

**Stromberg v East Riv. Hous. Corp.**

2023 NY Slip Op 34621(U)

December 26, 2023

Supreme Court, New York County

Docket Number: Index No. 654047/2022

Judge: Gerald Lebovits

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. GERALD LEBOVITS PART 07**

*Justice*

-----X

**INDEX NO. 654047/2022**

ELEANOR STROMBERG and DOUGLAS PRICE,

**MOTION SEQ. NO. 002**

Plaintiffs,

- v -

EAST RIVER HOUSING CORPORATION, BOARD OF  
DIRECTORS OF THE EAST RIVER HOUSING  
CORPORATION, COOPERATIVE VILLAGE  
MANAGEMENT, and SHULIE WOLLMAN,

**DECISION + ORDER ON  
MOTION**

Defendants.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 002) 75, 76, 84, 85, 86, 87, 88, 89, 99, 100, 101

were read on this motion to \_\_\_\_\_ **SEAL** \_\_\_\_\_.

This motion arises from a dispute between the parties relating to the efforts of plaintiffs to sell the shares appurtenant to their apartment, which is located in the cooperative building owned by defendant East River Housing Corporation. One aspect of the parties' dispute concerns the response of defendant Board of Directors of East River Housing Corporation to a sales application submitted by plaintiffs to the Board in April 2023. That sales application (and supporting financial documentation), and supplemental documentation submitted in response to an inquiry from the Board, are attached as exhibits to defendants' motion for summary judgment. (*See* NYSCEF Nos. 72-74.)

The Board moved by order to show cause to seal those exhibits, and any other documents containing confidential information that may be filed in the action going forward; and sought interim relief restricting access to the exhibits pending the hearing of this motion. (*See* NYSCEF No. 76 [proposed order to show cause].) This court granted the Board's request for interim relief. (*See* NYSCEF No. 86 [order to show cause].)

The Board contends, in essence, that the exhibits should be sealed because they contain voluminous financial documentation that, although obviously sensitive and important to the parties concerned, is not of public interest. Plaintiffs, although suggesting that the appropriate method of restricting public access would be redaction rather than sealing, does not otherwise disagree with the Board on this point. This court agrees with the Board. The sensitive personal information in NYSCEF Nos. 72-74 is not of public interest in itself. And it is not necessary to understand the claims and defenses in this action—nor the court's resolution of those claims and defenses. These documents therefore warrant sealing under 22 NYCRR 216.1.

The court reaches a different conclusion with respect to the Board’s broader request for sealing going forward of any document containing “sensitive, proprietary, confidential or financial information.” (NYSCEF No. 86 [order to show cause].) The court declines to reach any conclusion in advance about whether particular documents should or should not be sealed. Should either plaintiffs or defendants file documents that they (or their adversaries) believe warrant sealing, a request for sealing may be made at that time by order to show cause with accompanying request for interim relief.

Accordingly, it is

ORDERED that the branch of defendants’ motion seeking sealing of three documents already filed in this action under 22 NYCRR 216.1 is granted for the reasons set forth above; and it is further

ORDERED that upon service on the office of the County Clerk of a copy of this order with notice of its entry, the County Clerk is directed to seal NYSCEF Nos. 72, 73, and 74, and to separate these papers and to keep them separate from the balance of the file in this action; and it is further

ORDERED that thereafter, or until further order of the court, the County Clerk shall deny access to these sealed documents to anyone (other than the staff of the Clerk or the court) except for counsel of record for any party to this case and any party; and it is further

ORDERED that the branch of defendants’ motion seeking in advance to seal documents not yet filed in this action is denied without prejudice; and it is further

ORDERED that defendants shall serve notice of entry on all parties; and on the office of the County Clerk in accordance with the court’s e-filing protocol, which may be accessed on the e-filing page of the court’s website, [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh).

12/26/2023  
DATE

  
HON. GERALD LEBOVITZ  
J.S.C.

CHECK ONE:

CASE DISPOSED  
GRANTED  DENIED  
SETTLE ORDER  
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION  
GRANTED IN PART  
SUBMIT ORDER  
FIDUCIARY APPOINTMENT

OTHER  
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: