

**AGP Holdings Two LLC v Certain Underwriters at  
Lloyd's of London Including Syndicate Nos. 4000,  
5000, 2121, 2987, 4020, 1861, 1221, 1183, 4711, 5151,  
1686, & 4472**

2024 NY Slip Op 32623(U)

July 16, 2024

Supreme Court, New York County

Docket Number: Index No. 654742/2020

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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AGP HOLDINGS TWO LLC, AGP HOLDINGS THREE  
LLC, AGP HOLDINGS ONE LLC,

Plaintiffs,

- v -

CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON  
INCLUDING SYNDICATE NOS. 4000, 5000, 2121, 2987,  
4020, 1861, 1221, 1183, 4711, 5151, 1686, AND 4472 AT  
LLOYD'S AND THEIR UNDERWRITING MEMBERS,  
GREAT LAKES INSURANCE SE, SWISS RE  
INTERNATIONAL SE, AIG PROPERTY CASUALTY  
COMPANY, FEDERAL INSURANCE COMPANY,

Defendants.

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INDEX NO. 654742/2020

MOTION DATE 04/15/2024

MOTION SEQ. NO. 036

**DECISION + ORDER ON  
MOTION**

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 036) 1459, 1460, 1461,  
1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1473, 1474, 1475, 1493

were read on this motion to SEAL OR REDACT.

Non-party Kenneth Griffin’s motion to seal or redact is **granted in part and denied 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, e.g. *Gryphon Dom. VI, LLC v APP Intern. Fin. Co., B. V.*, 28 AD3d 322, 324 [1st Dept 2006]).

Sealing is generally limited to “trade secrets, confidential business information, or proprietary information” (*Vergara v Mission Capital Advisors, LLC*, 187 AD3d 495 [1st Dept 2020]). “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]). Relevant here, sealing or redaction may be warranted where “disclosure could impinge on the privacy rights of third parties who clearly are not litigants herein” (*Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499, 502 [2d Dept 2007]). Narrowly tailored redactions are more likely to be permitted than sealing of an entire document (*Danco Labs*, 214 AD2d at 8).

By order dated March 25, 2024, the Court denied Mr. Griffin’s motion to seal “without prejudice to renewal and proposing targeted redactions” (NYSCEF 1439). Mr. Griffin timely renewed his motion and seeks narrow redactions in three documents (and duplicates thereof). The Court has reviewed Mr. Griffin’s submissions and finds that the proposed redactions to Mr. Griffin’s deposition transcript (NYSCEF 615) do not involve trade secrets, confidential business information, proprietary information or any other information warranting redactions. However, the proposed redactions to the December 8, 2020, and July 20, 2021, Agreements (NYSCEF 618, 620) concern non-public information including addresses, banking information, and confidential

deal terms which warrant protection. The Court has considered Mr. Griffin's status as a non-party in reaching the foregoing determinations.

Accordingly, it is

**ORDERED** that non-party Griffin's motion to seal and redact is **denied** with respect to NYSCEF 615 and **granted** with respect to NYSCEF 618 and 620; it is further

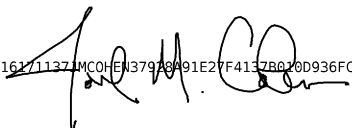
**ORDERED** that the County Clerk shall maintain NYSCEF Docket Entries 618, 620, 1464 and 1466 (and any duplicates thereof) under seal, so that the documents may only be accessible by the parties, their counsel, and Court personnel; it is further

**ORDERED** that the County Clerk unseal NYSCEF Docket Entries 615 and 1462; it is further

**ORDERED** as it relates to future submissions, made by any party (or relevant non-party), that contain subject matter that the Court has authorized to be sealed by this Order, the parties (and relevant non-party) may file a joint stipulation, to be So Ordered, which will authorize the filing of such future submissions to be filed in redacted form on NYSCEF, provided that 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 redaction of any documents or evidence to be offered at trial.

This constitutes the Decision and Order of the Court.

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JOEL M. COHEN, J.S.C.

7/16/2024  
DATE

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED
<input type="checkbox"/>	GRANTED		
<input type="checkbox"/>	SETTLE ORDER		
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		

<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION		
<input checked="" type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	SUBMIT ORDER		
<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: