

242 Tenth Invs. LP v GVC 242 Tenth Sponsor, LLC

2022 NY Slip Op 31716(U)

May 25, 2022

Supreme Court, New York County

Docket Number: Index No. 651242/2021

Judge: Joel M. Cohen

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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242 TENTH INVESTORS LP,	INDEX NO. <u>651242/2021</u>
Plaintiff,	MOTION DATE <u>N/A, N/A, N/A</u>
- v -	MOTION SEQ. NO. <u>003 004 007</u>
GVC 242 TENTH SPONSOR, LLC, GVC 242 TENTH SPONSOR INV LLC	
Defendants.	DECISION + ORDER ON MOTION
-----X	

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 003) 48, 49, 51
 were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 102, 103, 104
 were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 007) 125, 126, 127, 128,
 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143
 were read on this motion to SEAL.

242 Tenth Investors LP (“Plaintiff”) moves for an order sealing and/or redacting the
 Limited Partnership Agreement for 242 Tenth Holdings LP (NYSCEF 6, 20, 69, 115), the
 Limited Partnership Agreement for 242 Tenth Investors LP (NYSCEF 77), certain email
 correspondence discussing valuation(s) of the property at issue (NYSCEF 78), monthly
 Partnership financial statements and financial reporting for March 2020 and September 2020
 (NYSCEF 43, 44), and the operational budget for the Property for fiscal years 2020 and 2021
 (NYSCEF 45, 46).

Plaintiff’s prior application to seal the Limited Partnership Agreement for 242 Tenth
 Holdings LP (Mot. Seq. 002) was denied without prejudice, and the parties were directed to

submit a motion with proposed targeted redactions tailored to the parties' privacy concerns (NYSCEF 124). In accordance with the Court's March 7, 2022, Order, Plaintiff submits this renewed Motion identifying appropriate redactions.

Plaintiff submits that this renewed Motion addresses all of the documents currently subject to outstanding sealing requests in Motion Sequence Numbers 003 and 004. Motion Sequence 007 includes the same relief sought in Motion Sequence 003. In Motion Sequence 004, Plaintiff did not provide proposed redactions of NYSCEF 69, 77, and 78. Plaintiff has preemptively remedied this issue by submitting proposed redactions of those documents in Motion Sequence 007.

No parties have opposed these motions. For the following reasons, Mot. Seq. 003 and 007 are **granted**.

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]).

The Appellate Division has emphasized that “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]). “Since the right [of public access to court proceedings] is of constitutional dimension, any order denying access must be *narrowly tailored to serve compelling objectives*, such as a need for secrecy that outweighs the public's right to access” (*Danco Labs., Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 6 [1st Dept 2000] [emphasis added]; *see also, e.g. Gryphon Dom. VI, LLC v APP Intern. Fin. Co., B.V.*, 28 AD3d 322, 324 [1st Dept 2006]). “Furthermore, because confidentiality is the exception and not

the rule, ‘the party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access’” (*Maxim, Inc. v Feifer*, 145 AD3d 516, 517 [1st Dept 2016] [citations omitted]).

The Court has reviewed the documents filed under seal (NYSCEF 43, 44, 45, and 46) and the proposed redactions in NYSCEF 6, 20, 69, 77, 78, 115, 129, 131, and 133 and finds that they comport with the applicable sealing standards as laid out in *Mosallem*, 76 AD3d at 348-50, and its progeny, in that they contain sensitive non-public financial information pertaining to the valuation of the Property, as well as confidential information concerning the structure of the transaction for purchase of the Property. Plaintiff has proposed and justified targeted redactions that satisfy the requirements of 22 NYCRR § 216.1 (a).

Accordingly, it is:

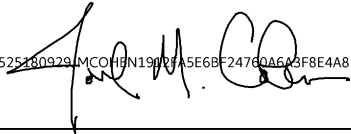
ORDERED that Motion Sequence Numbers 003 and 007 are **granted** and Motion Sequence 004 is **denied**; it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Numbers 129, 131, and 133 in their current, redacted form; it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Numbers 6, 20, 43, 44, 45, 46, 69, 77, 78, 115, 128, 130, 132, 134, 136, 138, 140 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel.

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.

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5/25/2022
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