

Seaport Mgt. Dev. Co., LLC v Shop Architects, P.C.

2024 NY Slip Op 33572(U)

October 1, 2024

Sup Ct, NY County

Docket Number: Index No. 657263/2019

Judge: Andrea Masley

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
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

-----X

SEAPORT MANAGEMENT DEVELOPMENT COMPANY,
LLC,

INDEX NO. 657263/2019

Plaintiff,

MOTION DATE _____

- v -

MOTION SEQ. NO. 018

SHOP ARCHITECTS, P.C., HUNTER ROBERTS
CONSTRUCTION GROUP, LLC, SCHNEIDER ELECTRIC
SYSTEMS USA, INC.,

**DECISION + ORDER ON
MOTION**

Defendants.

-----X

SHOP ARCHITECTS, P.C.,

Third-Party
Index No. 595060/2020

Plaintiff,

-against-

SCHNACKEL ENGINEERS, INC.,

Defendant.

-----X

HUNTER ROBERTS CONSTRUCTION GROUP, LLC,

Second Third-Party
Index No. 595178/2020

Plaintiff,

-against-

B&G ELECTRICAL CONTRACTORS OF NEW YORK,

Defendant.

-----X

HUNTER ROBERTS CONSTRUCTION GROUP, LLC,

Third Third-Party
Index No. 595713/2020

Plaintiff,

-against-

ENCLOS CORP.,

Defendant.

-----X

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 018) 660, 661, 662, 663, 664, 665, 666, 694, 699

were read on this motion to/for

SEAL

In motion seq. no. 018, plaintiff Seaport Management Development Company LLC moves to redact sensitive and non-public commercial business information contained in portions of the deposition of George Giaquinto dated October 7, 2021 (NYSCEF 662).¹ There is no opposition to this motion and no indication that the press or public is interested 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 numerus 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].) For example, in the business context,

¹ A redacted copy of this document is publicly available at NYSCEF 663.

courts have sealed records where the disclosure of documents “could threaten a business’s competitive advantage.” (*Id.* at 350-351 [citations omitted].) Records concerning private 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].)

Plaintiff has demonstrated good cause to redact NYSCEF 662. The proposed redactions are limited. Disclosure of such commercially sensitive business and financial information regarding plaintiff and its tenants could cause competitive harm and put plaintiff in a competitive disadvantage.

Accordingly, it is

ORDERED that the motion is granted; and it is further

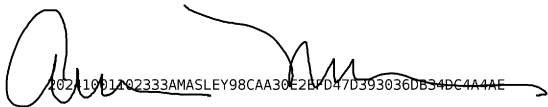
ORDERED that and the County Clerk, upon service of this order, shall permanently seal NYSCEF 662; and it is further

ORDERED the New York 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 this 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 plaintiff shall serve a copy of this order upon the Clerk of the Court and the Clerk of the General Clerk’s Office in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the “E-Filing” page on the court’s website at the address www.nycourts.gov/supctmanh)]; 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.



202410011402333AMASLEY98CAA30E24F047D393036DB34DC4A4AE

10/1/2024
DATE

ANDREA MASLEY, J.S.C.

CHECK ONE:

CASE DISPOSED
 GRANTED DENIED

NON-FINAL DISPOSITION
 GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE