

Claim Recovery Group LLC v Markel Corp.
2022 NY Slip Op 30184(U)
January 18, 2022
Supreme Court, New York County
Docket Number: Index No. 650775/2020
Judge: Melissa A. Crane
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. MELISSA CRANE PART 60M

Justice

-----X

CLAIM RECOVERY GROUP LLC

Plaintiff,

- v -

MARKEL CORPORATION

Defendant.

-----X

INDEX NO. 650775/2020

MOTION DATE N/A

MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 002) 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 313, 347

were read on this motion to/for SEAL

The parties jointly move by Order to Show Cause to seal and/or redact certain documents in the NYSCEF docket.

Pursuant to § 216.1 (a) of the Uniform Rules for Trial Courts, this Court may seal or redact a filing "upon a written finding of good cause, which shall specify the grounds thereof." "[T]he court shall consider the interests of the interests of the public as well as of the parties" in determining whether there is good cause (22 NYCRR § 216 [a]). The Court must balance the risk of privacy concerns stemming from public access to the 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, *9 (Sup Ct, NY County Jan. 3, 2013)). The moving party has the burden to set forth compelling circumstances to justify restricting public access and must demonstrate "a sound basis or legitimate need to take judicial action" (Danco Labs., Ltd. v Chemical Works of Gedeon Richter, 274 AD2d 1, 6 [1st Dept 2000]). "[T]here is a broad presumption that the public is entitled to access to . . . court records" (Mosallem v Berenson, 76 AD3d 345, 348-350 [1st Dept 2010]).

The Court has reviewed the filings that the parties seek to seal and redact. Motion 002 is granted. The parties establish good cause to seal/redact the requested documents, which contain proprietary and competitive economic, financial, and strategic business information.

Additionally, the parties establish that the public would have little to no interest in the protected information.

Accordingly, it is

ORDERED that Motion 002 is **granted**; and it is further

ORDERED that, upon service of a copy of this Order upon the Clerk of the Court, the Clerk shall permit the following documents to be and remain filed in sealed form wherever they shall appear in connection with this action. Until further Order of the Court, the Clerk of the Court shall deny access to those unredacted 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 or redact any documents not referenced in this Order, or as otherwise described below, or as set forth in another Order of this Court. The documents permitted to be sealed are: NYSCEF Doc. Nos. 179, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 237, 238, 241, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, and 345; and it is further

ORDERED that, upon service of a copy of this Order upon the Clerk of the Court, the Clerk shall permit the following documents to be and remain filed in their present redacted form

wherever they shall appear in connection with this action: NYSCEF Doc. Nos.93, 94,95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106,107, 108, 109, 110, 111, 112, 113, 114, 115,116, 117,296,297, 298, 299, 300, 302,303, 304, 305, 306, 307, 308, 309, 310, 311, 312,329,330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341,342, 343, and 344. Until further Order of the Court, the Clerk of the Court shall deny access to those unredacted 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 or redact any documents not referenced in this Order, or as otherwise described below, or as set forth in another Order of this Court; and it is further

ORDERED that within seven (7) business days of the date this Order is served upon the Clerk of the Court, the parties may file the following documents as follows:

1. Plaintiff may re-file its Memorandum of Law In Support of Plaintiff's Motion for Summary Judgment (previously filed at NYSCEF Doc. No. 179) and Defendant may re-file its Memorandum of Law In Support of Defendant's Motion for Summary Judgment (previously filed at NYSCEF No. 237) in redacted form as set forth in Exhibits A and B, respectively, to the Affidavit of Patrick Dresslar, dated December 2, 2021, filed in support of the Parties' Joint Motion to Seal (hereinafter, the "Dresslar Affidavit") (NYSCEF Doc. No.270), and that the County Clerk shall maintain the foregoing documents in such redacted form after the re-filing thereof;
2. Defendant may re-file its Rule 19-a Statement filed in support of its motion for summary judgment (previously filed at NYSCEF No. 238) in redacted form as set forth in Exhibit C to the Dresslar Affidavit, and that the County Clerk shall maintain the foregoing document in such redacted form after the filing thereof;

3. Plaintiff may re-file the Affidavits of Matthew Hamilton, Peter Lupoff, Stuart King, and Timothy Bennett (previously filed in support of Plaintiff’s motion for summary judgment at NYSCEF Nos. 232, 233, 234, and 235, respectively) in redacted form as set out in Exhibits D, E, F, and G to the Dresslar Affidavit, and that the County Clerk shall maintain the foregoing documents in such redacted form after the filing thereof.

And it is further

ORDERED that any redacted document filed in the NYSCEF docket must be accompanied by an unredacted Court Copy (see Part Rule 7) at all times; and it is further

ORDERED that future submissions, made by any party, which contain the subject matter that the Court has authorized to be filed in redacted form by this Order may be filed in redacted form on NYSCEF, provided that in all instances 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; and it is further

ORDERED that such service upon the County Clerk shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the “E-filing” page on the court’s website – www.nycourts.gov/supctmanh).

1-18-2022

DATE


MELISSA CRANE, J.S.C.

CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/> GRANTED	<input type="checkbox"/> GRANTED IN PART
	<input type="checkbox"/> DENIED	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT
		<input type="checkbox"/> REFERENCE