

**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)

**ORDER GRANTING  
DEFENDANTS' CONSOLIDATED  
MOTION 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 with consent of counsel for Plaintiff Jionni Conforti ("Plaintiff"), and the Court having considered submissions in support of Defendants' Consolidated Motion to Seal pursuant to L. Civ. R. 5.3:

**FINDINGS OF FACT**

1. On June 1, 2020, Defendants filed a Brief in support of their Motion Appealing The Honorable Cathy L. Waldor's January 22, 2020 and March 30, 2020 Opinions and Orders Denying Defendants' Motion to Compel a Mental Examination of Plaintiff [D.E. 129, 130].

2. Defendants' Moving Brief and supporting materials attached to the Declaration of Christopher S. Mayer, Esq. ("Mayer Declaration") were filed under temporary seal. The supporting materials submitted with the Mayer Declaration have been designated by Plaintiff as either "Confidential" or "Attorneys' Eyes Only" pursuant to the parties' Discovery

Confidentiality Order, entered by this Court on July 19, 2017 [D.E. 21]. Those materials include as follows: (i) Exhibit 2 (relevant portions of the transcript of Plaintiff's deposition, conducted on January 29, 2019); (ii) Exhibit 3 (relevant portions of the transcript of Dr. Ian Tang's deposition, conducted on September 20, 2019); (iii) Exhibit 4 (relevant portions of the transcript of Ms. Rissy Batista's deposition, conducted on September 18, 2019); (iv) Exhibit 5 (relevant portions of Plaintiff's medical records from Dr. Ian Tang); (v) Exhibit 6 (relevant portions of medical records from Dr. Joseph Vitale); (vi) Exhibit 7 (relevant portions of health care records from Ms. Rissy Batista); (vii) Exhibit 8 (relevant portions of health care records from Vincent Fitzgerald, LCSW); and (viii) Exhibit 9 (relevant portions of Plaintiff's Answers to Defendants' First Set of Interrogatories).

3. In support of this Motion to Seal, counsel for Defendants prepared a redacted version of Defendants' Moving Brief (attached hereto as Exhibit 1) in accordance with L. Civ. R. 5.3(c)(2)(i).

4. The narrowly tailored portions of Defendants' Moving Brief that Defendants seek to file under seal contain information derived from the supporting materials attached as Exhibits 2 through 9 of the Mayer Declaration.

5. Furthermore, in support of this Motion to Seal and in accordance with Local Civil Rule 5.3, Defendants submit an index in the form prescribed by Appendix U to the Local Civil Rules.

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

7. Defendants were required to submit the foregoing materials to the Court to effectively advocate their position while simultaneously following the terms of the parties' Discovery Confidentiality Order [D.E. 21].

8. This Court has previously sealed the same or similar materials, including, but not limited to, materials derived from Plaintiff's deposition testimony, discovery responses, and treatment with his treating physicians and health care providers, which were also designated as either "Confidential" or "Attorneys' Eyes Only" pursuant to the parties' Discovery Confidentiality Order [D.E. 21].

9. On May 19, 2019, the Court granted the Plaintiff's consolidated motion to file under seal information and documents relating to his treatment with certain medical and/or health care providers identified in Defendants' Appeal [D.E. 77, 82].

10. On August 28, 2019, the Court granted Defendants' consolidated motion to file under seal similar information and documents derived from Plaintiff's deposition testimony, discovery responses, and medical treatment with his treating physicians [D.E. 106, 107].

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

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

11. 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)).

12. 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).

13. Plaintiff designated the foregoing materials and the information derived therefrom as “Confidential” or for “Attorneys’ Eyes Only” under the Discovery Confidentiality Order because Plaintiff maintains that the materials contain, reference, and/or reflect highly sensitive personal and medical information. [D.E. 21 at ¶ 1(a)-(d)].

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

15. The omission of the materials from the submissions made on Defendants’ Appeal would significantly limit the parties’ ability to advocate for their positions.

16. Defendants’ request to seal is narrowly tailored and limited to the materials deemed “Confidential” or “Attorneys’ Eyes Only” by Plaintiff, and the unredacted portions of Defendants’ Appeal sufficiently disclose the nature of the parties’ discovery dispute to the public while adhering to the parties’ Discovery Confidentiality Order.

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

18. As set forth in Paragraphs 9 and 10 above, the Court has previously sealed the same or similar materials, including, but not limited to, materials derived from Plaintiff's deposition testimony, discovery responses, and treatment with his treating physicians and health care providers, which were also designated as either "Confidential" or "Attorneys' Eyes Only" pursuant to the parties' Discovery Confidentiality Order [D.E. 21].

19. Counsel for Plaintiff consents to the instant request and the Court is not aware of any other party or nonparty opposing this motion.

20. The Court concludes that Defendants have demonstrated that their application meets the requirements of Local Civil Rule 5.3.

IT IS on this 30 day of July, 2020,

ORDERED that Defendants' Consolidated Motion to Seal is GRANTED; and it is further ORDERED that designated portions of Defendants' Moving Brief and Exhibits 2 through 9 attached to the Mayer Declaration submitted in support of Defendants' Motion Appealing The Honorable Cathy L. Waldor's January 22, 2020 and March 30, 2020 Opinions and Orders Denying Defendants' Motion to Compel a Mental Examination of Plaintiff [D.E. 129, 130], shall be filed under seal pursuant to L. Civ. R. 5.3. 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 the proposed redacted versions of Defendants' Moving Brief shall be publicly filed.

*s/ Cathy L. Waldor*

---

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