

Lydall, Inc. v Honeywell Intl. Inc.

2025 NY Slip Op 31382(U)

April 11, 2025

Supreme Court, New York County

Docket Number: Index No. 656935/2021

Judge: Nancy M. Bannon

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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. NANCY M. BANNON PART 61M

Justice

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LYDALL, INC.,

Plaintiff,

- v -

HONEYWELL INTERNATIONAL INC.,

Defendant.

INDEX NO. 656935/2021

MOTION DATE 01/03/2025,
01/03/2025,
01/17/2025

MOTION SEQ. NO. 024 025 026

**DECISION + ORDER ON
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 024) 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 496 were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 025) 488, 489, 490, 491, 492, 493, 494, 495, 497 were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 026) 514, 515, 516, 517, 518 were read on this motion to/for SEAL.

In this action alleging breach of a Master Supply Agreement (the "MSA"), currently before the court are three separate motions by the defendant brought by order to show cause pursuant to 22 NYCRR 216.1 to seal or redact filed documents. First, the defendant seeks to seal or redact the plaintiff's counterstatement of material fact filed in opposition to defendant's motion for summary judgment and certain exhibits filed in opposition to that motion (NYSCEF Docs. Nos. 415-418, 421-423, 425, 428, 435- 442, 444, and 447) (MOT SEQ 024). The defendant separately moves, by two motions, to seal or redact certain exhibits filed by the plaintiff in opposition to the defendant's motion to exclude testimony and in support of plaintiff's cross-motion to exclude testimony (NYSCEF Docs. Nos. 451-453, and 455) (MOT SEQ 025) and (NYSCEF Doc No. 503) (MOT SEQ 026). By orders dated November 25, 2024 (for MOT SEQ 024 and 025) and December 18, 2024 (for MOT SEQ 026), the court granted the defendant's requests for TROs to maintain the subject exhibits under seal pending decision on the present motions. All three motions are unopposed. The motions are granted.

Pursuant to 22 NYCRR 216.1(a), “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.” The Appellate Division, First Department, 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). Because “confidentiality is clearly the exception, not the rule” (Matter of Hofmann, 284 AD2d 92, 93–94 [1st Dept. 2001]), that Court has authorized sealing “only in strictly limited circumstances.” Gryphon Dom. VI, LLC v APP Intl. Fin. Co., 28 AD3d 322, 325 (1st Dept. 2006); see Mosallem v Berenson, *supra*. The burden is on the party seeking to seal court records to establish “good cause.” Maxim, Inc. v Feifer, 145 AD3d 516, 517 (1st Dept. 2017).

Furthermore “[a] finding of ‘good cause’ presupposes that ... no alternative to sealing can adequately protect the threatened interest.” Mancheski v Gabelli Group Capital Partners, 39 AD3d 499, 502 (2nd Dept. 2007) citing In re Herald Co., 734 F2d 93, 100 [2nd Cir. 1984]. Appropriate less restrictive alternative relief may and should be granted to balance the competing interests of public access and the need for secrecy or confidentiality. See Danco Labs v Chemical Works of Gedeon Richter, 274 AD2d 1 (1st Dept. 2000). It is well settled that redaction can be such an appropriate alternative relief. See Id.; Jose V. v Smiley & Smiley LLP, 214 AD3d 523 (1st Dept. 2023); Gliklad v Derispaska, 185 AD3d 512 (1st Dept. 2020); Maxim, Inc. v Feifer, 145 AD3d 516 (1st Dept. 2016).

In the business context, good cause may be established where trade secrets are involved (see Matter of Bernstein v On-Line Software Inter. Inc., 232 AD2d 336 [1st Dept. 1996] *lv denied* 89 NY2d 810 (1997); Matter of Crain Communications, Inc., 135 AD2d 351 [1st Dept. 1987]) or “where the release of documents could threaten a business’s competitive advantage. (Matter of Twentieth Century Fox Film Corp., *supra* at 488).” Mosallem v Berenson, *supra* at 350; see Vergara v Mission Capital Advisors, LLC, 187 AD3d 495 (1st Dept. 2020); Mancheski v Gabelli Group Capital Partners, 39 AD3d 499, 502 (2nd Dept. 2007).

The defendant seeks to seal an internal email between its employees, including an attachment containing a chart with pricing information and production specifications (NYSCEF

Doc. No. 426) and the work papers of its expert, James Carroll (NYSCEF Doc. No. 458). The defendant also seeks to redact the deposition transcripts of James A. Carroll (NYSCEF Doc. Nos. 452, 455, and 503), James A. Carroll's expert report and supplemental report (NYSCEF Doc. Nos. 451 and 453), certain email and chat communications between or internal to the parties (NYSCEF Doc. Nos. 415-418, 421-423, 425, 428, 435-442, and 444), and a counterstatement of material facts filed by the plaintiff (NYSCEF Doc. No. 447).

The defendant's proposed redactions are narrowly tailored to protect confidential and highly detailed pricing information and product specifications. The court, in previous orders dated February 15, 2022, November 29, 2023 (Ostrager, J [Ret.]), and January 24, 2025, previously granted similar requests to redact deposition transcripts, expert reports, and email/chat communications containing similar content, to "safeguard commercially sensitive information—the pricing and technical specifications of Lydall's flagship products— that would be of no interest to the public." NYSCEF Doc. No. 28. The court, for the same reason, likewise finds "good cause" for the narrowly tailored redactions proposed on the instant motions to NYSCEF Doc. Nos. 415-418, 421-423, 425, 428, 435-442, 444, 451, 452, 453, 455, and 503), as well as for the sealing of NYSCEF Doc. Nos. 426 and 458. See Mosallem v Berenson, supra; Vergara v Mission Capital Advisors, LLC, supra; Mancheski v Gabelli Group Capital Partners, supra. The court likewise finds "good cause" to redact the subject counterstatement of material facts (NYSCEF Doc. Nos. 447) to the extent it discusses or includes information in the above exhibits that is sealed or redacted pursuant to this order.

Accordingly, it is

ORDERED that the defendant's motions to seal (MOT SEQ 024, 025 and 026) are granted, upon a finding of "good cause," and it is further

ORDERED that service upon the Clerk of the Court of this order shall be made 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); and it is further.

ORDERED that the Clerk of the Court is directed, upon service upon him of a copy of this order with notice of entry, to permanently seal to all parties except counsel, the court, and court personnel the documents e-filed at NYSCEF Doc. Nos. 426 and 458; and it is further

ORDERED that the Clerk of the Court is directed to accept for filing redacted copies of NYSCEF Doc. Nos. 415-418, 421-423, 425, 428, 435-442, 444, 451, 452, 453, 455, and 503, to be available for viewing by the public via NYSCEF, with the redactions limited to those approved herein.

This constitutes the Decision and Order of the court.


NANCY M. BANNON, J.S.C.
HON. NANCY M. BANNON

4/11/2025
DATE

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION		
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER		
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE