

**260-261 Madison Ave. LLC v Wework 261 Madison  
LLC**

2023 NY Slip Op 30991(U)

March 29, 2023

Supreme Court, New York County

Docket Number: Index No. 654806/2021

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

260-261 MADISON AVENUE LLC,

Plaintiff,

- v -

WEWORK 261 MADISON LLC, ADAM NEUMANN,  
 WEWORK INC., WW HOLDCO LLC, THE WE COMPANY  
 MC LLC, THE WE COMPANY MANAGEMENT  
 HOLDINGS L.P., WEWORK COMPANIES LLC, THE WE  
 COMPANY MANAGEMENT LLC, WE WORK  
 MANAGEMENT LLC, WW BUILDCO LLC

Defendants.

-----X

INDEX NO. 654806/2021

MOTION DATE N/A

MOTION SEQ. NO. 004

**DECISION + ORDER ON  
 MOTION**

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 004) 106, 107, 108, 109, 110, 111, 112, 143, 144, 165, 166, 167, 168, 169

were read on this motion to

SEAL

Defendant WeWork 261 Madison LLC (“Defendant”) moves for an order sealing and/or redacting certain information contained in Plaintiff’s Reply Memorandum of Law in Further Support of Its Motion For Leave To Amend The Complaint (filed at NYSCEF 103, 108, and 109), as well as certain documents filed in support of this sealing motion (NYSCEF 107, 111, 112). Plaintiff opposes this motion. For the following reasons, Defendant’s motion to seal and/or redact 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 the proposed redactions in the Reply Memo and finds that *some* redactions 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 about Defendant and other non-parties, including confidential business strategy, plans, and operations of the non-party WeWork affiliates. Specifically, Defendant may maintain the following under redaction: Reply Memo pp. 1, 3-5, 7-8, 10. Defendant has proposed and justified targeted redactions that satisfy the requirements of 22 NYCRR § 216.1 (a) for these redactions.

However, the proposed redactions relating to generalized statements relating to descriptions of WeWork’s ownership structure, the names of certain WeWork employees, and the fact that these employees used “WeWork” email addresses to communicate (Reply Memo 1-2, 3-4, 7-8) are denied as there has not been a sufficient showing that this information is confidential.

The Court also finds no basis for sealing NYSCEF 107 and 111 which are Defendant's sealing spreadsheet and affirmation in support of this motion. To the extent NYSCEF 112, Defendant's moving brief, contains any confidential information, Defendant may refile NYSCEF 112 with narrowly tailored redactions.

Accordingly, it is:

**ORDERED** that the motion is **GRANTED IN PART**; it is further

**ORDERED** that the County Clerk shall maintain NYSCEF Document Number 109 in its current, redacted form; it is further

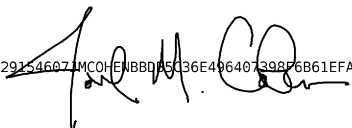
**ORDERED** that the County Clerk shall maintain NYSCEF Document Numbers 103, 108, and 112 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

**ORDERED** that the County Clerk will unseal NYSCEF 107 and 111; it is further

**ORDERED** that Plaintiff shall file redacted versions of NYSCEF 103 and 112 in accordance with the Court's direction above within ten (10) business days of the date of this Order; it is further

**ORDERED** as it related to future submissions, made by any party, that contain subject matter that the Court has authorized to be sealed by this Order, parties may file a joint stipulation, to be So Ordered, which will authorize the filing of such future submissions to 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.

202303291546071MCOHENBB005136E496407398P6B61EFA0D28ED  
  
\_\_\_\_\_  
JOEL M. COHEN, J.S.C.

3/29/2023  
DATE

CHECK ONE:

- CASE DISPOSED
- GRANTED  DENIED
- SETTLE ORDER
- INCLUDES TRANSFER/REASSIGN

- NON-FINAL DISPOSITION
- GRANTED IN PART  OTHER
- SUBMIT ORDER
- FIDUCIARY APPOINTMENT  REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: