYNEP TEKINER,

Defendants.

INDEX NO. 657193/2020

MOTION DATE 09/04/2024

MOTION SEQ. NO. 070

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 070) 2072, 2073, 2074, 2075, 2094, 2095, 2096, 2097, 2098, 2102, 2103, 2104, 2228, 2229, 2231, 2233, 2237, 2238, 2239, 2240, 2246

were read on this motion to SEAL.

Plaintiffs Yasemin and Zeynep Tekiner (“Plaintiffs”) move for an order sealing and/or redacting certain documents (NYSCEF Doc Nos. 2072, 2073, 2074, 2075, 2094, 2095, 2096, 2097, 2098, 2102, 2103, 2104, 2228, 2229, 2231, and 2233) filed in connection with Plaintiffs’ motion for partial summary judgment and motions to exclude certain testimony. Plaintiffs submits that they are moving to seal these documents in part due to Defendants’ designation of confidential pursuant to the Amended Stipulation and Order for the Production an Exchange of Confidential Information (NYSCEF 856). Defendants have not responded to this motion. For the following reasons, Plaintiffs’ motion is granted in part.

Pursuant to § 216.1 (a) of the Uniform Rules for Trial Courts, this Court may seal a filing “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” (22 NYCRR § 216.1 [a]).

The Appellate Division has emphasized that “there 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]). “Since the right [of public access to court proceedings] is of constitutional dimension, any order denying access must be narrowly tailored to serve compelling objectives, such as a need for secrecy that outweighs the public's right to access” (*Danco Labs., Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 6 [1st Dept 2000] [emphasis added]; *see also, e.g. Gryphon Dom. VI, LLC v APP Intern. Fin. Co., B.V.*, 28 AD3d 322, 324 [1st Dept 2006]). “Furthermore, because confidentiality is the exception and not the rule, ‘the party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access’” (*Maxim, Inc. v Feifer*, 145 AD3d 516, 517 [1st Dept 2016] [citations omitted]).

The Court has reviewed Yasemin Tekiner’s 2020 W-2, Wage and Tax Statement (NYSCEF 2228), Expert Psychiatric Report of Dr. Howard L. Forman (NYSCEF 2102), Rebuttal Report of Dr. Paul S. Appelbaum (NYSCEF 2103), and Transcript of January 16, 2024 Deposition of Dr. Paul S. Appelbaum (NYSCEF 2104), and finds good cause exists to seal these documents as they contain they contains sensitive financial information and confidential health information that the Court has previously found appropriate to seal (*see* NYSCEF 680 [Order and Decision dated August 17, 2022 on Mot. Seq. 022]).

However, the Court finds no basis for sealing in their entirety certain real estate contracts (NYSCEF 2231, 2233), deposition transcripts (NYSCEF 2229, 2075, 2098), or expert reports on forensic accounting or appraisals (NYSCEF 2072, 2073, 2074, 2094, 2095, 2096, 2097) as there has not been a sufficient showing that any specific sensitive business information could not be protected through targeted redaction. The fact that the parties have stipulated to sealing

documents, or that they have designated the documents during discovery as “Confidential” or “Highly Confidential,” does not, by itself, require granting of the motion (see, e.g., *Maxim*, 145 AD3d at 518; *Gryphon*, 28 AD3d at 324). These documents will remain temporarily under seal pending a new motion containing targeted redactions. Plaintiffs should work with Defendants to file proposed redacted versions of these documents with the new motion.

Accordingly, it is:

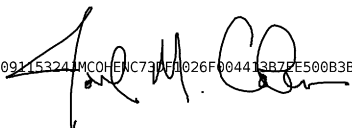
**ORDERED** that Plaintiffs’ motion is **GRANTED IN PART**; and the County Clerk shall maintain NYSCEF 2102, 2103, 2104, and 2228 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

**ORDERED** that the request to seal NYSCEF 2072, 2073, 2074, 2094, 2095, 2096, 2075, 2097, 2098, 2229, 2231, and 2233 is **DENIED without prejudice** to filing a new motion within 21 days to redact confidential portions of documents consistent with this Decision and Order and applicable case law; it is further

**ORDERED** that the documents filed as NYSCEF 2072, 2073, 2074, 2094, 2095, 2096, 2075, 2097, 2098, 2229, 2231, and 2233 shall remain provisionally sealed for 21 days from the date of the Court’s entry of this Decision and Order on NYSCEF. If Plaintiffs file a new motion to seal or redact confidential portions of the documents consistent with this Decision and Order within that 21-day period, the documents shall remain provisionally sealed pending resolution of that motion. If no such motion is filed within 21 days from the entry of this Decision and Order, the parties shall within three business days thereafter direct the County Clerk to file unredacted/unsealed copies of the documents on NYSCEF; and it is further

**ORDERED** that nothing in this Order shall be construed as authorizing the sealing or redaction of any documents or evidence to be offered at trial.

This constitutes the Decision and Order of the Court.

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JOEL M. COHEN, J.S.C.

11/9/2024  
DATE

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED
<input type="checkbox"/>	GRANTED		
<input type="checkbox"/>	SETTLE ORDER		
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		

<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION		
<input checked="" type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	SUBMIT ORDER		
<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: