

Lennox Indus., Inc. v Honeywell Intl., Inc.

2014 NY Slip Op 33962(U)

March 5, 2014

Supreme Court, New York County

Docket Number: 653318/2013

Judge: Shirley Werner Kornreich

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SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: JUSTICE SHIRLEY WERNER KORNREICH PART 54
Justice

Index Number : 653318/2013
LENNOX INDUSTRIES, INC.
vs
HONEYWELL INTERNATIONAL, INC.
Sequence Number : 003
SEAL ORDER

INDEX NO. _____
MOTION DATE 1/27/14
MOTION SEQ. NO. _____

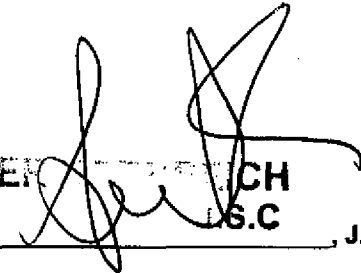
The following papers, numbered 1 to _____, were read on this motion to/for _____
Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ | No(s) 15-16, 31
Answering Affidavits — Exhibits _____ | No(s) _____
Replying Affidavits _____ | No(s) _____

Upon the foregoing papers, it is ordered that this motion is

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

MOTION IS DECIDED IN ACCORDANCE WITH ACCOMPANYING MEMORANDUM DECISION AND ORDER

Dated: 3/5/14

SHIRLEY WERNER KORNREICH


J.S.C.

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
- 3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
- DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 54

-----X
LENNOX INDUSTRIES, INC.

Index No.: 653318/2013

Plaintiff,
-against-

DECISION & ORDER

HONEYWELL INTERNATIONAL, INC.,

Defendant.

-----X
SHIRLEY WERNER KORNREICH, J.:

Motion sequence numbers 003 & 004 are consolidated for disposition.

The parties each filed unopposed motions to seal three exhibits related to defendant’s pending motion to dismiss. The motions are granted for the reasons that follow.

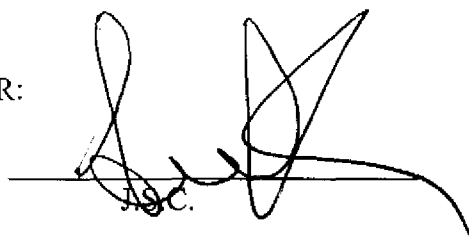
“There is a broad presumption that the public is entitled to access to judicial proceedings and court records.” *Mosallem v Berenson*, 76 AD3d 345, 348 (1st Dept 2010). Pursuant to 22 NYCRR 261.1, the party seeking to seal court records must establish “good cause.” *Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499, 502 (2d Dept 2007). “Since confidentiality is the exception,” the movant must establish that “public access to the documents at issue will likely result in harm to a compelling interest of the movant and that no alternative to sealing can adequately protect the threatened interest.” *Id.* (internal citations omitted). This court has discretion, on a case by case basis, to determine if good cause exists. *Id.*

Good cause exists to seal all three documents. The first, the contract between the parties, contains proprietary information that would give the parties’ competitors an unfair competitive advantage. The other two documents contain proprietary product specifications, which are trade secrets. The documents, therefore, may be filed under seal. The parties must provide the court with hard copies of these documents prior to the motion submission date. Accordingly, it is

ORDERED that the parties' unopposed motions to seal NYSCEF Doc. Nos. 12, 29, and 30 are granted.

Dated: March 5, 2014

ENTER:



A handwritten signature in black ink, appearing to be "J. Sc.", written over a horizontal line. The signature is stylized and somewhat illegible.