

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JIONNI CONFORTI,

Plaintiff,

v.

ST. JOSEPH'S HEALTHCARE SYSTEM,
INC.; ST. JOSEPH'S HOSPITAL AND
MEDICAL CENTER D/B/A ST. JOSEPH'S
REGIONAL MEDICAL CENTER; and
FATHER MARTIN D. ROONEY,

Defendants.

Case No. 2:17-cv-00050-CCC-CLW

**NOTICE OF MOTION TO FILE
UNDER SEAL**

PLEASE TAKE NOTICE that, as soon as he may be heard, Plaintiff Jionni Conforti ("Mr. Conforti"), by and through his counsel Quinn Emanuel Urquhart & Sullivan, LLP ("Quinn Emanuel"), shall move before the Honorable Claire C. Cecchi, of the United States District Court for the District of New Jersey, Martin Luther King, Jr. U.S. Courthouse and Federal Building, 50 Walnut Street, Newark, NJ 07101, for an Order granting Mr. Conforti's motion to file under seal the unredacted version of the parties' joint letter to the Court, dated January 18, 2019. (Dkts. 62 and 63).

PLEASE TAKE FURTHER NOTICE that a proposed Order granting the relief requested is submitted herewith.

DATED: February 1, 2019

Respectfully submitted,

By: s/ Jaclyn M. Palmerson

Jaclyn M. Palmerson (N.J. Bar No. 209452016)

Jane M. Byrne (*pro hac vice*)

Todd Anten (*pro hac vice*)

Thomas L. Barnes (*pro hac vice*)

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Attorneys for Plaintiff Jionni Conforti

CERTIFICATE OF SERVICE

I, Thomas L. Barnes, hereby certify that, on February 1, 2019, I served true and correct copies of the Motion to Withdraw Counsel on the following counsel of record by email:

Christopher Sawyer Mayer, Esq.
Thomas F. Doherty, Esq.
McCarter & English, LLP
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(973) 622-4444
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/s/ Thomas L. Barnes
Thomas L. Barnes

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MOTION TO FILE UNDER SEAL

Pursuant to Local Civil Rule 5.3, Plaintiff Jionni Conforti ("Mr. Conforti"), by and through his counsel Quinn Emanuel Urquhart & Sullivan, LLP ("Quinn Emanuel"), respectfully moves this Court for an order permitting him to file under seal the unredacted version of the parties' joint letter to the Court, dated January 18, 2019. (Dkt. 63). The joint letter contains redactions of highly sensitive personal and medical information contained in certain pages of Mr. Conforti's medical records currently designated as "Confidential" or "Attorneys' Eyes Only." Mr. Conforti relies upon the Discovery Confidentiality Order issued by this Court (Dkt. 21) and his privacy rights and interests as grounds for sealing.

Undersigned counsel has conferred with counsel for Defendants St. Joseph's Healthcare System, Inc., St. Joseph's Hospital and Medical Center (d/b/a St. Joseph's Regional Medical Center), and Father Martin D. Rooney, who do not object to this motion.

WHEREFORE, Mr. Conforti respectfully requests that the Court grant this Motion and enter an order permitting the filing under seal of the parties' joint letter to the Court, dated January 18, 2019.

DATED: February 1, 2019

Respectfully submitted,

By: *s/ Jaclyn M. Palmerson*

Jaclyn M. Palmerson (N.J. Bar No. 209452016)

Jane M. Byrne (*pro hac vice*)

Todd Anten (*pro hac vice*)

Thomas L. Barnes (*pro hac vice*)

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Attorneys for Plaintiff Jionni Conforti

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Case No. 2:17-cv-00050-CCC-CLW

**DECLARATION OF JACLYN M.
PALMERSON IN SUPPORT OF
MOTION TO FILE UNDER SEAL**

I, **JACLYN M. PALMERSON**, of full age, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and a member in good standing of the bar of this Court. I am an associate of the firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Jionni Conforti ("Mr. Conforti") in the above-captioned matter.

2. I submit this Declaration on behalf of Mr. Conforti in support of Mr. Conforti's Motion to File Under Seal the parties' joint letter to the Court, dated January 18, 2019. (Dkts. 62 and 63).

3. I have personal knowledge of the facts set forth herein or believe such facts to be true based upon information provided by knowledgeable persons.

4. In support of the Motion to Seal and in accordance with L. Civ. R. 5.3(c)(3), counsel for Mr. Conforti has prepared the attached index (Ex. 1) identifying the redacted information Mr. Conforti seeks to seal and describing with particularity: (a) the nature of the material; (b) the legitimate private or public interest which warrants the relief sought; (c) the clearly defined and serious injury that would result if the relief sought is not granted; (d) why a less restrictive alternative to the relief sought is not available; (e) any prior order sealing the

same materials in the pending action; and (f) the identity of any party or nonparty known to be objecting to the sealing request. A true and correct copy of the index is attached as Exhibit 1.

5. The joint letter, as discussed in the index, contains, references, and/or reflects highly sensitive personal and medical information from certain pages of Mr. Conforti's medical records, which are currently designated as "Confidential" or "Attorneys' Eyes Only."

6. If the unredacted version of the joint letter were to become available to the public, Mr. Conforti would likely suffer significant harm. Public disclosure of the redacted information would disseminate highly confidential medical and personal information about Mr. Conforti and undermine Mr. Conforti's rights and interests in keeping such information private. Further, such publication would harm Mr. Conforti's trust and confidential relationships with his medical providers and jeopardize his ability to seek medical care without fear that the information he provides would become public.

7. No less restrictive alternative to sealing the unredacted version of the joint letter is available. Mr. Conforti's confidential information must be protected from disclosure in order to keep it confidential. The redactions to the joint letter are tailored and limited to the most sensitive information therein, and the unredacted portions of the joint letter sufficiently disclose the nature of the parties' discovery disputes to the public. The limited redactions serve to safeguard Mr. Conforti's rights and legitimate interests in keeping such information private.

8. There is no prior order sealing the same materials in the pending action.

9. Counsel for Defendants have indicated that they do not object to the instant request.

10. Accordingly, Mr. Conforti respectfully requests that the Court grant his Motion to File Under Seal.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of February, 2019, in New York, New York.

/s/ Jaclyn M. Palmerson
Jaclyn M. Palmerson

**UNITED STATES DISTRICT COURT
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Defendants.

Case No. 2:17-cv-00050-CCC-CLW

[PROPOSED] ORDER TO SEAL

This matter having been brought before the Court by Plaintiff Jionni Conforti ("Mr. Conforti"), by and through his counsel Quinn Emanuel Urquhart & Sullivan, LLP, on notice to and without objection from counsel to Defendants St. Joseph's Healthcare System, Inc., St. Joseph's Hospital and Medical Center (d/b/a St. Joseph's Regional Medical Center), and Father Martin D. Rooney, for an Order granting Mr. Conforti's Motion To File Under Seal, which is submitted under N.J. Local Civ. R. 5.3; and the Court having considered the papers submitted by Mr. Conforti in connection with this motion; and having heard the arguments of counsel, if any; and for good cause shown;

The Court makes the following findings of fact and conclusions of law:

1. Motions to seal are governed by Local Civil Rule 5.3(c), which requires the moving party to describe: (a) the nature of the materials or proceedings at issue; (b) the legitimate private or public interest which warrants the relief sought; (c) the clearly defined and serious injury that would result if the relief sought is not granted; (d) why a less restrictive alternative to the relief sought is not available;

- (e) any prior order sealing the same materials in the pending action; and (f) the identity of any party or nonparty known to be objecting to the sealing request.
2. On January 18, 2019, counsel for Mr. Conforti filed the parties' joint letter to the Court containing certain redactions of Mr. Conforti's medical and personal information from his confidential medical records. (Dkt. 62). An unredacted version was further filed under seal. (Dkt. 63).
 3. Public disclosure of the redacted information would cause serious injury to Mr. Conforti by revealing to the public confidential and highly sensitive personal and medical information disclosed to Mr. Conforti's medical providers. Public disclosure of the redacted information would disseminate highly confidential medical and personal information about Mr. Conforti and undermine Mr. Conforti's rights and interests in keeping such information private.
 4. There is no less restrictive means for shielding this information. Mr. Conforti's confidential information must be protected from disclosure in order to keep it confidential. The redactions to the joint letter are tailored and limited to the most sensitive information therein, and the unredacted portions of the joint letter provide sufficient information to the public regarding the nature of the parties' discovery disputes. The limited redactions serve to safeguard Mr. Conforti's rights and legitimate interests in keeping such information private.
 5. There is no prior order sealing the same materials in the pending action.
 6. Mr. Conforti is unaware of any party or nonparty objecting to the sealing request.
 7. "The Third Circuit has recognized the important privacy interest in one's medical records." *Bertolotti v. AutoZone, Inc.*, 132 F. Supp. 3d 590, 609 (D.N.J. 2015)

(citing *Everett v. Nort*, 547 Fed. App'x 117, 122 n. 9 (3d Cir. 2013) (citing *Doe v. Delie*, 257 F.3d 309 (3d Cir. 2001))). The redactions contain Mr. Conforti's "private health information, which is protected from disclosure under the Health Insurance Portability and Accountability Act ("HIPAA")." *Id.* "Furthermore, public disclosure of an individual's medical history and personal identifying numbers has been held to be a clearly defined and serious injury sufficient to support sealing of medical records." *Id.* (citing *Harris v. Nielsen*, No. 09-cv-2982, 2010 WL 2521434, at *4 (D.N.J. June 15, 2010)).

8. The Court concludes that Mr. Conforti has demonstrated that its application meets the requirements of Local Civil Rule 5.3.

IT IS on this _____ day of _____, 2019,

ORDERED, that Plaintiff Jionni Conforti's Motion to File Under Seal is granted.

Hon. Cathy L. Waldor

EXHIBIT 1

INDEX IN SUPPORT OF MOTION TO FILE UNDER SEAL

Material	Legitimate Public or Private Interest Warranting Relief	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
Partial redaction of joint letter to the Court, Dkt. 62, pg. 5, subsection 2	<p>Mr. Conforti requests sealing of the redacted information on page 5 of the joint letter because it reveals, contains and/or reflects highly sensitive personal and medical information from certain pages of Mr. Conforti's medical records, which are currently designated as either "Confidential" or "Attorneys' Eyes Only" pursuant to the Discovery Confidentiality Order. (Dkt. 21).</p> <p>This information includes dates and diagnoses pertaining to Mr. Conforti's medical care, confidential notes made by Mr. Conforti's medical providers contained in his medical records, and details of Mr. Conforti's</p>	<p>If filed unredacted on the public docket, the joint letter will reveal highly confidential medical and personal information about Mr. Conforti and undermine Mr. Conforti's rights and interests in keeping such information private. Further, such publication would harm Mr. Conforti's trust and confidential relationships with his medical providers and jeopardize his ability to seek medical care without fear that the information he provides would become public.</p> <p>Further, these medical records are presently confidential and unavailable to the public. If this request to seal is not granted, the disclosure of</p>	<p>Mr. Conforti maintains that any alternative to sealing the redacted information does not provide the protections required for such sensitive and/or restricted information. <i>See Palmerson Decl.</i> ¶ 7.</p>	None	None

Material	Legitimate Public or Private Interest Warranting Relief	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
	entire medical history. Further, these medical records are presently confidential and unavailable to the public. <i>See</i> Declaration of Jaelyn M. Palmerson (“Palmerson Decl.”) ¶ 5.	this information would cause significant harm to Mr. Conforti, his rights, and his privacy interests. <i>See</i> Palmerson Decl. ¶ 6.			
Partial redaction of joint letter to the Court, Dkt. 62, pg. 6, subsection 4	Mr. Conforti requests sealing of the redacted information on page 6 of the joint letter because it reveals, contains and/or reflects highly sensitive personal and medical information from certain pages of Mr. Conforti’s medical records, which are currently designated as either “Confidential” or “Attorneys’ Eyes Only” pursuant to the Discovery Confidentiality Order. (Dkt. 21). This information includes highly sensitive	If filed unredacted on the public docket, the joint letter will reveal highly confidential medical and personal information about Mr. Conforti and undermine Mr. Conforti’s rights and interests in keeping such information private. Further, such publication would harm Mr. Conforti’s trust and confidential relationships with his medical providers and jeopardize his ability to seek medical care without fear that the information he provides would become public.	Mr. Conforti maintains that any alternative to sealing the redacted information does not provide the protections required for such sensitive and/or restricted information. <i>See</i> Palmerson Decl. ¶ 7.	None	None

Material	Legitimate Public or Private Interest Warranting Relief	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
	<p>discussions between Mr. Conforti and his medical providers, including medical diagnoses and treatments prescribed to Mr. Conforti, and confidential notes made by Mr. Conforti's medical providers contained in his medical records.</p> <p>Further, these medical records are presently confidential and unavailable to the public. <i>See</i> Declaration of Jaelyn M. Palmerson ("Palmerson Decl.") ¶ 5.</p>	<p>Further, these medical records are presently confidential and unavailable to the public. If this request to seal is not granted, the disclosure of this information would cause significant harm to Mr. Conforti, his rights, and his privacy interests. <i>See</i> Palmerson Decl. ¶ 6.</p>			
<p>Partial redaction of joint letter to the Court, Dkt. 62, pg. 6, subsection 5</p>	<p>Mr. Conforti requests sealing of the redacted information on page 6 of the joint letter because it reveals, contains and/or reflects highly sensitive personal and medical information from certain pages of Mr. Conforti's medical records, which are</p>	<p>If filed unredacted on the public docket, the joint letter will reveal highly confidential medical and personal information about Mr. Conforti and undermine Mr. Conforti's rights and interests in keeping such information private. Further, such</p>	<p>Mr. Conforti maintains that any alternative to sealing the redacted information does not provide the protections required for such sensitive and/or restricted information. <i>See</i> Palmerson Decl. ¶ 7.</p>	<p>None</p>	<p>None</p>

Material	Legitimate Public or Private Interest Warranting Relief	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
	<p>currently designated as either “Confidential” or “Attorneys’ Eyes Only” pursuant to the Discovery Confidentiality Order. (Dkt. 21).</p> <p>This information includes confidential discussions between Mr. Conforti and his medical providers, including references to highly sensitive personal and family medical history, medical diagnoses and treatments prescribed to Mr. Conforti, and confidential notes made by Mr. Conforti’s medical providers contained in his medical records. It further includes references to information contained in redactions made in the medical information themselves, for which the parties have requested the Court review in camera.</p>	<p>publication would harm Mr. Conforti’s trust and confidential relationships with his medical providers and jeopardize his ability to seek medical care without fear that the information he provides would become public.</p> <p>Further, these medical records are presently confidential and unavailable to the public. If this request to seal is not granted, the disclosure of this information would cause significant harm to Mr. Conforti, his rights, and his privacy interests. <i>See</i> Palmerson Decl. ¶ 6.</p>			

Material	Legitimate Public or Private Interest Warranting Relief	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
	<p>Further, these medical records are presently confidential and unavailable to the public. <i>See</i> Declaration of Jaelyn M. Palmerson (“Palmerson Decl.”) ¶ 5.</p>				
<p>Partial redaction of joint letter to the Court, Dkt. 62, pg. 8, subsection 1</p>	<p>Mr. Conforti requests sealing of the redacted information on page 8 of the joint letter because it reveals, contains and/or reflects highly sensitive personal and medical information from certain pages of Mr. Conforti’s medical records, which are currently designated as either “Confidential” or “Attorneys’ Eyes Only” pursuant to the Discovery Confidentiality Order. (Dkt. 21).</p> <p>This information reflects confidential discussions between Mr. Conforti and</p>	<p>If filed unredacted on the public docket, the joint letter will reveal highly confidential medical and personal information about Mr. Conforti and undermine Mr. Conforti’s rights and interests in keeping such information private. Further, such publication would harm Mr. Conforti’s trust and confidential relationships with his medical providers and jeopardize his ability to seek medical care without fear that the information he provides would become public.</p>	<p>Mr. Conforti maintains that any alternative to sealing the redacted information does not provide the protections required for such sensitive and/or restricted information. <i>See</i> Palmerson Decl. ¶ 7.</p>	<p>None</p>	<p>None</p>

Material	Legitimate Public or Private Interest Warranting Relief	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
	<p>his medical providers, including references to highly sensitive personal information and medical history disclosed to only certain medical providers.</p> <p>Further, this information is taken from medical records which are presently confidential and unavailable to the public. <i>See</i> Declaration of Jaclyn M. Palmerson (“Palmerson Decl.”) ¶ 5.</p>	<p>Further, these medical records are presently confidential and unavailable to the public. If this request to seal is not granted, the disclosure of this information would cause significant harm to Mr. Conforti, his rights, and his privacy interests. <i>See</i> Palmerson Decl. ¶ 6.</p>			
<p>Partial redaction of joint letter to the Court, Dkt. 62, pgs. 9-10, subsection 2</p>	<p>Mr. Conforti requests sealing of the redacted information on pages 9-10 of the joint letter because it reveals, contains and/or reflects highly sensitive personal and medical information from certain pages of Mr. Conforti’s medical records, which are currently designated as either “Confidential” or “Attorneys’ Eyes Only”</p>	<p>If filed unredacted on the public docket, the joint letter will reveal highly confidential medical and personal information about Mr. Conforti and undermine Mr. Conforti’s rights and interests in keeping such information private. Further, such publication would harm Mr. Conforti’s trust and confidential relationships</p>	<p>Mr. Conforti maintains that any alternative to sealing the redacted information does not provide the protections required for such sensitive and/or restricted information. <i>See</i> Palmerson Decl. ¶ 7.</p>	<p>None</p>	<p>None</p>

Material	Legitimate Public or Private Interest Warranting Relief	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any Prior Order Sealing the Same Materials in the Pending Action	Party in Opposition to Sealing, if any, and Basis
	<p>pursuant to the Discovery Confidentiality Order. (Dkt. 21).</p> <p>This information includes confidential discussions between Mr. Conforti and his medical providers, including references to highly sensitive personal and family medical history, medical diagnoses and treatments prescribed to Mr. Conforti, and confidential notes made by Mr. Conforti’s medical providers contained in his medical records.</p> <p>Further, these medical records are presently confidential and unavailable to the public. <i>See</i> Declaration of Jaclyn M. Palmerson (“Palmerson Decl.”) ¶ 5.</p>	<p>with his medical providers and jeopardize his ability to seek medical care without fear that the information he provides would become public.</p> <p>Further, these medical records are presently confidential and unavailable to the public. If this request to seal is not granted, the disclosure of this information would cause significant harm to Mr. Conforti, his rights, and his privacy interests. <i>See</i> Palmerson Decl. ¶ 6.</p>			