

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

2023 NY Slip Op 32295(U)

July 6, 2023

Supreme Court, New York County

Docket Number: Index No. 652906/2019

Judge: Joel M. Cohen

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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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 04/24/2023

MOTION SEQ. NO. 020

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 020) 539, 540, 541, 542, 544, 550

were read on this motion to SEAL.

Plaintiffs move for an order sealing seal (i) Plaintiffs’ Memorandum of Law in Opposition to Defendant’s Motion for Summary Judgment, (ii) Plaintiffs’ Response to Defendant’s List of Undisputed Material Facts, (iii) Affirmation of Iliria Camaj in Support of Plaintiffs’ Opposition to Defendant’s Motion for Summary Judgment, and (iv) exhibits 1-43, 45-71, 73-112, 114-122, 124-126, 128, 131-133, 135-140, 143, 149, 154, 156, 158, 165-167, 169-170. Defendants filed a memorandum in support of this motion which additional justifications for sealing certain documents (NYSCEF 550). For the following reasons, Plaintiffs’ motion 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 documents which Plaintiffs propose to be sealed and finds that redactions consistent with this Court’s prior orders (NYSCEF 137, 279, 280, 290) of sensitive and confidential information about the location, engineering, and construction of the pipeline at issue in this case, as well as sensitive information relating to financials, business strategies, and operations of the parties and several third-parties are appropriate here to protect the parties’ interests. Therefore, Plaintiff is directed to confer with Defendant, along with any third parties, to narrowly redact the sensitive and confidential information contained in Plaintiffs’ Memorandum of Law in Opposition to Defendant’s Motion for Summary Judgment (NYSCEF 537), Plaintiffs’ Response to Defendant’s List of Undisputed Material Facts (NYSCEF 538), and the Affirmation of Iliria Camaj in Support of Plaintiffs’ Opposition to Defendant’s Motion for

Summary Judgment (NYSCEF 366), and the related exhibits: NYSCEF 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 480, 481, 482, 484, 484, 485, 486, 487, 488, 490, 491, 492, 494, 497, 498, 499, 501, 502, 503, 504, 505, 506, 509, 520, 522, 524, 531, 532, 533, 535, and 536.

Plaintiff submits that the following documents are publicly available, thus the following will be unsealed: NYSCEF 410, 438, 479, 489, 493, 495, 496, 500, 507, 508, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 523, 525, 526, 527, 528, 529, 530, and 534.

Accordingly, it is

**ORDERED** that Plaintiffs' motion is **GRANTED IN PART** insofar as the Court will allow Plaintiff to re-file the documents subject to this motion with redactions consistent with this Court's prior orders; it is further

**ORDERED** that the Clerk of the Court is directed, upon service on him of a copy of this order with notice of entry, to maintain NYSCEF Document Numbers 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466,

467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 480, 481, 482, 484, 484, 485, 486, 487, 488, 490, 491, 492, 494, 497, 498, 499, 501, 502, 503, 504, 505, 506, 509, 520, 522, 524, 531, 532, 533, 535, 536, 537, and 538 under seal, so that the document may only be accessible by the parties, their counsel, and authorized court personnel; it is further

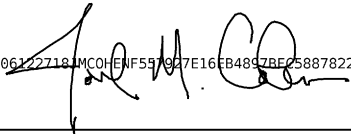
**ORDERED** that Plaintiff shall file redacted versions of NYSCEF Document Numbers 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 480, 481, 482, 484, 484, 485, 486, 487, 488, 490, 491, 492, 494, 497, 498, 499, 501, 502, 503, 504, 505, 506, 509, 520, 522, 524, 531, 532, 533, 535, 536, 537, and 538 within twenty (20) days of the date of this Order, consistent with the aforementioned instructions; otherwise the documents will be unsealed; it is further

**ORDERED** that the Clerk of the Court shall unseal NYSCEF 410, 438, 479, 489, 493, 495, 496, 500, 507, 508, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 523, 525, 526, 527, 528, 529, 530, and 534; 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 service upon the Clerk of the Court 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).

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JOEL M. COHEN, J.S.C.

7/6/2023

DATE

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