

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ELIYAHU MIRLIS,

Plaintiff,

Case No.3:19-cv-00700 (CSH)

v.

EDGEWOOD ELM HOUSING, INC.,
F.O.H., INC., EDGEWOOD VILLAGE,
INC., EDGEWOOD CORNERS, INC.,
AND YEDIDEI HAGAN, INC.

November 19, 2021

PLAINTIFF'S OPPOSITION TO MOTION TO SEAL

Plaintiff Eliyahu Mirlis, through his undersigned counsel, respectfully submits this opposition to defendants' Edgewood Elm Housing, Inc. ("Edgewood Elm"), F.O.H., Inc. ("FOH"), Edgewood Village, Inc. ("Edgewood Village"), Edgewood Corners, Inc. ("Edgewood Corners"), and Yedidei Hagan, Inc. ("YH" and collectively, "Defendants"), Motion to File Legal Fees Affidavits Under Seal (the "Legal Fees Affidavit").

D. Conn. L. Civ. R. 5(e)1.(a) provides:

The power to close a courtroom or to exclude the public from proceedings to which a First Amendment right to access attaches shall be used sparingly and only for clear and compelling reasons. Before excluding the public from such proceedings, the Court must make particularized findings on the record demonstrating the need for the exclusion, and any court closure order shall be narrowly tailored to serve the purpose of the closure.

Defendants have not made the requisite showing to file the Legal Fees Affidavit under seal and preclude the public's First Amendment right to access. Indeed, Defendants do not contend that the Legal Fees Affidavit contains personal identifying information that is generally subject to protection, *e.g.*, social security numbers or bank account numbers, or otherwise includes trade secrets or other generally unknown and valuable business information. Instead, Defendants ask the Court to seal the Legal Fees Affidavit for the very reason that a court should never seal a document: to prevent the press from accessing the document because the press may be biased against a party,

in this case D. Greer. *See* Motion to Seal, at ¶3. Indeed, if keeping a document like the Legal Fees Affidavit from the press because it might be biased against a party was a legitimate basis to file under seal nearly every document filed in any case with even a modicum of media attention would be subject to being filed under seal and the public would no longer have access to the courts.

Sealing is also not appropriate because, contrary to Defendants' contention, the Legal Fees Affidavit does not contain sensitive financial matters. Indeed, Defendants make no effort whatsoever to articulate what it is that they consider to be the sensitive financial matters within the Legal Fees Affidavit. Thus, Defendants have failed to make the particularized showing required by Local Rule 5.

Lastly, the Defendants are non-profit entities that solicit donations from the public, in the past twenty years have received millions of dollars through Connecticut's Neighborhood Assistance Tax Credit Program, and likely receive, or have received, funds through other public or quasi-public sources. The public absolutely has a right and a need to know how the Defendants are spending their funds, including the amounts that Defendants are spending, or being asked to spend, to continue to defend D. Greer and the Yeshiva.

THE PLAINTIFF,
ELIYAHU MIRLIS

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2021, a copy of foregoing Plaintiff's Opposition to Defendants' Motion to File Under Seal was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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