

ARC NYWWPJV001, LLC v WWP JV LLC

2024 NY Slip Op 33523(U)

September 26, 2024

Supreme Court, New York County

Docket Number: Index No. 654977/2022

Judge: Joel M. Cohen

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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 03M

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<p>ARC NYWWPJV001, LLC, A DELAWARE LIMITED LIABILITY COMPANY,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">- v -</p> <p>WWP JV LLC, A DELAWARE LIMITED LIABILITY COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<table border="0"> <tr> <td style="width: 20%;">INDEX NO.</td> <td style="border-bottom: 1px solid black;">654977/2022</td> </tr> <tr> <td></td> <td style="text-align: center;">06/24/2024, 07/10/2024, 07/15/2024, 07/15/2024</td> </tr> <tr> <td>MOTION DATE</td> <td style="border-bottom: 1px solid black;">07/15/2024</td> </tr> <tr> <td></td> <td style="text-align: center;">008 010 011 012</td> </tr> <tr> <td>MOTION SEQ. NO.</td> <td style="border-bottom: 1px solid black;">012</td> </tr> </table> <p style="text-align: center;">DECISION + ORDER ON MOTION</p>	INDEX NO.	654977/2022		06/24/2024, 07/10/2024, 07/15/2024, 07/15/2024	MOTION DATE	07/15/2024		008 010 011 012	MOTION SEQ. NO.	012
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<p>WWP JV LLC, A DELAWARE LIMITED LIABILITY COMPANY,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>NEW YORK REIT LIQUIDATING LLC</p> <p style="text-align: center;">Defendant.</p>	<p>Third-Party Index No.</p>
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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 008) 162, 163, 164, 165, 166, 167, 168
 were read on this motion to/for MISCELLANEOUS.

The following e-filed documents, listed by NYSCEF document number (Motion 010) 176, 177, 178, 179, 180, 182, 184
 were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 011) 311, 312, 313, 314, 315, 316, 337, 339
 were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 012) 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 338, 340, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464
 were read on this motion to/for SEAL.

Defendant and Counterclaim Plaintiff, WWP JV LLC (“WWP”), seeks orders sealing and/or redacting the unredacted documents filed in connection with this proceeding as NYSCEF Document Numbers 139, 141, and 142 (MS 008); 169, 173, and 180 (MS 010); 225 (MS 011); and 206, 207, 208, 209, and 210 (MS 012). For the following reasons, WWP’s unopposed motions are **granted**.

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 also, e.g. Gryphon Dom. VI, LLC v APP Intern. Fin. Co., B.V.*, 28 AD3d 322, 324 [1st Dept 2006]). “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]).

The Court has reviewed WWP’s proposed targeted redactions of the Documents filed as NYSCEF 139, 169, 180, 206, 207, 208, 209, 210, and 225, and finds that they comport with the applicable sealing standard as laid out in *Mosallem*, 76 AD3d at 348-350, and its progeny, in that

the redacted portions of the document contain sensitive and confidential business and financial information. Furthermore, the Court agrees that NYSCEF Document Numbers 141, 142, and 173 should be sealed.

Accordingly, it is

ORDERED that WWP's motions to seal (MS 08, 10, 11, and 12) are **granted**; it is further

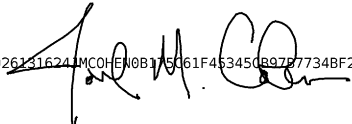
ORDERED that the County Clerk shall maintain the unredacted documents filed as NYSCEF Document Numbers 139, 141, 142, 169, 173, 180, 206, 207, 208, 209, 210, and 225 under seal, so that the documents may be accessible only by the parties, their counsel, and authorized court personnel; it is further

ORDERED that the parties shall file to the public docket redacted copies of the unredacted documents filed as NYSCEF Document Numbers 139, 169, 180, 206, 207, 208, 209, 210, and 225, which redacted copies the Clerk shall allow to remain on the docket in their redacted form; it is further

ORDERED that this Decision shall not be construed as sealing any document at trial, nor as preclusive of any determination of any claims that some or all of these documents are privileged; and it is further

ORDERED that as it relates to future submissions, made by any party, that contain subject matter that the court has authorized to be sealed by this Decision and Order, **parties 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 document is contemporaneously filed under seal.

This constitutes the Decision and Order of the Court.

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JOEL M. COHEN, J.S.C.

9/26/2024
DATE

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: