

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK

GOTTWALD, LUKASZ; & KASZ MONEY, INC.

INDEX NO. 653118/2014

Plaintiff(s)

-against-

IASPART 54

SEBERT, KESHA ROSE

COMPLIANCE CONFERENCE ORDER

Defendant(s)

On 10/13, 2016, a conference was held in this case. The parties appeared as follows:

Plaintiff(s) All Plaintiffs by Jeffrey Movit
Kemo Sabe Records & Sony Zach Kady

Defendant(s) Kesha Sebert by Jason Lueddeke, James Pearl


The Court has determined that the Court's Case Management Order of \_\_\_\_\_, 20\_\_\_\_ has not been complied with in that \_\_\_\_\_

Accordingly, it is ORDERED that [order on next page]

Enter: [Signature] J.S.C.

Dated: 10/13/16

It is hereby ORDERED, *sua sponte*, pursuant to CPLR 3103, that to protect the privacy of defendant Kesha Rose Sebert, to insulate her from unnecessary embarrassment, and to protect her medical providers from the press and the media, the records of her treatment by doctors, medical facilities, nurse practitioners, family practitioners, psychiatrists, psychologists, social workers, licensed family counselors, rehabilitation facilities, nutritionists and dieticians; the names of the providers of such services; her diagnoses by such providers; and deposition testimony concerning such records, treatment and diagnoses; shall ~~be~~ not be disclosed to anyone except the parties to this action, their attorneys, and experts retained by the parties who sign a confidentiality agreement; shall not be disclosed by the parties, their agents, their employees or their attorneys to any member of the public, the press, or any other media organization; and shall not be efiled without advance permission of the court; but the foregoing is not a ruling on the admissibility of such records, information and testimony at the trial of the action. CPLR 3103 authorizes a court to grant a protective order to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts. A trial court has broad discretion to oversee the discovery process and set reasonable terms and conditions therefor. *Cioffi v S.M. Foods, Inc.*, 2016 NY App Div LEXIS 5609 (2d Dept 2016) (nor). Freedom of the press does not encompass a right of access during the discovery phase of litigation. *Westchester Rockland Newspapers, Inc. v Marbach*, 66 AD2d 335, 337-338 (2d Dept 1979) (press barred from depositions, which are not required to be open to public, but are private matters between parties for discovery in preparation for trial). Just like depositions that are not open to the public, the court's rule on sealing provides that, "[d]ocuments obtained through disclosure and not filed with the clerk shall remain subject to protective orders as set forth in CPLR 3103(a)." 22 NYCRR 216.1(b). Given the extraordinary media attention to this action to date, which, among other things, has resulted in threats to the court and demonstrations, the court finds that the foregoing protective order is warranted.

 10/13/16