

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

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 Consolidated Motion To File Under Seal and For Leave to File Out of Time, 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 February 15, 2019, counsel for Mr. Conforti filed a Motion to Quash and for a Protective Order, (Dkt. 69), and filed under seal the attached Exhibit B containing Mr. Conforti's highly confidential medical records, (Dkt. 70). On March 4, 2019, Defendants filed an unredacted version of their opposition brief also containing Mr. Conforti's confidential medical information under seal, (Dkt. 63). On March 19, 2019, Mr. Conforti filed a reply, which completed briefing on the motion. (Dkt. 76).
3. Public disclosure of the sealed 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.
4. The Court finds there is no less restrictive means for shielding this information. Exhibit B to Mr. Conforti's Motion to Quash and for a Protective Order, (Dkt. 70), is comprised entirely of Mr. Conforti's highly sensitive medical records. Further, the proposed redactions to Defendants' opposition brief, attached as Exhibit 1 to the Consolidated Motion to Seal, are tailored and limited to the most sensitive information therein, and the unredacted portions provide sufficient information to the public regarding the nature of the parties' discovery disputes. The limited sealed material serve to safeguard Mr. Conforti's rights and legitimate interests in keeping such information private.
5. On February 4, 2019, the Court granted Mr. Conforti's first motion to seal the parties' joint letter to the Court related the instant discovery dispute. (Dkt. 68).

6. With the exception of Defendants' objections to specific redactions noted in the index, attached as Exhibit 2 to the Consolidated Motion to Seal, the Court 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 F. App'x 117, 122 n.9 (3d Cir. 2013) (citing *Doe v. Delie*, 257 F.3d 309 (3d Cir. 2001))). The material at issue contains 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 his application meets the requirements of Local Civil Rule 5.3.

IT IS on this 17 day of ~~April~~ ^{May}, 2019,

ORDERED, that Plaintiff Jionni Conforti's Consolidated Motion to File Under Seal and For Leave to File Out of Time is granted.

At Newark, New Jersey



Hon. Cathy L. Waldor, U.S.M.J.