

**Edwards v Arrowgrass Capital Partners LLP**

2023 NY Slip Op 30602(U)

February 27, 2023

Supreme Court, New York County

Docket Number: Index No. 654375/2019

Judge: Andrea Masley

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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 48

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MICHAEL EDWARDS, and OLD POST COMPANY, INC.,

Plaintiffs,

- v -

ARROWGRASS CAPITAL PARTNERS LLP,  
ARROWGRASS CAPITAL PARTNERS (US) LP,  
ARROWGRASS CAPITAL SERVICES (US) INC.,  
ARROWGRASS CAPITAL SERVICES UK LTD., and  
ARROWGRASS INVESTMENT MANAGEMENT LTD.

Defendants.

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MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. 007

**DECISION + ORDER ON  
MOTION**

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 007) 231, 232, 233, 234, 235, 236, 238, 239, 241

were read on this motion to/for \_\_\_\_\_ SEAL \_\_\_\_\_.

Upon the foregoing documents, it is

In motion sequence number 007, defendants Arrowgrass Capital Partners LLP, Arrowgrass Capital Partners (US) LP, Arrowgrass Capital Services (US) Inc., Arrowgrass Capital Services UK Ltd., and Arrowgrass Investment Management Ltd. (collectively, Arrowgrass) move, by order to show cause, pursuant to Section 216.1 of the Uniform Rules for the New York State Trial Courts, to redact portions of NYSCEF Doc. No. [NYSCEF] 234.<sup>1</sup> The motion is unopposed. There is no indication that the press or public have any interest in this action.

NYSCEF 234 is an email chain between Adele Jennings-Day and Michael Edwards. Arrowgrass previously sought to redact Edwards' compensation information,

<sup>1</sup> A publicly redacted copy of this document is filed at NYSCEF 235.  
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Motion No. 007

performance information regarding the funds, and the names of certain traders and their individual performance information in NYSCEF 192, which is the same document as NYSCEF 234.<sup>2</sup> (NYSCEF 225, Order to Show Cause [mot. seq. no. 006].) The court held that Arrowgrass demonstrated good cause to redact Edwards' compensation information in NYSCEF 192. Arrowgrass now seeks to redact only the names of former Arrowgrass employees in NYSCEF 234 and has unredacted the information concerning Edwards' compensation which the court previously held Arrowgrass had good cause to redact.

Section 216.1(a) of the Uniform Rules for Trial Courts empowers courts to seal documents upon a written finding of good cause. It provides:

“(a) Except where otherwise provided by statute or rule, a court shall not enter an order in any action or proceeding sealing the court records, whether in whole or in part, except 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. Where it appears necessary or desirable, the court may prescribe appropriate notice and opportunity to be heard.”

“Under New York law, 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] [citations omitted].) The “party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access” to the documents. (*Id.* at 349 [citations omitted].) Good cause must “rest on a sound basis or legitimate need to take judicial action.” (*Danco Lab, Ltd. v Chemical*

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<sup>2</sup> A publicly redacted copy of NYSCEF 192, showing the redactions Arrowgrass previously sought on motion sequence number 006 is filed at NSYCEF 205.

*Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 8 [1st Dept 2000] [internal quotations omitted].)

In the business context, courts have sealed records where the disclosure of documents “could threaten a business's competitive advantage.” (*Mosallem*, 76 AD3d at 350 [citations omitted].) Records concerning financial information may be sealed where there has not been a showing of relevant public interest in the disclosure of that information. (See *Dawson v White & Case*, 184 AD2d 246, 247 [1st Dept 1992].) A party “ought not to be required to make their private financial information public ... where no substantial public interest would be furthered by public access to that information.” (*D'Amour v Ohrenstein & Brown*, 17 Misc.3d 1130[A], 2007 NY Slip Op 52207[U], \*20 [Sup Ct, NY County 2007] [citations omitted].)

Arrowgrass has demonstrated good cause to redact former employees' names in NYSCEF 234. In support of motion sequence number 007, Arrowgrass submits the affidavit of Brett Carron, general counsel and co-chief operating officer at Arrowgrass. (NYSCEF 232, Carron aff ¶ 1.) Carron states that “[t]he disclosure of performance information of former Arrowgrass traders who are not involved in this litigation would impinge upon these former employees' right to privacy and could prejudice their career prospects” (*id.* ¶ 2), and further, there is no public interest in this information.

Accordingly, it is

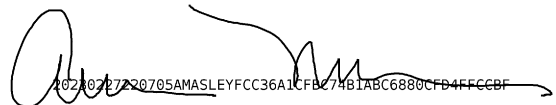
ORDERED that motion sequence number 007 is granted; and it is further

ORDERED that the New York County Clerk, upon service to him of this order, shall permanently seal NYSCEF 192 and 234; and it is further

ORDERED the New York County Clerk shall restrict access to the sealed documents with access to be granted only to authorized court personnel and designees, the parties and counsel of record in the above-captioned action, and any representative of a party or of counsel of record upon presentation to the County Clerk of written authorization from counsel; and it is further

ORDERED that this order does not authorize sealing or redacting for purposes of trial; and it is further

ORDERED that if any party seeks to redact identical information in future filings that the court is permitting to be redacted here, that party shall submit a proposed sealing order to the court (via [SFC-Part48@nycourts.gov](mailto:SFC-Part48@nycourts.gov) and NYSCEF) instead of filing another seal motion.



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2/27/2023

DATE

ANDREA MASLEY, 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