

Sire Spirits, LLC v Beam Suntory, Inc.
2023 NY Slip Op 31805(U)
May 25, 2023
Supreme Court, New York County
Docket Number: Index No. 650799/2023
Judge: Melissa A. Crane
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. MELISSA A. CRANE **PART** **60M**

Justice

-----X

SIRE SPIRITS, LLC, SIRE CHAMPAGNES, LLC, SIRE
BROWN, LLC,

Plaintiff,

INDEX NO. 650799/2023

MOTION DATE N/A, N/A

MOTION SEQ. NO. 003 004

- v -

BEAM SUNTORY, INC., JIM BEAM BRANDS CO., JULIOUS
GRANT, MICHAEL CARUSO, GINA CARUSO, MCF
CONSULTING, INC., G2J BRAND, INC., BRAND HOUSE
GROUP, LLC, Q BRANCH CONSULTING, LLC

**DECISION + ORDER ON
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 51, 52, 53, 54, 55, 56, 57, 62, 63, 66, 69, 71, 72, 73, 74, 75, 76, 77, 78, 92

were read on this motion to/for

SEAL

The following e-filed documents, listed by NYSCEF document number (Motion 004) 79, 80, 81, 82, 83, 84

were read on this motion to/for

SEAL

In Motion Seq. No. 03, defendants Beam Suntory Inc. and Jim Beam Brands Co. ("MS 03 Defendants") move to redact portions of five documents submitted in support of their motion to dismiss. In Motion Seq. No. 04, defendants Caruso, MCF Consulting Inc, and G2J Brand, Inc. ("MS 04 Defendants") move to redact a portion of one document submitted in support of their motion to dismiss. Both applications are unopposed.

Pursuant to § 216.1 (a) of the Uniform Rules for Trial Courts, the 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 the parties seek to redact. Motion Seq. No. 03 and 04 are granted. The MS 03 Defendants have established good cause to redact the requested information, which include competitively sensitive financial information and competitively sensitive and confidential bargaining terms. The MS 04 Defendants have also established good cause to redact the requested information, which includes personal identifying information and private, personal financial information. Additionally, the movants have established that the public would have little to no interest in the protected information.

Accordingly, it is

ORDERED that the unopposed motions to redact certain documents (MS 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 may file the following documents as follows:

1. Defendants may re-file NYSCEF Doc. Nos. 41, 42, 43, 44, 45, and 60 in the redacted form set forth in NYSCEF Doc. Nos. 53,¹ 54, 55, 56, 57, and 81, and that the County

¹ The MS 03 Defendants withdrew their request to redact Section 6 (a) of the 2015 Agreement. Thus, the court is not authorizing Section 6 (a) of that agreement to be redacted in this decision and order (*see* Docs 41, 53, 73 [2015 Agreement copies]; Doc 92 [stipulation withdrawing request to redact Section 6 (a)]).

Clerk shall maintain the foregoing documents in such redacted form after the parties have re-filed them;

2. The MS 03 Defendants shall re-file NYSCEF Doc 53 with Section 6 (a) of the 2015 Agreement unredacted (Doc 92 [stipulation withdrawing request to redact Section 6 [a]]).

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 and sealed versions submitted in support of this motion (NYSCEF Doc. Nos. 73-78, 83 [under seal as Confidential Chamber's Copies] and 53-57 [redacted copies]) to be and remain filed in in such form. The Clerk shall also permit NYSCEF Doc. Nos. 53-57 and the re-filed documents contemplated above (NYSCEF Doc. Nos. 41, 42, 43, 44, 45, and 60) to 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 the above redacted information and sealed 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 except 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 any party may file future submissions in redacted form without further order of the court to the extent that the redactions include substantially the same information/subject matter that the Court has authorized to be filed in redacted form in this

Order, provided that in all instances an unredacted copy of any redacted document is contemporaneously filed under temporary seal [Confidential Chamber's Copy]; 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; and it is further

ORDERED that such 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).

5/25/2023
DATE

CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

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CASE DISPOSED

☒

GRANTED

☐

DENIED

☐

SETTLE ORDER

☐

INCLUDES TRANSFER/REASSIGN

☒

NON-FINAL DISPOSITION

☐

GRANTED IN PART

☐

SUBMIT ORDER

☐

FIDUCIARY APPOINTMENT

☐

OTHER

☐

REFERENCE


MELISSA A. CRANE, J.S.C.