

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

ELIYAHU MIRLIS,

Plaintiff,

Case No.3:18-cv-02082 (JAM)

v.

SARAH GREER,

Defendant.

**MOTION TO SEAL COMPLAINT**

Pursuant to Fed. R. Civ. P. 5.2(d) and District of Connecticut Local R. Civ. P. 5(e)(4), the plaintiff, Eliyahu Mirlis (“Plaintiff”) respectfully moves for an order authorizing the unredacted Complaint (the “Complaint”) in this action to be filed seal. The Complaint contains information produced by the defendant in this action, Sarah Greer (“Defendant”), Daniel Greer (“D. Greer”) and the Yeshiva of New Haven, Inc. (the “Yeshiva”) designated as “Confidential” purportedly in accordance with the operative Protective Order (Doc. No. 280-1, as entered by the Court in Doc. No. 281) (the “Protective Order”) in the related case captioned *Eliyahu Mirlis v. Daniel Greer et al.*, 3:16-cv-00678 (MPS) (the “Underlying Action”). While Plaintiff believes that such designations were largely inappropriate and the material in the Complaint is not confidential, Plaintiff files this Motion and the Complaint in its unredacted form under seal in order to avoid violating the Protective Order. In support of this Motion, Plaintiff respectfully states the following:

**I. BACKGROUND RELEVANT TO THIS MOTION**

On June 6, 2017, following a jury verdict in Plaintiff’s favor, the Court entered judgment (the “Judgment”) against D. Greer and the Yeshiva in the Underlying Action in the amount of \$21,749,041.00. The Judgment remains almost entirely unsatisfied. Plaintiff subsequently took the depositions of D. Greer, both individually and in his capacity as a representative of the

Yeshiva, and Defendant. In addition, Defendant obtained the production of documents from Defendant, D. Greer, and the Yeshiva. The depositions and almost all the documents produced to Plaintiff were designated as “Confidential” or “Confidential – Attorney’s Eyes Only” pursuant to the Protective Order.

Plaintiff does not believe that there is any basis to designate the all such materials as confidential. Plaintiff has sent a demand to Defendants pursuant to the Protective Order to remove or modify this and other improper, blanket designations and has now filed a Motion to Modify Designations (Underlying Action, Doc. No. 337). However, to avoid violating the Protective Order, Plaintiff files this Motion in an abundance of caution. As such, in conjunction with the filing of this Motion, Plaintiff has filed a redacted version of the Complaint as a public document and the unredacted version under seal.

## **II. BASIS FOR RELIEF SOUGHT**

Federal Rule of Civil Procedure 5.2(d) provides that the “court may order that a filing be made under seal without redaction.” Local R. Civ. P. 5(e)(4) contains procedures for requesting the Court’s permission to file a document under seal. Pursuant to Local R. Civ. P. 5 (e)(4)(a), counsel may e-file a motion to seal as either a public or sealed motion, a redacted version of the document sought to be sealed as a public document, and an unredacted copy of the document sought to be sealed as a sealed document. Plaintiff has complied with these procedures by filing this Motion, a redacted copy of the Complaint as a public document, and an unredacted copy of the Complaint as a sealed document.

Plaintiff requests that the unredacted version of the Complaint remain under seal, unless D. Greer and the Yeshiva withdraw or modify the “Confidential” designations or the Court orders that such designations should be modified or withdrawn.

**III. CONCLUSION**

WHEREFORE, Plaintiff respectfully requests that the Court enter an order (a) granting this Motion; (b) directing that the unredacted Complaint shall remain under seal unless and until Defendants withdraw or appropriately modify the “Confidential” designations made or the Court orders that the designations modified or withdrawn; and (c) granting such other and further relief as is just and proper.

Dated at Bridgeport, Connecticut, this 19<sup>th</sup> day of December, 2018.

THE PLAINTIFF,  
ELIYAHU MIRLIS

By: /s/ John L. Cesaroni  
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**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that on December 19, 2018, a copy of the foregoing Motion to Seal was served upon all appearing parties with access to the CM/ECF System by operation of the Court's electronic notification system. The undersigned further certifies that on the same date a copy of the foregoing was sent via electronic mail to Sarah Greer's counsel as follows:

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