

**Regions Bank, BankUnited, N.A. v Vativorx, LLC**

2023 NY Slip Op 30510(U)

February 17, 2023

Supreme Court, New York County

Docket Number: Index No. 654741/2022

Judge: Melissa A. Crane

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
NEW YORK COUNTY

PRESENT: HON. MELISSA A. CRANE PART 60M

Justice

-----X

INDEX NO. 654741/2022

REGIONS BANK, BANKUNITED, N.A., FIRST HORIZON BANK, TRUSTMARK NATIONAL BANK, SANTANDER BANK, N.A.,

MOTION DATE N/A, N/A

MOTION SEQ. NO. 003 004

Plaintiff,

- v -

DECISION + ORDER ON MOTION

VATIVORX, LLC,

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 003) 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70

were read on this motion to/for SEAL

The following e-filed documents, listed by NYSCEF document number (Motion 004) 76, 77, 78, 79, 80, 81, 82, 84, 85

were read on this motion to/for SEAL

In Motion Seq. No. 03, nonparty OptumRx, Inc. (OptumRx) seeks to redact certain information in exhibits B, C, and D to plaintiffs' complaint (Docs 3-5). In Motion Seq. No. 04, OptumRx seeks to redact certain information from exhibit 3 to defendant's answer and counterclaims (Doc 28). Both motions are unopposed.

Pursuant to Section 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 movant seeks to redact. Motion Seq. Nos. 03 and 04 are granted. Movant has established good cause to redact the requested information, which includes nonparty proprietary and sensitive financial information, as well as competitive business information concerning nonparties. Movant has also established that the public would have little to no interest in the protected information.

Accordingly, it is

**ORDERED** that Motion Seq. Nos. 03 and 04 are granted; 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 shall re-file the following documents as follows:

1. Plaintiffs shall re-file Exhibits B, C, and D to the Complaint (NYSCEF Doc Nos. 3-5) in the redacted form proposed in support of MS 03 located at NYSCEF Doc Nos. 64 [Exhibit B], 65 [Exhibit C], and 66 [Exhibit D], and that the County Clerk shall maintain the foregoing documents in that redacted form after the documents are re-filed;
2. Defendant shall re-file Exhibit 3 to its Answer (NYSCEF Doc No. 28) in the redacted form proposed in support of MS 04 located at NYSCEF Doc No. 80, and that the County Clerk shall maintain the foregoing documents in such redacted form after the re-filing thereof.

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 above re-filed documents, as well as the redacted versions submitted in support of these motions (NYSCEF Doc. Nos. 64-66, 80), to be and remain filed in redacted 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; 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 highlighted Court Copies (NYSCEF Doc Nos. 61-63, 79) to be and remain filed under seal. Until further Order of the Court, the Clerk of the Court shall deny access to those 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 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 the parties may redact future submissions that contain the information/subject matter that the Court has authorized to be protected in this order, provided that in all instances an unredacted copy of any redacted document is contemporaneously filed on NYSCEF under seal (*see* Part Rule 7); 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; and it is further

ORDERED that 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](http://www.nycourts.gov/supctmanh)).

2/17/2023

DATE

  
MELISSA A. CRANE, 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