

DOCKET NO.: FST CF 15-5014808-S) SUPERIOR COURT
)
WILLIAM A. LOMAS,) JUDICIAL DISTRICT OF
) STAMFORD/NORWALK
Plaintiffs,)
) AT STAMFORD
versus)
)
PARTNER WEALTH MANAGEMENT, LLC)
KEVIN G. BURNS, JAMES PRATT-HEANEY,) SEPTEMBER 23, 2016
AND WILLIAM P. LOFTUS,)
)
Defendants.)
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PARTNER WEALTH MANAGEMENT, LLC,)
KEVIN G. BURNS, JAMES PRATT-HEANEY,)
AND WILLIAM P. LOFTUS,)
)
Counterclaim Plaintiffs,)
)
versus)
)
WILLIAM A. LOMAS,)
)
Counterclaim Defendant.)

COUNTERCLAIM PLAINTIFFS’ MOTION TO SEAL

Pursuant to § 11-20A of the Connecticut Rules of Practice, Defendants and Counterclaim Plaintiffs, Partner Wealth Management, LLC (“PWM”), Kevin G. Burns, James Pratt-Heaney, and William Loftus (collectively, the “Counterclaim Plaintiffs”) hereby move to seal and limit the disclosure of the exhibits (the “Exhibits” or “Proposed Sealed Documents”) attached to their Counterclaim Complaint, which is being filed contemporaneously herewith. Pursuant to §§ 7-4B and 7-4C of the Connecticut Rules of Practice, the Counterclaim Plaintiffs will lodge with the Clerk of the Court and designate appropriately the Proposed Sealed Documents. Counterclaim Defendant is in actual possession of all the exhibits to the Counterclaim Complaint and,

regardless, copies of the Exhibits have been or will shortly be provided to Counterclaim Defendant's counsel.

The Proposed Sealed Documents include confidential and proprietary information that falls squarely within the stipulation entered into between the parties. The Exhibits variously contain sensitive, confidential, proprietary, and trade secret information. The Exhibits also contain client information, which all parties to this litigation owe fiduciary duties to maintain in confidence.

LEGAL ARGUMENT

Practice Book § 11-20A sets forth the procedure for limiting the disclosure of documents in civil cases. It specifically provides that, upon written motion of any party, "the judicial authority may order that files, affidavits, documents or other materials on file or lodged with the court . . . be sealed . . . if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials."

Practice Book § 11-20A(c).

Any presumption of public access to court documents may be outweighed by countervailing considerations. See *Rosado v. Bridgeport Roman Catholic Diocesan Corp.*, 292 Conn. 1, 35 (2009), *cert. denied sub nom. Bridgeport Roman Catholic Diocesan Corp. v. New York Times Co.*, 130 S.Ct. 500 (2009). The presumption in favor of disclosure is outweighed in instances which a specific injury is identified and unfair harm to the parties is established. See, e.g., *Redmond v. Promotico*, 2012 WL 5476997, *1-2 (Conn. Super., Oct. 16, 2012) (citing *Doe v. Lasaga*, Superior Court, Judicial District of New Haven, Docket No. CV 99 0430858 (March 1, 2004, Arnold, J.) (36 Conn. L. Rptr. 751); *Soroka v. Household Automotive Finance Corp.*,

Superior Court, Judicial District of New Haven, Docket No. CV 04 4000300 (April 30, 2007, Silbert, J.) (43 Conn. L. Rptr. 481).

In this case, the need to withhold public disclosure of the designated confidential information clearly outweighs the public interest in such disclosure. *See, e.g., Pursuit Partners, LLC v. UBS AG*, 2012 WL 4801418, at *1 (Conn. Super. Sept. 10, 2012) (“the court finds that there is an overriding interest to protect the confidential business information contained therein and not sealing the materials at this point of the proceedings could damage irreparably the proprietary information of the UBS defendants and other non-involved parties” and that “this interest outweighs the public’s interest in access to such information at this juncture of the proceedings”).

As in *Pursuit Partners*, the Proposed Sealed Documents in this case contain confidential, proprietary, and highly sensitive business information, which if not sealed, could damage irreparably the Counterclaim Plaintiffs, their clients, and other non-parties. The confidential information contained in the Proposed Sealed Documents includes, *inter alia*, financial and sensitive business information of the parties contained in PWM’s various agreements. Public dissemination of otherwise confidential and commercially sensitive financial information in this matter serves no valid public purpose and would serve to harm the Counterclaim Plaintiffs. Moreover, the Proposed Sealed Documents identify clients of PWM. All parties have fiduciary duties to maintain the confidentiality of their client lists; there is no public interest that outweighs the clients’ right to confidentiality concerning their financial accounts.

Furthermore, the parties entered into the Stipulation to prohibit disclosure of confidential information. While the Stipulation alone may not be determinative of the protected status of the

Proposed Sealed Exhibits, it illustrates that both parties have gone to great lengths to maintain the confidentiality of the very information that this Motion seeks to seal.

Lastly, the Counterclaim Complaint is being filed in Court and is available to the public. The Counterclaim Complaint contains detailed allegations that sufficiently provide notice to the public regarding these proceedings, which further reduces any public interest that could outweigh the need to withhold public disclosure of the material contained in the Proposed Sealed Exhibits.

CONCLUSION

For all of the foregoing reasons, the Counterclaim Plaintiffs respectfully request that the Court grant this motion to seal.

THE DEFENDANTS AND COUNTERCLAIM
PLAINTIFFS, PARTNER WEALTH
MANAGEMENT, LLC, KEVIN G. BURNS,
JAMES PRATT-HEANEY AND WILLIAM
LOFTUS

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was e-mailed and mailed to all counsel of record on this 23rd day of September, 2016.

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