

Jaffrey v Scaminaci

2024 NY Slip Op 32390(U)

July 11, 2024

Supreme Court, New York County

Docket Number: Index No. 653352/2022

Judge: Andrea Masley

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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OMAR JAFFREY,

Plaintiff,

- v -

CARLOS ANDRES SCAMINACI,

Defendant.

INDEX NO. 653352/2022

MOTION DATE --

MOTION SEQ. NO. 007 009

**DECISION + ORDER ON
MOTION**

-----X

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 007) 161, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195

were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 009) 248, 249, 250, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293

were read on this motion to/for SEAL.

In motion sequence 007, defendant Carlos Andres Scaminaci moves pursuant to §216.1 of the Uniform Rules for New York State Trial Courts (22 NYCRR § 216.1) to unseal his memorandum of law in support of his motion for sanctions (NYSCEF Doc. No. [NYSCEF] 121) and exhibits thereto (NYSCEF 123-159). Scaminaci’s counsel states that “[a]lthough it is Scaminaci’s position that nothing referenced or provided in his motion for sanctions or exhibits thereto satisfies New York’s ‘good cause’ requirement for sealing,” Scaminaci nonetheless has filed NYSCEF 121 and NYSCEF 123-159 under seal “[o]ut of an abundance of caution and based on a good faith effort to redact and seal information that may implicate [p]laintiff Omar Jaffrey’s purported confidentiality interests.” (NYSCEF 162, Gavin D. Schryver aff ¶ 3.)

Nonparties Melody Capital Partners, L.P. and Melody Capital Partners GP, LLC (together, Melody) filed opposition papers requesting to redact NYSCEF 121, 123-126, 130-133, 135, 140-142, 144, 147, 149-159.¹ Jaffrey filed no opposition.

In motion sequence 009, Jaffrey seeks to unseal his amended complaint (NYSCEF 196), memorandum of law in opposition to Scaminaci's motion for sanctions and in support of Jaffrey cross-motion (NYSCEF 245) and exhibits thereto (NYSCEF 199-244). Jaffrey's counsel states that "Jaffrey does not take a position on whether anything referenced or provided in the aforementioned documents satisfies New York's 'good cause' requirement for sealing" but that since Scaminaci, Melody and others "have designated the material (or information discussed therein) as confidential pursuant to the protective order entered in a related federal action," Jaffrey filed NYSCEF 196 and 199 through 245 under seal "[o]ut of an abundance of caution and based on a good faith effort to redact and seal information that may implicate Designating Parties' purported confidentiality interests." (NYSCEF 249, Daniel L. Brockett aff ¶¶ 3-4.)

Melody filed opposition papers requesting to redact NYSCEF 198,² 199, 201-204, 206-210, 212-217, 219, 221, 223, 225-227, 229, 230, 232-233, 235, 236, and 239.³

Nonparty Goldman Sachs & Co. (Goldman) also filed opposition papers requesting

¹ Melody's proposed redactions are at NYSCEF 169 through 194.

² NYSCEF 198 is not subject to motion sequence 009 and thus the request to redact NYSCEF 198 will not be considered.

³ Melody's proposed redactions are at NYSCEF 258 thorough 286, 288, 289.

redaction of NYSECF 198,⁴ 237, 238, and 240.⁵ There is no indication that the press or public have an interest in this matter.

Discussion

“Under New York law, 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] [citations omitted].) The public’s right to access is, however, not absolute, and under certain circumstances, “public inspection of court records has been limited by numerous statutes.” (*Id.* at 349.) One of those statutes is section 216.1 (a) of the Uniform Rules for Trial Courts, which empowers courts to seal documents upon a written finding of good cause. It provides:

“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 of the parties. Where it appears necessary or desirable, the court may prescribe appropriate notice and opportunity to be heard.” (22 NYCRR § 216.1.)

The “party seeking to seal court records has the burden to demonstrate compelling circumstances to justify restricting public access” to the documents. (*Mosallem*, 76 AD3d at 349 [citations omitted].) Good cause must “rest on a sound basis or legitimate need to take judicial action.” (*Danco Lab Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 8 [1st Dept 2000] [internal quotation marks omitted].)

Further, in the business context, courts have sealed records where the disclosure of documents “could threaten a business’s competitive advantage.” (*Mosallem*, 76

⁴ See *supra* n 2.

⁵ Goldman’s proposed redactions are at NYSCEF 293.

AD3d at 350 [citations omitted].) Records concerning financial information may be sealed where there has not been a showing of relevant public interest in the disclosure of that information. (See *Dawson v White & Case*, 184 AD2d 246, 247 [1st Dept 1992].) A party “ought not to be required to make their private financial information public ... where no substantial public interest would be furthered by public access to that information.” (*D’Amour v Ohrenstein & Brown*, 17 Misc 3d 1130 [A], 2007 NY Slip Op 52207[U], *20 [Sup Ct, NY County 2007] [citations omitted].)

Mot. Seq. No. 007

Scaminaci’s motion is granted as to NYSCEF 127, 128, 129, 134, 136, 137, 138, 139, 143, 145, 146, and 148, which shall be unsealed. Scaminaci’s motion is denied as to NYSCEF 121, 123-126, 130-133, 135, 140-142, 144, 147, 149-159. Melody has shown good cause to redact these documents as proposed, as the documents contain confidential business information and strategies that could threaten Melody’s competitive advantage if disclosed.

Mot. Seq. No. 009

Jaffrey’s motion is granted as to NYSCEF 196, 200, 205, 211, 218, 220, 222, 224, 228, 231, 234, and 241 through 245, which shall be unsealed. Jaffrey’s motion is denied as to 199, 201-204, 206-210, 212-217, 219, 221, 223, 225-227, 229, 230, 232, 233, 235, 236, and 239. Melody has demonstrated good cause to redact these documents as proposed, as the documents contain confidential business information and strategies that could threaten Melody’s competitive advantage if disclosed. Jaffrey’s motion is likewise denied as to NYSCEF 237, 238, and 240. Goldman has shown good cause to redact these documents as proposed, as the documents include

proprietary business information, such as pricing and fee structures, which could affect Goldman's competitive standing if disclosed, as well as personal contact information.

Accordingly, it is

ORDERED that motion sequence 007 is granted, in part, insofar as NYSCEF 127, 128, 129, 134, 136, 137, 138, 139, 143, 145, 146, and 148 shall be unsealed, and the County Clerk, upon service to him of this order, shall unseal the same; and it is further

ORDERED motion sequence 007 is denied, in part, insofar as NYSCEF 121, 123, 124, 125, 126, 130-133, 135, 140, 141, 142, 144, 147, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, and 159 shall be redacted, and Melody Capital Partners, L.P. and Melody Capital Partners GP, LLC shall file the same with the redactions as proposed in NYSCEF 169 through 194 within five days of the decision; and it is further

ORDERED that the County Clerk, upon service to him of this order, shall seal NYSCEF 121, 123, 124, 125, 126, 130, 131, 132, 133, 135, 140, 141, 142, 144, 147, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193 and 194; and it is further

ORDERED that motion sequence 009 is granted, in part, insofar as NYSCEF 196, 200, 205, 211, 218, 220, 222, 224, 228, 231, 234, 241, 242, 243, 244, and 245 shall be unsealed, and the County Clerk, upon service to him of this order, shall unseal the same; and it is further

ORDERED that motion sequence 009 is denied, in part, insofar as NYSCEF 199, 201, 202, 203, 204, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 219, 221,

223, 225, 226, 227, 229, 230, 232, 233, 235, 236, and 239 shall be redacted, and Melody Capital Partners, L.P. and Melody Capital Partners GP, LLC shall file the same with the redactions as proposed in NYSCEF 258 through 286, 288, and 289 within five days of the decision; and it is further

ORDERED that the County Clerk, upon service to him of this order, shall seal 199, 201, 202, 203, 204, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 219, 221, 223, 225, 226, 227, 229, 230, 232, 233, 235, 236, 239, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 289; and it is further

ORDERED that motion sequence 009 is denied, in part, insofar as NYSCEF 237, 238, and 240 shall be redacted, and Goldman Sachs & Co. shall file the same with the redactions as proposed in NYSCEF 293 within five days of the decision; and it is further

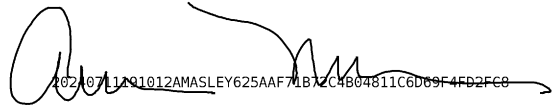
ORDERED that the County Clerk, upon service to him of this order, shall seal NYSCEF 237, 238, 240, and 293; and it is further

ORDERED the County Clerk shall restrict access to the sealed documents with access to be granted only to authorized court personnel and designees, the parties and counsel of record in the above-captioned action, and any representative of a party or of counsel of record upon presentation to the County Clerk of written authorization from counsel; and it is further

ORDERED that movant shall serve a copy of this order on the County Clerk in accordance with the procedures set forth in the Protocol on Courthouse County Clerk Procedures for Electronically Filed Cases; and it is further

ORDERED that if any party seeks to redact identical information in future filings that the court is permitting to be redacted here, that party shall submit a proposed sealing order to the court (via SFC-Part48@nycourts.gov and NYSCEF) instead of filing another seal motion; and it is further

ORDERED that this order does not authorize sealing or redacting for purposes of trial.



7/11/2024
DATE

CHECK ONE:

CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: