

**White Oak Commercial Fin., LLC v NY & Co Ecomm  
LLC**

2024 NY Slip Op 32497(U)

July 12, 2024

Supreme Court, New York County

Docket Number: Index No. 650682/2024

Judge: Andrea Masley

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This opinion is uncorrected and not selected for official publication.

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

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WHITE OAK COMMERCIAL FINANCE, LLC,  
Plaintiff,

- v -

NY AND CO ECOMM LLC,FASHION TO FIGURE  
ECOMM LLC,LORD & TAYLOR ECOMM LLC,LETOTE  
ECOMM LLC,AQUATALIA ECOMM LLC,JOSEPH  
SAADIA, JACK SAADIA, NY AND CO IP LLC,FASHION  
TO FIGURE IP LLC,SAADIA GROUP LLC,RTW  
RETAILWINDS ACQUISITION LLC,LORD & TAYLOR  
ACQUISITIONS LLC,LORD & TAYLOR IP LLC,LETOTE IP  
LLC,AQUATALIA IP LLC,501 JERSEY AVENUE  
LLC,BROOK WAREHOUSING AND DISTRIBUTION  
LLC,1735 JERSEY AVENUE PROPERTY, LLC,SAADIA  
DISTRIBUTION LLC,1000 STONY BATTERY PROPERTY  
OWNER LLC, and 1000 STONEY BATTERY ROAD LLC,

Defendants.

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INDEX NO. 650682/2024

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. 002

**DECISION + ORDER ON  
MOTION**

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 002) 65, 66, 67, 69, 74,  
75, 76, 77, 78

were read on this motion to/for \_\_\_\_\_ SEAL

Upon the foregoing documents, it is

In motion sequence 002, defendants move pursuant to section 216.1 of the  
Uniform Rules for New York State Trial Courts (22 NYCRR § 216.1) to redact<sup>1</sup> NYSCEF  
51, a compilation of certain documents and emails that were made or received by  
defendants. (See NYSCEF Doc. No. [NYSCEF] 50, Mark S. Jarashow<sup>2</sup> aff ¶ 4.) The

<sup>1</sup> Although defendants initially sought to seal, this court directed defendants to submit  
proposed redactions instead. (NYSCEF Doc. No. [NYSCEF] 69, OSC at 2.)  
Defendants' proposed redactions are at NYSCEF 78 (yellow highlights) and NYSCEF  
77 (publicly filed redacted copy).

<sup>2</sup> Jarashow is defendants' counsel. (NYSCEF 66, Jarashow aff ¶ 1.)

motion is unopposed. There is no indication that the press or public have an interest in this matter.

“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 AD3d at 350 [citations omitted].)

Here, defendants have demonstrated good cause to redact NYSCEF 51 as proposed. The proposed redactions are narrowly tailored to protect *inter alia* sensitive,

non-public financial and business information, that may threaten defendants' competitive advantage is revealed publicly.

Accordingly, it is

ORDERED that motion sequence 002 is granted; and it is further

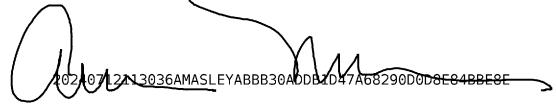
ORDERED that the County Clerk, upon service to him of this order, shall seal NYSCEF 51 and 78; and it is further

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](mailto: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.



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7/12/2024  
DATE

\_\_\_\_\_  
ANDREA MASLEY, 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