

**JCMC Flatiron, LLC v Princeton Holdings LLC**

2019 NY Slip Op 32222(U)

July 24, 2019

Supreme Court, New York County

Docket Number: 653586/2013

Judge: Joel M. Cohen

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART IAS MOTION 3EFM

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JCMC FLATIRON, LLC,  
  
Plaintiff,  
  
- v -  
  
PRINCETON HOLDINGS LLC, JOSEPH TABAK,  
  
Defendant.

INDEX NO. 653586/2013  
  
MOTION DATE 03/28/2019  
  
MOTION SEQ. NO. 008

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 008) 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 389, 393, 395, 399, 400 were read on this motion to SEAL.

Upon the foregoing documents:

Non-party Michael Ring moves for an order sealing and/or redacting certain documents filed in connection with Defendants’ summary judgment motion and motion to reargue (motion sequences 003 and 007). In total, Mr. Ring seek to seal and/or redact 11 documents.

Pursuant to § 216.1(a) of the Uniform Rules for Trial Courts, this Court may seal a filing “upon a written finding of good cause, which shall specify the grounds thereof. In determining whether good cause has been shown, the court shall consider the interests of the public as well as of the parties.” 22 NYCRR § 216.1(a). Courts must balance the risk of privacy concerns stemming from the “disclosure of” documents and information, including “personal and financial information,” against the “compelling public interest in exposure of this information,” if any. *See MBIA Ins. Corp. v. Countrywide Home Loans, Inc.*, 2013 WL 450030, at \*9 (N.Y. Sup. Ct. Jan. 3, 2013) (Bransten, J.).

The party seeking to seal the court records has the burden to demonstrate compelling circumstances to justify restricting public access, which requires demonstrating “a sound basis or legitimate need to take judicial action.” *Danco Laboratories, Ltd. vs. Chemical Works of Gedeon Richter*, 274 A.D.2d 1, 6 (1<sup>st</sup> Dep’t 2000). In New York, “there is a broad presumption that the public is entitled to access to judicial proceedings and court records.” *Mosallem v. Berenson*, 76 A.D.3d 345, 348-350 (1<sup>st</sup> Dep’t 2010).

Defendants do not oppose Mr. Ring’s request for sealing, however, they seek their own Order permitting 6 documents which were preemptively sealed (NYSCEF 133, 134, 155, 282, 283, 304). Two of the documents, however, NYSCEF 133 and 282 represented a Purchase Agreement and contains the same information that Mr. Ring sought to seal in this motion. For the following reasons Mr. Ring’s motion to seal certain documents and Defendants’ request to unseal certain documents are Granted.

The Court has reviewed the proposed redactions as contained in Exhibits A to J to the Affirmation of Matthew Sheppe (NYSCEF 372) and Exhibit A to the Reply Affirmation of Matthew Sheppe (NYSCEF 399) and finds that they comport with the applicable sealing standards as laid out in *MBIA*, 2013 WL 450030 at \*9, and its progeny. Therefore, Mr. Ring’s motion to seal is Granted.

Defendants’ request to unseal certain documents, filed as NYSCEF 134, 155, 283, 304, is granted without opposition. The request to unseal the Purchase Agreement contained as NYSCEF 133 and 282 is granted in part. Any reference to Mr. Ring, his financial information or otherwise sensitive information pertaining to Mr. Ring should be redacted. The preference is for Courts not to have to seal documents from public access and, as no basis for sealing these 4 documents has been articulated, they are to be re-filed as unsealed documents.

Therefore, it is:

**ORDERED** that non-party Michael Ring's Motion to Seal as presented in both the Affirmation in Support and the Reply Affirmation in Further Support of Motion Sequence 008 (NYSCEF 372, 399) is Granted; it is further

**ORDERED** that Defendants request to unseal only the following documents is Granted: NYSCEF 134, 155, 283, 304; it is further

**ORDERED** that all parties shall file on NYSCEF the unredacted versions of all documents previously filed in a redacted and/or sealed form in connection with the instant motion (motion sequence 008) as well as Defendant's motion for summary judgment and motion to reargue (motion sequences 003 and 007), to the extent those documents are not otherwise covered by a previously issued sealing order; it is further


**ORDERED** that upon service of a copy of this Order upon the Clerk of the Court, the Clerk shall permit the documents identified as Exhibit A to J to Matthew Sheppe's Affirmation in Support and Exhibit A to Matthew Sheppe's Reply Affirmation to be filed in a redacted form wherever they shall appear in connection with motions sequences 003, 007 and 008. Until further Order of the Court, the Clerk of the Court shall deny access to these documents to anyone other than the staff of the Clerk or the court, counsel of record for any party to this case, and any party. Provided that: The Clerk of the Court shall not seal any documents not referenced in this Order or as otherwise described below; it is further

**ORDERED** that, to the extent not already done, all parties shall also file on NYSCEF the redacted versions of the documents identified as Exhibit A to J to Matthew Sheppe's Affirmation in Support and Exhibit A to Matthew Sheppe's Reply Affirmation in connection with Motion Sequences 003, 007 and 008 in accordance with this order; it is further

ORDERED that future submissions, made by any party, that contain subject matter that the court has authorized to be sealed by this Order may be filed in redacted form on NYSCEF, provided that an unredacted copy of any redacted document is contemporaneously filed under seal; and it is further

ORDERED that nothing in this Order shall be construed as authorizing the sealing or redactions of any documents or evidence to be offered at trial.

7/24/2019  
DATE

  
JOEL M. COHEN, J.S.C.

CHECK ONE:  CASE DISPOSED  NON-FINAL DISPOSITION

GRANTED  DENIED  GRANTED IN PART  OTHER

APPLICATION:  SETTLE ORDER  SUBMIT ORDER

CHECK IF APPROPRIATE:  INCLUDES TRANSFER/REASSIGN  FIDUCIARY APPOINTMENT  REFERENCE