

SIMMONS HANLY CONROY LLC

112 Madison Avenue
New York, NY 10016
212-784-6400
212-213-5949 (fax)

FILED

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BRIAN R. MARTINOTTI, J.S.C.

KELL LAMPIN LLC

5770 Mexico Rd., Suite A
St. Peters, MO 63376
636.498.4878
Fax: 636-441-0198
Attorneys for Plaintiffs

EVELYN HOLMES,

Plaintiffs,

vs.

C.R. BARD., INC
AND JOHN DOES 1-20

Defendants.

:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION – BERGEN COUNTY
: DOCKET NO. BER-L-017503-14
: MASTER CASE NO. BER-L-017717-14

:
: Civil Action
: BARD Litigation, Case No. 292

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: **ORDER TO SEAL ACTION**
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THIS MATTER having come before the Court on the Letter Motion of Plaintiff Evelyn Holmes for an Order sealing the file in this action in order to submit papers regarding the Master Settlement Agreement and a confidential special needs trust for Plaintiff; and the Court having read and considered all submissions in connection with the Letter Motion; and good cause appearing;

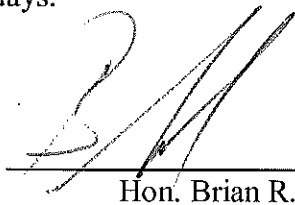
IT IS on this 12th day of April, 2016,

ORDERED that the file in this action be, and hereby is sealed.

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IT IS FURTHER ORDERED that counsel for Plaintiffs shall serve a copy of this order on all parties within seven (14) days.



Hon. Brian R. Martinotti

**A RIDER IS ATTACHED HERETO
AND INCORPORATED HEREIN.**

Opposed

Unopposed

RIDER TO ORDER

Before this Court is Plaintiff Evelyn Holmes' application, by letter request dated April 4, 2016 from Mitchell M. Breit, Esq., to seal the file in this action in its entirety. Defendants C.R. Bard, Inc. and John Does 1-20 do not oppose this application.

"There is a presumption of public access to documents and materials filed with a court in connection with civil litigation." Hammock by Hammock v. Hoffmann-Laroche, 142 N.J. 356, 375 (1995); R. 1:38-11; see Lederman v. Prudential Life Ins. Co. of Am., Inc., 385 N.J. Super. 307, 316-17, (App. Div. 2006) ("The presumption of public access applies to all nondiscovery pretrial motions, and attaches to all materials, documents, legal memoranda and other papers 'filed' with the court that are relevant to any material issue involved in the underlying litigation (not simply relevant to a particular motion) regardless of whether the trial court relied on them in reaching its decision on the merits."). However, R. 1:38-11 provides that "[i]nformation in a court record may be sealed by court order for good cause...." Good cause exists when the moving party proves, by a preponderance of the evidence, that "(1) [d]isclosure will likely cause a clearly defined and serious injury to any person or entity; and (2) [t]he person's or entity's interest in privacy substantially outweighs the presumption that all court and administrative records are open for public inspection pursuant to R. 1:38." R. 1:38-11 (a). The movant must demonstrate their need for secrecy "with specificity as to *each document*" because "[b]road allegations of harm, unsubstantiated by specific examples or articulated reasoning, are insufficient" to support a finding of good cause to seal the record. Hammock, 142 N.J. 381-82 (emphasis added).

Ms. Holmes must file a R. 1:38-11 motion demonstrating the existence of good cause to seal the record. Ms. Holmes has submitted an informal letter application broadly claiming that the

entire record must be sealed because her eligibility for public benefits may be impaired by the disclosure of confidential information contained therein. (Cert. of Mitchell M. Breit at ¶3.) This application is DENIED without prejudice and such request will only be entertained upon the filing of the appropriate motion.