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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUBY FREEMAN and WANDREA' MOSS,

Plaintiffs,

-v-

RUDOLPH W. GIULIANI,

Defendant,

-and-

ANDREW H. GIULIANI,

Intervenor-Defendant
Applicant.

24-mc-00353 (LJL)

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RUBY FREEMAN and WANDREA' MOSS,

Plaintiffs,

-v-

RUDOLPH W. GIULIANI,

Defendant.

24-cv-06563 (LJL)

ORDER

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LEWIS J. LIMAN, United States District Judge:

Defendant moves to file two declarations ex parte and under seal. The documents are filed at Dkt. Nos. 104 and 105 in 24-mc-00353 and Dkt. Nos. 76 and 77 in 24-cv-06563. The

motions to file the declarations ex parte and under seal is denied in part and granted in part.

A presumption of public access attaches to the declarations because they are judicial documents relevant to the performance of the judicial function and are useful in the judicial process. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Although the presumption is not strong, no countervailing factors justify the sealing of information regarding the identity and role of the declarant, the relief sought, the grounds for the motion, and the posture of the matters discussed. There is a common law and First Amendment right of access to such information. However, countervailing factors do justify sealing the paragraphs of the declarations that contain privileged information, namely, paragraphs 4 to 7 in Dkt. No. 104 in 24-mc-00353 and the same paragraphs in the corresponding declaration filed at Dkt. No. 76 in 24-cv-06563. *See Richards v. Kallish*, 2023 WL 7126311, at *2 (S.D.N.Y. Oct. 30, 2023) (collecting cases). Those paragraphs may be redacted and declarations re-filed on the public docket, with the unredacted version submitted to the Court under seal and ex parte with access limited to the Court and counsel for the Defendant. The declarations at Dkt. No. 105 in 24-mc-00353 and Dkt. No. 77 in 24-cv-06563 contain no confidential information and the motion to file those declarations under seal and ex parte is denied in its entirety.

The Court will disregard the declarations and the request for relief made therein until redacted declarations are filed on the public docket and the Plaintiffs have an opportunity to respond.

SO ORDERED.

Dated: November 13, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge