

**Clenera Battery Holdco LLC v Microvast Holdings,
Inc.**

2025 NY Slip Op 30612(U)

February 19, 2025

Supreme Court, New York County

Docket Number: Index No. 659103/2024

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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CLENERA BATTERY HOLDCO LLC,

INDEX NO. 659103/2024

Plaintiff,

MOTION DATE -

- v -

MICROVAST HOLDINGS, INC.,

MOTION SEQ. NO. 001

Defendant.

**DECISION + ORDER ON
MOTION**

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 36, 37, 38, 48

were read on this motion to/for SEAL.

In motion sequence number 001, plaintiff Clenera Battery Holdco LLC (Clenera) move pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to redact/seal the following documents:

1. Complaint (NYSCEF Doc No. [NYSCEF] 2 and 22)¹
2. Supply agreement (NYSCEF 3 and 14)
3. First amendment to supply agreement (NYSCEF 4 and 15)
4. Second amendment to supply agreement (NYSCEF 5 and 16)
5. Third amendment to supply agreement (NYSCEF 6 and 17)
6. Change order (NYSCEF 7 and 18)
7. Demand letter (NYSCEF 8 and 19)
8. Parent demand letter (NYSCEF 9 and 20)

¹ A publicly redacted copy is filed at NYSCEF 23.
659103/2024 CLENERA BATTERY HOLDCO LLC vs. MICROVAST HOLDINGS, INC.
Motion No. 001

9. Breach letter (NYSCEF 10 and 21)

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

Section 216.1(a) of the Uniform Rules for Trial Courts empowers courts to seal documents upon a written finding of good cause. It provides:

“(a) [e]xcept 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 the parties. Where it appears necessary or desirable, the court may prescribe appropriate notice and an opportunity to be heard.”

Judiciary Law § 4 provides that judicial proceedings shall be public. “The public needs to know that all who seek the court’s protection will be treated evenhandedly,” and “[t]here is an important societal interest [in conducting any court proceeding in an open forum.” (*Baidzar Arkun v Farman-Farma*, 2006 NY Slip Op 30724[U], *2 [Sup Ct, NY County 2006] [citation omitted].) Sealing “may be appropriate to preserve the confidentiality of materials which involve the internal finances of a party and are of minimal public interest.” (*D’Amour v Ohrenstein & Brown*, 17 Misc 3d 1130[A], 1130A, 2007 NY Slip Op 52207[U], *20 [Sup Ct, NY County 2007] [citations omitted]. Courts have also sealed records where the disclosure of documents “could threaten a business’s competitive advantage.” (*Mosallem*, 76 AD3d at 350-351 [citations omitted].)

Clenera asserts that the complaint, supply agreement, the first, second, and third amendments to the supply agreement, the change order, demand letter, parent demand letter, and breach letter contain sensitive proprietary information concerning the design, specifications, technical details, costs, and other non-public information regarding the

solar energy project, including the parties' negotiations, legal strategy, and structure of the parties' businesses and finance. Here, the terms of Clenera's solar energy project could harm its business advantage and disclosure of sensitive proprietary information and finances are of little public interest, particularly where there has been no inquiry by the public or press as to this matter.

Accordingly, it is

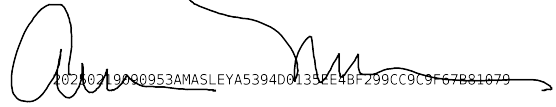
ORDERED that motion sequence 001 is granted and the County Clerk, upon service of this order, shall seal NYSCEF 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21 and 22; and it is further

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 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 movant 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.



2/19/2025

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