

# New York Law Journal

## Panel Upholds Unsealing of Settlements in Crane Case

By Jeff Storey

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A unanimous panel of the Appellate Division, First Department, yesterday upheld a lower court's decision to unseal settlement documents stemming from the 2008 collapse of a construction crane that killed seven people. The panel ruled in *Squeri v. East 51st Street Development*, 117452/08, that Manhattan Justice Carol Edmead properly exercised her discretion when she unsealed the documents even though one wrongful death action from the accident remained pending.

The panel held that there had been no showing of the required good cause for continued sealing of court records. It pointed out that courts must "consider the interests of the public as well as the parties in determining whether good cause has been shown." Here, it said there was no compelling reason to overcome a presumption of public access to court proceedings. The panel also rejected the position of the proponents of continued sealing that it would forestall the attempted use of prior settlement information by remaining plaintiffs as an "artificial threshold" in evaluating the worth of their own cases. Rather, it concluded that the unsealing would enable remaining plaintiffs "to ascertain the amount of available insurance coverage and thus make informed decisions as to the relative benefits and drawbacks of settling their own claims."

Justices Peter Tom, Angela Mazzaelli, Dianne Renwick and Leland DeGrasse joined the unsigned opinion.

Appearing were Thomas Carruthers of O'Melveny & Myers for East 51st Street Development; Kimberly Ricciardi of Gallo, Vitucci & Klar for Reliance Construction and RCG Group; Brian Isaac and Robert Godosky of Pollack, Pollack, Isaac & DeCicco, for Jean Squeri; and **Jeffrey Metz of Adam Leitman Bailey** for Crave Foods.