

Samsung Elecs. Co., Ltd. v MPEG LA, L.L.C.

2023 NY Slip Op 34533(U)

December 21, 2023

Supreme Court, New York County

Docket Number: Index No. 656312/2022

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

SAMSUNG ELECTRONICS CO., LTD.,

Plaintiff,

- v -

MPEG LA, L.L.C.,

Defendant.

-----X

INDEX NO. 656312/2022

MOTION DATE N/A

MOTION SEQ. NO. 010

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 010) 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 244, 245

were read on this motion to/for SEAL.

In motion seq. no. 010, defendant moves to seal and redact various documents filed in connection with plaintiff's summary judgment motion (Doc 241 [OSC]). The motion is granted absent opposition.

Courts are empowered to seal documents upon a written finding of good cause pursuant to § 216.1(a) of the Uniform Rules for Trial Courts. 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 the parties. Where it appears necessary or desirable, the court may prescribe appropriate notice and an opportunity to be heard.

(b) For purposes of this rule, ‘court records’ shall include all documents and records of any nature filed with the clerk in connection with the action.

Documents obtained through disclosure and not filed with the clerk shall remain subject to protective orders as set forth in CPLR 3103 (a).”

Judiciary Law § 4 provides that judicial proceedings shall be public. “The public needs to know that all who seek the court’s protection will be treated evenhandedly,” and “[t]here is an

important societal interest in conducting any court proceeding in an open forum” (*Baidzar Arkun v Farman-Farma*, 2006 NY Slip Op 30724[U],*2 [Sup Ct, NY County 2006] [citation omitted]). The public right of access, however, is not absolute (*see Danco Lab, Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 8 [1st Dept 2000]).

The “party seeking to seal court records bears the burden of demonstrating compelling circumstances to justify restricting public access” to the documents (*Mosalleem v Berenson*, 76 AD3d 345, 348-349 [1st Dept 2010] [citations omitted]). The movant must demonstrate good cause to seal records under Rule § 216.1 by submitting “an affidavit from a person with knowledge explaining why the file or certain documents should be sealed” (*Grande Prairie Energy LLC v Alstom Power, Inc.*, 2004 NY Slip Op 51156 [U], *2 [Sup Ct, NY County 2004]). Good cause must “rest on a sound basis or legitimate need to take judicial action” (*Danco Labs.*, 274 AD2d at 9). Agreements to seal are insufficient as such agreements do not establish “good cause” (*MBIA Ins. Corp. v Countrywide Home Loans, Inc.*, 2012 NY Slip Op 33147[U], * 9 [Sup Ct, NY County 2012]).

Defendant has established good cause to seal and redact the documents and information identified in Motion Seq. No. 010. Specifically, defendant has established that the documents/information contain its sensitive and confidential business information and nonparties’ confidential business information. Additionally, movant has established that the public would have little to no interest in the protected information.

Accordingly, it is

ORDERED that Motion Seq. No. 010 is granted; 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 following documents to be and remain filed in sealed 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 Clerk's staff, authorized court personnel, 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. The documents permitted to be sealed are: NYSCEF Doc. Nos. 114-118, 127-136, 138-145, 176, 179-180, 182-184, 186-187, 190, 195-196, 204-207, and 212-213; 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 following documents to be and remain filed in their present redacted form wherever they shall appear in connection with this action: NYSCEF Doc. Nos. 152, 154-155, 156-157, 159, 171, 177, 181, 185, 197, 198-200, 202, 207, 210, 218-219, 221. Until further Order of the Court, the Clerk of the Court shall deny access to those unredacted documents to anyone other than the Clerk's staff, authorized court personnel, 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' future submissions that contain the subject matter that the Court has authorized to be filed in redacted form by this Order may be filed in redacted form on NYSCEF, provided that in all instances 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; 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).

12/21/2023

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