

At an IAS Part 19 of the Supreme Court of the State of New York, held in and for the County of New York, at 60 Centre Street New York, New York, on the 27 day of June, 2023.

P R E S E N T: HON. LISA A. SOKOLOFF, J.S.C.

In the Matter of the Application of  
ANONYMOUS 1 and ANONYMOUS 2,  
Petitioners,  
for the Appointment of a Guardian for  
ANONYMOUS 3,  
A Person in Need of a Guardian.

**DECISION & ORDER  
ON SEALING &  
CONFIDENTIALITY**

Index No. 500198/2015

A hearing on notice to all court appointees and interested parties was held on April 10, 2023, on the issue of sealing of documents pertaining to the ward, Anonymous 3, and confidentiality of certain aspects of his life.

Upon information and belief there was a generalized confidentiality order in the case from its inception in 2015 to protect the privacy, dignity, and financial interests of the ward, an internationally famous artist [REDACTED] that was lifted by a prior assigned judge. Subsequently, this court issued a ruling keeping confidential all medical records and related reports prior to dissemination of certain records to interested parties.

This hearing was precipitated by Bloomberg News printing this court's comments regarding the ward's "circumstances" after visiting the ward for the first time. There was no context to the quote. To an unsophisticated reader it could appear that the Court spoke to the media, in violation of judicial ethics. Clearly some party had given all or some of a transcript to the reporter or had submitted it as an attachment in one of the many related actions that are not sealed.

While the Court is mindful of the public's right to observe court proceedings to ensure justice is being administered properly, the Court also has concern for a ward's right to privacy and respect for his wishes. This is one of the few cases that has brought these issues squarely before this Court.

[REDACTED]

[REDACTED]

Libra describes her father in hyperbolic terms as being imprisoned, without human rights, and having been kept away from her. She believes his case exemplifies the evils of guardianships and wants to advocate on behalf of all those who have issues with guardianships and conservatorships. [REDACTED]

Courts will seal a proceeding only if good cause is shown. Good cause is determined through an interest balancing analysis that weighs the interests of the public in open proceedings versus the party seeking a closed proceeding's interest in privacy. Such an analysis considers four factors: interest of the public, sound administration of justice, the nature of the proceedings, and the privacy rights of the AIP. (Matter of Astor, 13 Misc 3d 1203[A], Sup Ct, NY County 2006)). This Court approaches that balancing test with the overriding concern in all Guardianship matters: the best interests of the ward.

The issue of sealing comes when two large issues face the guardianship. [REDACTED]

[REDACTED]

[REDACTED]

Although in many guardianship cases, it is not possible to determine the ward's wishes.

[REDACTED]

Our society has a fascination with the private lives of the famous. [REDACTED]  
[REDACTED] Any lingering interest the public may  
have does not outweigh the potential injury to ward and potential deprivation of privacy.

\* \* \*

IT IS HEREBY,

ORDERED, that the children, their counsel, counsel for the guardians, and the guardians shall not disclose or cause to be disclosed either directly or indirectly to the public or media any further information about the wards' health, his medical conditions, his care and treatment, his living conditions and other circumstances, his finances and any business issues pertaining to him. No transcripts of proceedings in this case should be disclosed or caused to be disclosed to the public or media. Nor shall any in any related matters. And going forward, no filings containing this information in this or any related matter involving the parties identified here be filed except under seal. The parties identified herein shall be responsible to advise the Court in related matters about this decision.

Dated: June 27, 2023

ENTER:

  
HON. LISA A. SOKOLOFF, J.S.C.