

Christopher S. Mayer – Bar ID 037481999  
Thomas F. Doherty – Bar ID 025611992  
**McCARTER & ENGLISH, LLP**  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
(973) 622-4444  
Attorneys for Defendants St. Joseph’s Health, Inc.,  
St. Joseph’s University Medical Center, Inc.,  
and Father Martin D. Rooney

**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.

Honorable Claire C. Cecchi, U.S.D.J.  
Honorable Cathy L. Waldor, U.S.M.J.

Case No. 2:17-cv-00050 (CCC/CLW)

**NOTICE OF MOTION TO COMPEL  
MENTAL EXAMINATION OF PLAINTIFF  
AND TO SEAL**

TO: Tom Barnes, Esq.  
Jaclyn Palmerson, Esq.  
Quinn Emanuel Urquhart & Sullivan, LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010-1601

Omar Gonzalez-Pagan, Esq.  
Lambda Legal Defense and Education Fund, Inc.  
120 Wall Street, 19th Floor  
New York, New York 10005

**PLEASE TAKE NOTICE** that on August 19, 2019, at 9:00 a.m., or as soon thereafter as  
counsel may be heard, Defendants St. Joseph’s Health, Inc., St. Joseph’s University Medical

Center, Inc., and Father Martin D. Rooney (collectively, “Defendants”), shall move this Court pursuant to Fed. R. Civ. P. 35(a) and 37 and L. Civ. R. 5.3, for entry of an order compelling Plaintiff Jionni Conforti to appear for an independent mental examination and sealing Defendants’ Brief and Exhibits A and C to G attached to the Declaration of Christopher S. Mayer, Esq. submitted in support of Defendants’ Motion.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion Defendants will rely on the Declaration of Christopher S. Mayer, Esq. and Brief submitted in Support of the Motion to Compel.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order accompanies this Notice of Motion.

Respectfully submitted,

**McCARTER & ENGLISH, LLP**  
Attorneys for Defendants St. Joseph’s Health,  
Inc., St. Joseph’s University Medical Center,  
Inc., and Father Martin D. Rooney

By: s/Christopher S. Mayer

Christopher S. Mayer  
Thomas F. Doherty

Dated: July 22, 2019



4. Attached hereto as Exhibit C is a true and correct copy of relevant portions of Plaintiff's Answers to Defendants' First Set of Interrogatories.

5. Attached hereto as Exhibit D is a true and correct copy of relevant portions of medical records from Dr. Joseph Vitale.

6. Attached hereto as Exhibit E is a true and correct copy of relevant portions of Plaintiff's medical records from Dr. Ian Tang.

7. Attached hereto as Exhibit F is a true and correct copy of relevant portions of health care records from Ms. Rissy Batista.

8. Attached hereto as Exhibit G is a true and correct copy of relevant portions of health care records from Vincent Fitzgerald, LCSW.

9. Pursuant to Local Civil Rule 5.3, Defendants are also moving to seal Defendants' Brief in Support of Motion to Compel Mental Examination and Exhibits A and C to G to this Declaration. The materials that are the subject of this motion to seal have been designated by Plaintiff as either "Confidential" or "Attorneys' Eyes Only" pursuant to the Discovery Confidentiality Order. In order to comply with the Discovery Confidentiality Order and in keeping with Plaintiff's designations thereunder, Defendants ask that this Court seal the materials described above. Furthermore, in support of this motion, I am attaching hereto as Exhibit H an Index that (a) identifies the information that Defendants' seek to seal; (b) the basis for sealing (which rests upon Plaintiff's designation of the at-issue discovery materials as "Confidential" or "Attorneys' Eyes Only" in accordance with the Discovery Confidentiality Order [D.E. No. 21]); (c) a description of the injury that Plaintiff contends would result if the information is not sealed; (d) discusses why a less restrictive alternative is not available; (e) discloses any prior order sealing the same materials in this action; and (f) identifies any party or

non-party who is known to object to the sealing request.

I declare under penalty of perjury that the foregoing is true and correct.

s/Christopher S. Mayer  
Christopher S. Mayer, Esq.

Dated: July 22, 2019

# **EXHIBIT A**

**FILED UNDER SEAL PENDING  
ORDER OF THE COURT**

# **EXHIBIT B**

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-JLL-JAD

**PLAINTIFF'S INITIAL  
DISCLOSURES PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 26(A)(1)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiff Jionni Conforti ("Mr. Conforti") makes the following disclosures, to the best of his current knowledge and while expressly reserving the right to (1) supplement and/or amend these disclosures, and (2) object on any basis to the production of any document or tangible thing disclosed herein. Mr. Conforti does not waive any objections, defenses, or applicable privileges by providing these initial disclosures.

**A. Identity of Individuals**

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i), Mr. Conforti identifies the following individuals—in addition to any witnesses 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 (collectively, "Defendants") identify in their initial disclosures and exclusive of expert witnesses and attorneys—likely to have discoverable information that Mr. Conforti may use to support his claims in this litigation (unless solely for impeachment):

<u>Name</u>	<u>Subject of Information</u>	<u>Contact Information</u>
Jionni Conforti	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; the existence and extent of damages that Mr. Conforti has suffered as a result.	c/o Omar Gonzalez-Pagan, Lambda Legal Defense and Education Fund, Inc., 120 Wall Street, 19th Floor, New York, New York 10005
St. Joseph's Healthcare System, Inc.	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; Defendants' policies and practices regarding the provision of sterilizations; the role of religious directives in Defendants' provision of sterilizations.	703 Main Street, Paterson, NJ 07503
St. Joseph's Hospital and Medical Center d/b/a St. Joseph's Regional Medical Center	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; Defendants' policies and practices regarding the provision of sterilizations; the role of religious directives in Defendants' provision of sterilizations.	703 Main Street, Paterson, NJ 07503
Father Martin D. Rooney	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; Defendants' policies and practices regarding the provision of sterilizations; the role of religious directives in Defendants' provision of sterilizations.	c/o St. Joseph's Regional Medical Center, 703 Main Street, Paterson, NJ, 07503
The Unidentified Head Nurse of Surgery	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; Defendants' policies and practices regarding the provision of sterilizations; the role of religious directives in Defendants' provision of sterilizations.	c/o St. Joseph's Regional Medical Center, 703 Main Street, Paterson, NJ, 07503

<u>Name</u>	<u>Subject of Information</u>	<u>Contact Information</u>
Elizabeth Regula	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; Defendants' policies and practices regarding the provision of sterilizations; the role of religious directives in Defendants' provision of sterilizations.	c/o St. Joseph's Regional Medical Center, 703 Main Street, Paterson, NJ, 07503
Members of St. Joseph's Regional Medical Center's Department of Obstetrics and Gynecology	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; Defendants' policies and practices regarding the provision of sterilizations; the role of religious directives in Defendants' provision of sterilizations.	c/o St. Joseph's Regional Medical Center, 703 Main Street, Paterson, NJ, 07503
Dr. Brian Day	Defendants' denial of Mr. Conforti's medically necessary access to treatment, services, or facilities; Defendants' policies and practices regarding the provision of sterilizations.	525 Union Blvd., Totowa, NJ 07512
Dr. Ian Tang	Mr. Conforti's gender dysphoria diagnosis.	400 Broadway, New York, NY 10013
Rissy Batista, LPC	Mr. Conforti's gender dysphoria diagnosis.	547 Union Blvd., Totowa, NJ 07512

This disclosure is based solely on information currently available to Mr. Conforti, as well as Mr. Conforti's present analysis of the case, and shall not, in any way, be deemed a representation that additional individuals do not exist. Mr. Conforti reserves the right to supplement and/or amend this disclosure as discovery progresses.

**B. Documents, Data Compilations and Tangible Things Supporting Claims**

Mr. Conforti identifies the following categories of documents, data compilations and tangible items in his possession, custody or control that he may use to support his claims:

1. Communications received and sent by Mr. Conforti relating to the hysterectomy for which Defendants denied Mr. Conforti access to treatment, services, or facilities.
2. Mr. Conforti's medical and other health records relating to the diagnosis of and recommended course of medically necessary care for gender dysphoria, including a hysterectomy.
3. Mr. Conforti's complaint to the Office for Civil Rights of the U.S. Department of Health and Human Services.

**C. Damages**

In addition to injunctive relief, Mr. Conforti claims compensatory damages stemming from emotional distress, humiliation, degradation, embarrassment, emotional pain and anguish, violation of his dignity, and loss of enjoyment of life; punitive damages, to the extent allowed by federal or state law; costs and disbursements, including reasonable attorneys' fees and costs; and such other legal and equitable relief as the Court may deem appropriate, just, and proper. The amount of damages will be determined at trial, is subject to ongoing fact and expert discovery in this action, and cannot be calculated at present.

**D. Insurance Agreements**

Mr. Conforti is not aware of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

\* \* \*

Mr. Conforti's investigation of the facts and circumstances surrounding the case is ongoing, and Mr. Conforti will supplement these disclosures as appropriate under the Federal Rules of Civil Procedure and the Local Rules of this Court.

DATED: New York, New York  
April 14, 2017

By: s/ Christopher T. Cook  
Christopher T. Cook (N.J. Bar No. 015382012)  
Jane M. Byrne\*  
Todd Anten\*  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22<sup>nd</sup> Floor  
New York, New York 10010-1601  
t: (212) 849-7000  
f: (212) 849-7100

Omar Gonzalez-Pagan\*  
Demoya Gordon\*  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
120 Wall Street, 19<sup>th</sup> Floor  
New York, New York 10005  
t: (212) 809-8585  
f: (212) 809-0055

*\*pro hac vice*

*Attorneys for Plaintiff Jionni Conforti*

# **EXHIBIT C**

**FILED UNDER SEAL PENDING  
ORDER OF THE COURT**

# **EXHIBIT D**

**FILED UNDER SEAL PENDING  
ORDER OF THE COURT**

# **EXHIBIT E**

**FILED UNDER SEAL PENDING  
ORDER OF THE COURT**

# **EXHIBIT F**

**FILED UNDER SEAL PENDING  
ORDER OF THE COURT**

# **EXHIBIT G**

**FILED UNDER SEAL PENDING  
ORDER OF THE COURT**

# **EXHIBIT H**

**Conforti v. St. Joseph's Healthcare System, Inc., et al., Case No. 2:17-cv-00050 (CCC/CLW)**  
**Rule 5.3(c)(3) Index in Support of Defendants' Motion to Compel Mental Examination And To Seal**

**Docket No. 96 – Defendants' Motion To Compel Mental Examination and To Seal, dated July 22, 2019**

<b>Material</b>	<b>Basis for Sealing</b>	<b>Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted</b>	<b>Why a Less Restrictive Alternative to the Relief Sought is Not Available</b>	<b>Any Prior Order Sealing The Same Materials In The Pending Action</b>	<b>Party in Opposition to Sealing, if any, and Basis</b>
Exh. A to Mayer Declaration (Relevant Portions of Plaintiff's Deposition conducted on January 29, 2019)	Plaintiff designated portions of his deposition testimony as "Confidential" or for "Attorneys' Eyes Only" pursuant to the Discovery Confidentiality Order (the "Protective Order") entered by this Court on July 19, 2017 [Docket Entry No. 21].	Plaintiff has designated portions of his deposition testimony as "Confidential" or for "Attorneys' Eyes Only." Plaintiff maintains that the designated portions of his deposition testimony contain private and confidential personal information, including, but not limited to, medical information, see Docket Entry No. 21 at ¶ 1(a)-(d).	Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order, see Docket Entry No. 21 at ¶ 1(d), 9.	Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff's treatment with Dr. Tang, Ms. Batista, Mr. Fitzgerald, and Dr. Vitale [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].	Defendants request to seal the information contained in Plaintiff's deposition testimony to follow the Protective Order and therefore, Defendants do not anticipate any objection.

**Conforti v. St. Joseph’s Healthcare System, Inc., et al., Case No. 2:17-cv-00050 (CCC/CLW)  
 Rule 5.3(c)(3) Index in Support of Defendants’ Motion to Compel Mental Examination And To Seal**

<p>Exh. C to Mayer Declaration (Pl.’s Answers to Defs.’ First Set of Interrogatories)</p>	<p>Plaintiff identified his Answers to Defendants’ First Set of Interrogatories as “Confidential” or for “Attorneys’ Eyes Only” pursuant to the Protective Order entered by this Court on July 19, 2017.</p>	<p>Plaintiff has designated his Answers to Defendants’ First Set of Interrogatories as “Confidential” or for “Attorneys’ Eyes Only” because he maintains that they contain private and confidential personal information, including, but not limited to, medical information, <u>see</u> Docket Entry No. 21 at ¶ 1(a)-(d).</p>	<p>Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order, <u>see</u> Docket Entry No. 21 at ¶ 1(d), 9.</p>	<p>Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff’s treatment with Dr. Tang, Ms. Batista, Mr. Fitzgerald, and Dr. Vitale [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].</p>	<p>Defendants request to seal the information contained in Plaintiff’s discovery responses to follow the Protective Order and therefore, Defendants do not anticipate any objection.</p>
<p>Exh. D to Mayer Declaration (Medical Records Provided by Dr. Joseph Vitale)</p>	<p>Plaintiff identified these medical records as “Confidential” or for “Attorneys’ Eyes Only” pursuant to the Protective Order entered by this Court on July 19, 2017.</p>	<p>Plaintiff has designated his medical records “Confidential” or for “Attorneys’ Eyes Only” because he maintains that they contain private and confidential medical information, <u>see</u> Docket Entry No. 21 at ¶ 1(c).</p>	<p>Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order, <u>see</u> Docket Entry No. 21 at ¶ 1(d), 9.</p>	<p>Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff’s treatment with Dr. Tang, Ms. Batista, Mr. Fitzgerald, and Dr. Vitale [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].</p>	<p>Defendants request to seal these medical records to follow the Protective Order and therefore, Defendants do not anticipate any objection.</p>

**Conforti v. St. Joseph’s Healthcare System, Inc., et al., Case No. 2:17-cv-00050 (CCC/CLW)**  
**Rule 5.3(c)(3) Index in Support of Defendants’ Motion to Compel Mental Examination And To Seal**

<p>Exh. E to Mayer Declaration (Medical Records Provided by Dr. Ian Tang)</p>	<p>Plaintiff identified these medical records as “Confidential” or for “Attorneys’ Eyes Only” pursuant to the Protective Order entered by this Court on July 19, 2017.</p>	<p>Plaintiff has designated his medical records “Confidential” or for “Attorneys’ Eyes Only” because he maintains that they contain private and confidential medical information, <u>see</u> Docket Entry No. 21 at ¶ 1(a)-(d).</p>	<p>Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order, <u>see</u> Docket Entry No. 21 at ¶ 1(d), 9.</p>	<p>Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff’s treatment with Dr. Tang, Ms.. Batista, Mr. Fitzgerald, and Dr. Vitale [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].</p>	<p>Defendants request to seal these medical records to follow the Protective Order and therefore, Defendants do not anticipate any objection.</p>
<p>Exh. F to Mayer Declaration (Medical Records Provided by Rissy Batista)</p>	<p>Plaintiff identified these health care records as “Confidential” or for “Attorneys’ Eyes Only” pursuant to the Protective Order entered by this Court on July 19, 2017.</p>	<p>Plaintiff has designated his health care records “Confidential” or for “Attorneys’ Eyes Only” because he maintains they contain private and confidential medical information, <u>see</u> Docket Entry No. 21 at ¶ 1(a)-(d).</p>	<p>Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order, <u>see</u> Docket Entry No. 21 at ¶ 1(d), 9.</p>	<p>Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff’s treatment with Dr. Tang, Ms.. Batista, Mr. Fitzgerald, and Dr. Vitale [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].</p>	<p>Defendants request to seal these medical records to follow the Protective Order and therefore, Defendants do not anticipate any objection.</p>

**Conforti v. St. Joseph’s Healthcare System, Inc., et al., Case No. 2:17-cv-00050 (CCC/CLW)  
 Rule 5.3(c)(3) Index in Support of Defendants’ Motion to Compel Mental Examination And To Seal**

<p>Exh. G to Mayer Declaration (Medical Records Provided by Vincent Fitzgerald)</p>	<p>Plaintiff identified these health care records as “Confidential” or for “Attorneys’ Eyes Only” pursuant to the Protective Order entered by this Court on July 19, 2017.</p>	<p>Plaintiff has designated his health care records “Confidential” or for “Attorneys’ Eyes Only” because he maintains that they contain private and confidential medical information, see Docket Entry No. 21 at ¶ 1(a)-(d).</p>	<p>Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order, see Docket Entry No. 21 at ¶ 1(d), 9.</p>	<p>Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff’s treatment with Dr. Tang, Ms.. Batista, Mr. Fitzgerald, and Dr. Vitale [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].</p>	<p>Defendants request to seal these medical records to follow the Protective Order and therefore, Defendants do not anticipate any objection.</p>
<p>Defendants’ Brief in Support of Motion to Compel Mental Examination</p>	<p>Defendants’ Brief submitted in support of their Motion to Compel contains information derived from Plaintiff’s deposition testimony and medical / health care records, which Plaintiff identified as “Confidential” or for “Attorneys’ Eyes Only” pursuant to the Protective Order entered by this Court on July 19, 2017.</p>	<p>Plaintiff has designated his deposition testimony and medical / health care records “Confidential” or for “Attorneys’ Eyes Only” because he maintains that they contain private and confidential medical information, see Docket Entry No. 21 at ¶ 1(c).</p>	<p>Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order, see Docket Entry No. 21 at ¶ 1(d), 9.</p>	<p>Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff’s treatment with Dr. Tang, Ms. Batista, Mr. Fitzgerald, and Dr. Vitale [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].</p>	<p>Defendants request to seal the information set forth in their Brief to follow the Protective Order and therefore, Defendants do not anticipate any objection.</p>

**UNITED STATES DISTRICT COURT  
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.

Honorable Claire C. Cecchi, U.S.D.J.  
Honorable Cathy L. Waldor, U.S.M.J.

Case No. 2:17-cv-00050 (CCC/CLW)

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO  
COMPEL MENTAL EXAMINATION  
OF PLAINTIFF AND TO SEAL**

**THIS MATTER** having been opened to the Court by McCarter & English, LLP, counsel for Defendants St. Joseph's Health, Inc., St. Joseph's University Medical Center, Inc., and Father Martin D. Rooney (collectively, "Defendants"), and the Court having considered submissions in support of and in opposition to Defendants' Motion to Compel Mental Examination of Plaintiff Jionni Conforti ("Plaintiff"), pursuant to Fed. R. Civ. P. 35(a) and 37, and to Seal pursuant to L. Civ. R. 5.3:

**FINDINGS OF FACT**

1. On July 22, 2019, Defendants filed a Brief in support of their Motion to Compel the Mental Examination of Plaintiff, pursuant to Federal Rules of Civil Procedure 35(a) and 37. See Docket No. 96.

2. Defendants' Brief and supporting materials attached to the Declaration of Christopher S. Mayer, Esq. ("Mayer Declaration") were filed under temporary seal. Id.

3. Simultaneously, on July 22, 2019, Defendants filed a Motion to Seal Defendants' Brief and Exhibits A and C to G attached to the Mayer Declaration, pursuant to L. Civ. R. 5.3(c), requesting that the foregoing materials filed under temporary seal should be maintained under seal by court order. Id.

4. In support of the Motion to Seal, Defendants submitted an index in the form prescribed by Appendix U to the Local Civil Rules as Exhibit H to the Mayer Declaration.

5. The foregoing materials are identified on the Index with reference to the supporting declaration to justify their confidential nature.

6. Defendants need to submit these foregoing materials to the Court to effectively advocate its position while simultaneously following the terms of the parties' Discovery Confidentiality Order (the "Protective Order"), entered by this Court on July 19, 2017 [Docket Entry No. 21].

7. Plaintiff filed a consolidated motion to file under seal information and documents relating to Plaintiff's medical treatment with the treating physicians identified in Defendants' Motion, including Dr. Joseph Vitale, Dr. Ian Tang, Ms. Rissy Batista, and Mr. Vincent Fitzgerald [Docket Entry No. 77], which the Court granted on May 19, 2019 [Docket Entry No. 82].

#### **CONCLUSIONS OF LAW REGARDING MOTION TO SEAL**

Following review of the papers submitted in support of the Motion, and for good cause shown, the Court hereby concludes:

8. A party seeking to seal information must demonstrate "good cause," which turns on an examination of the factors set forth in Local Civil Rule 5.3(c)(3). Telebrands Corp. v. Newmetro Design, LLC, 2016 U.S. Dist. LEXIS 191179, at \*3 (D.N.J. July 18, 2016) (quoting Pansy v. Borough of Stroudsburg, 23 F.3d 772, 786 (3d Cir. 1994)).

9. Local Civil Rule 5.3(c) governs Motions to Seal and requires a single, consolidated motion on behalf of all parties that includes an index and supporting declaration(s) describing with particularity: (a) the nature of the materials or proceedings at issue; (b) the legitimate private or public interest which warrant 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. See L. Civ. R. 5.3(c)(3).

10. Plaintiff has deemed the foregoing materials and the information derived therefrom as “Confidential” or for “Attorneys’ Eyes Only” under the Protective Order because Plaintiff maintains that the materials contain private and confidential personal information, including, but not limited to, Plaintiff’s medical information. [Docket Entry No. 21, at ¶ 1(a)-(d)].

11. Given the nature of the arguments made by Defendants in support of their motion to compel, there is no less restrictive alternative available to Defendants than to rely upon the confidentially-designated documents while simultaneously following the terms of the Protective Order. Id. at ¶¶ 1(d), 9.

12. The omission of the materials from the submissions made on this Motion would significantly limit the parties’ ability to advocate for their positions.

13. The foregoing materials and information derived therefrom are presently designated as “Confidential” or for “Attorneys’ Eyes Only” and unavailable to public access.

14. On May 19, 2019, the Court granted Plaintiff's consolidated motion to file under seal information and documents relating to Plaintiff's medical treatment with the treating physicians identified in Defendants' Motion [Docket Entry No. 82].

IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2019

ORDERED that Defendants' Motion to Compel the mental examination of Plaintiff and to seal Defendants' Brief and Exhibits A and C to G attached to the Mayer Declaration is GRANTED; and it is further

ORDERED that Defendants' Brief and Exhibits A and C to G attached to the Mayer Declaration shall be filed under seal. This Order is without prejudice to the parties' rights to seek further confidentiality protections during the course of this litigation; and it is further

ORDERED that Plaintiff shall appear for a mental examination to be conducted by Donald Raymond Reeves, Jr., M.D., at Dr. Reeve's medical office (located at Hydrangea Hill Psychiatric Associates, Inc., 112 Raymond Ave., South Orange, New Jersey 07079) within thirty (30) days of the entry of this Order; and it is further

ORDERED that the scope of the examination may include: a Mental Status Examination, including developing Plaintiff's family, education and work histories, as well as Plaintiff's developmental and psychiatric histories (including treatments for psychiatric and psychological conditions, such as Plaintiff's claimed gender dysphoria, depression, and anxiety); an evaluation of Plaintiff's alleged emotional distress, depression, and anxiety that purportedly were caused by Defendants' conduct described in the Complaint, including the extent and duration of same, other potential causes of Plaintiff's alleged distress, depression, and anxiety, and the treatment Plaintiff has undergone (including medications) for same; and Plaintiff's claimed gender

dysphoria and the impact on the dysphoria symptoms of the hysterectomy that Plaintiff underwent in or about September 2015.

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HON. CATHY L. WALDOR, U.S.M.J.

Christopher S. Mayer – Bar ID 037481999  
Thomas F. Doherty – Bar ID 025611992  
**McCARTER & ENGLISH, LLP**  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
(973) 622-4444  
Attorneys for Defendants St. Joseph’s Health, Inc.,  
St. Joseph’s University Medical Center, Inc.,  
and Father Martin D. Rooney

**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  
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Defendants.

Honorable Claire C. Cecchi, U.S.D.J.  
Honorable Cathy L. Waldor, U.S.M.J.

Case No. 2:17-cv-00050 (CCC/CLW)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of July, 2019, a true and correct copy of Defendants’  
Brief In Support of their Motion to Compel the Mental Examination of Plaintiff and to Seal;  
Declaration of Christopher S. Mayer, Esq., including annexed exhibits, Notice of Motion,  
Proposed Form of Order, and this Certificate of Service was filed with the Court using the  
Court’s electronic filing system, which will send notice of electronic filing to all participants,  
resulting in service upon all counsel of record.

s/Katerina R. Mantell  
Katerina R. Mantell, Esq.