

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CUMULUS MEDIA NEW HOLDINGS INC.,

Plaintiff,

-V-

THE NIELSEN COMPANY (US) LLC,

Defendant.

25-CV-08581 (JAV)

### OPINION AND ORDER

JEANNETTE A. VARGAS, United States District Judge:

By a separate order and accompanying opinion, the Court granted the motion for preliminary injunction by Plaintiff Cumulus Media New Holdings Inc. (“Cumulus”) against Defendant The Nielsen Company (US) LLC (“Nielsen”). A copy of that Opinion has been filed under seal.

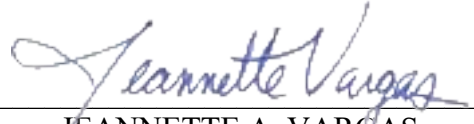
The Opinion contains competitively sensitive information of parties and nonparties that the Court previously authorized to be filed under seal. Although the Court previously authorized the sealing of such information, however, under the balancing test established by the Second Circuit in *Lugosch v. Pyramid Co. of Onondaga*, the “weight to be given the presumption of access must be governed by the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts.” 435 F.3d 110, 119 (2d Cir. 2006) (citation omitted). Accordingly, information that is properly sealed when submitted to the Court in connection with an ancillary matter must be reassessed when appearing in a judicial opinion, where the presumption of public access is at its highest, and material may be sealed only for the most compelling reasons. *Id.* at 123.

The Court has highlighted the previously-sealed material in the Opinion that, in its

judgment, meets this high standard. The Court will delay public filing of the opinion to allow the parties to consider the Court's proposed redactions and propose any additional redactions. The parties shall meet and confer (including with any relevant nonparty whose information is at issue) and submit proposed redactions to the Court by January 7, 2025. After considering the proposed redactions, the Court will issue a public version of the opinion.

SO ORDERED.

Dated: December 30, 2025  
New York, New York

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JEANNETTE A. VARGAS  
United States District Judge