

**GSCP VI Edgemarc Holdings, L.L.C. v ETC  
Northeast Pipeline, LLC**

2022 NY Slip Op 32278(U)

July 13, 2022

Supreme Court, New York County

Docket Number: Index No. 652906/2019

Judge: Joel M. Cohen

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

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

-----X

GSCP VI EDGEMARC HOLDINGS, L.L.C., GSCP VI  
PARALLEL EDGEMARC HOLDINGS, L.L.C., WSEP AND  
BRIDGE 2012 EDGEMARC HOLDINGS, L.L.C., EM  
HOLDCO LLC

Plaintiffs,

- v -

ETC NORTHEAST PIPELINE, LLC,

Defendant.

INDEX NO. 652906/2019

MOTION DATE 07/08/2021

MOTION SEQ. NO. 009

**DECISION + ORDER ON  
MOTION**

-----X

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 009) 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172

were read on this motion to SEAL.

Defendant ETC Northeast Pipeline, LLC (“ETC”) moves for an order sealing and/or redacting the memorandum of law in support of its motion to review the Special Master’s May 24 Ruling (Mot. Seq. 008) and the attached exhibits (NYSCEF 155, 157, 159, 161, 163, 165, and 167). Plaintiff Ontario Teachers’ Pension Plan Board (the “Equity Owners”) opposes the motion. For the following reasons, ETC’s motion to seal is **granted in part**.

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 and Exhibit 7 (NYSCEF 167), and finds it comports with the applicable sealing standards as laid out in *Mosallem*, 76 AD3d at 348-50, and its progeny, in that it contains limited and targeted redactions of confidential information. However, ETC’s other “Proposed Redactions,” which blackout many documents in their entirety, are unjustified and overbroad. Although ETC argues that the documents contain sensitive and confidential information about ongoing law enforcement investigations, ETC fails to explain why targeted redactions would not adequately protect its interests. In view of the admonition that sealing of court records must be “narrowly tailored to serve compelling objectives,” (*Danco*, 274 AD2d at 6), ETC will need to propose and justify targeted redactions of Exhibit 1 (NYSCEF 155), Exhibit 2 (NYSCEF 157), Exhibit 3 (NYSCEF 159), Exhibit 4 (NYSCEF 161), Exhibit 5 (NYSCEF 163), and Exhibit 6 (NYSCEF 165). ETC should also be advised that the court will not seal information that is publicly available elsewhere. Thus, the portions of Exhibit 2 (NYSCEF 157) and Exhibit 4 (NYSCEF 161) that contain publicly available court filings or rulings may not be redacted or sealed.

The documents will remain provisionally under seal to permit the prompt filing of a follow-up motion proposing and explaining the need for specific redactions.

Accordingly, it is:

**ORDERED** that Motion Sequence Number 009 is **granted in part**; and the County Clerk shall maintain NYSCEF Document Number 166 in its current, redacted form; it is further

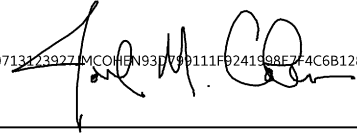
**ORDERED** that the motion is otherwise **denied without prejudice** to filing new motion within 21 days to redact confidential portions of documents consistent with this Decision and Order and applicable law; it is further

**ORDERED** that the documents filed as NYSCEF 155, 157, 159, 161, 163, 165, and 167, shall remain provisionally sealed for 21 days from the date of the Court's entry of this Decision and Order on NYSCEF. If Defendant files a new motion to seal or redact confidential portions of the documents consistent with this Decision and Order within that period, the documents shall remain provisionally sealed pending resolution of that motion. If no such motion is filed within 21 days from the entry of this Decision and Order, the parties shall alert the County Clerk that the motion to seal the above-referenced documents has been denied by the Court and that the documents should be unsealed on NYSCEF; and it is further

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

This constitutes the Decision and Order of the Court.

20220713273927 J M COHEN 9317991111F9241988E7F4C6B128918D1



JOEL M. COHEN, J.S.C.

7/13/2022  
DATE

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: