

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

.....-X

Index No. EF2020-1189

JOHN DOE I and JOHN DOE II,

Plaintiffs,

**STIPULATION AND
ORDER TO SEAL NYSCEF
NO. 154**

-against-

Before:

WILLIAM J. DEDERICK, et al,

Hon. Justin Corcoran

Defendants.

.....-X

This matter having come before the Court by stipulation of Plaintiffs, John Doe I and John Doe II, and Defendants, William J. Dederick and Kingston City School District, for the sealing of unredacted Reply Affirmation in Support of its Motion to Compel Discovery (“Reply Affirmation”). (NYSCEF Doc. No. 154).

1. Plaintiffs bring their claims under the Child Victims Act, CPLR 214-g and 22 NYCRR § 202.72.

2. In the evening on September 26, 2023, Plaintiffs mistakenly filed an unredacted Reply Affirmation in Support of its Motion to Compel Discovery (“Reply Affirmation”). (NYSCEF Doc. No. 154). The unredacted Reply Affirmation inadvertently identified nonparties by their full names and included other personal information relevant to the Motion to Compel Discovery.

3. Counsel for Plaintiffs immediately realized this error and shortly thereafter filed a redacted version of the Reply Affirmation (NYSCEF Doc. No. 155).

4. The unredacted Reply Affirmation contains confidential information of nonparties which should not be publicly available for the protection of those nonparties.

5. The parties now stipulate to an Order directing the Clerk pursuant Rule 216.1 to seal the Reply Affirmation to all except those authorized by law to have access.

6. A Court may enter an order sealing judicial records upon a “written finding of good cause, which shall specify the grounds thereof.” 22 NYCRR § 216.1.

7. Whether good cause has been shown in a particular case is left to the sound discretion of the trial court. *See, e.g., Mancheski v. Gabelli Grp. Capital Partners*, 39 A.D.3d 499, 502 (2d Dep’t 2007) (“[G]ood cause, in essence, ‘boils down to the prudent exercise of the court’s discretion.’”) (internal citation omitted); *Crain Communications, Inc. v. Hughes*, 135 A.D.2d 351, 351 (1st Dep’t 1987), *aff’d*, 74 N.Y.2d 626 (1989) (“[T]he determination of whether access to such records is appropriate is best left to the sound discretion of the trial court... in light of the relevant facts and circumstances of the particular case.”).

8. Although the public generally has a right of access to the records of public court proceedings, that presumptive right to access is “not absolute.” *Mosallem v. Berenson*, 905 N.Y.S.2d 575, 578 (1st Dept. 2010). Rather, in making a determination, courts must balance the interests of the public’s right to openness of public proceedings with the parties’ interest in sealing court records. *Id.* at 579. “When the balance favors confidentiality, confidentiality should be provided.” *In re Twentieth Cent. Fox Film Corp.*, 190 A.D. 2d 483, 486 (1st Dep’t 1993) (internal citations omitted).

9. Here, good cause exists to seal the unredacted Reply Affirmation to protect the identities and other personal information of nonparties to this matter. The unredacted Reply Affirmation has been provided to the Court and the parties.

10. The parties agree that the unredacted Reply Affirmation should be sealed for the reasons stated herein.

Dated: New York, New York
September 27, 2023

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Respectfully submitted,

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**SUPREME COURT OF THE STATE OF NEW YORK
ULSTER COUNTY**

JOHN DOE and JOHN DOE II,

Plaintiffs,

Index No.: EF2020-1189

-against-

[PROPOSED] ORDER

WILLIAM J. DEDERICK and
KINGSTON CITY SCHOOL DISTRICT,

Defendants.

ORDERED that the Stipulation is **APPROVED**; and it is further

ORDERED the Reply Affirmation in Support of Motion to Compel Discovery Pursuant to CPLR§3124, NYSCEF Doc. No. 154, shall immediately be sealed, with access restricted to those authorized by law to have access.

Dated: September __, 2023
Albany, New York

Hon. Justin Corcoran