

ShipLion, LLC v Bauble Bar, Inc.

2025 NY Slip Op 32582(U)

July 14, 2025

Supreme Court, New York County

Docket Number: Index No. 653927/2023

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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SHIPLION, LLC, YISROEL GEWIRTZMAN,

Plaintiffs,

- v -

BAUBLE BAR, INC.,

Defendant.

INDEX NO. 653927/2023

MOTION DATE 05/16/2025

MOTION SEQ. NO. 013

**DECISION + ORDER ON
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 013) 389, 391, 392, 393, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 409, 410, 411, 412, 413, 14, 415, 416, 417, 418, 420, 421, 422, 423, 425, 426, 427, 428, 429, 430, 432, 433, 435, 436, 437, 438, 439, 440, 441, 443, 444, 449, 450, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 467, 468, 469, 470, 471, 472, 474, 475, 482, 483, 484, 485, 532, 533, 534, 536, 545

were read on this motion to SEAL.

Defendant-Counterclaim Plaintiff Bauble Bar, Inc. (“BaubleBar”) moves for an order sealing and/or redacting portions of NYSCEF 389, 391, 392, 393, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 409, 410, 411, 412, 413, 14, 415, 416, 417, 418, 420, 421, 422, 423, 425, 426, 427, 428, 429, 430, 432, 433, 435, 436, 437, 438, 439, 440, 441, 443, 444, 449, 450, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 467, 468, 469, 470, 471, 472, 474, 475, 482, 483, 484, and 485 filed in connection with Bauble Bar, Inc.’s Partial Motion for Summary Judgment. While Plaintiff and Counterclaim-Defendant ShipLion LLC (“ShipLion”) filed opposition pointing out procedural errors with Baublebar’s application, they submit that they do not oppose this motion. For the following reasons, BaubleBar’s motion is denied.

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]). Good cause must “rest on a sound basis or legitimate need to take judicial action” (*Danco Labs.*, 274 AD2d at 9). Agreements to seal are insufficient as such agreements do not establish “good cause” (*MBIA Ins. Corp. v Countrywide Home Loans, Inc.*, 2012 NY Slip Op 33147[U], * 9 [Sup Ct, NY County 2012]).

BaubleBar requests that the Court seal certain excerpts from depositions that contain commercially sensitive business information pertaining to BaubleBar’s inner workings that could be harmful to BaubleBar in the hands of a competitor (NYSCEF 391, 392, 393, 399, 402, 405, 410, 412, 416, 417, 421, 422, 428, 432, 441, 458, 459, 463, 484, 485, 456, 463, 484, and 485). However, while *portions* of the deposition transcripts may include confidential business information or proprietary information, BaubleBar has not shown why any such information cannot be properly protected through targeted redaction. In view of the admonition that sealing

of court records must be “narrowly tailored to serve compelling objectives,” (*Danco*, 274 AD2d at 6), BaubleBar will need to propose and justify targeted redactions that satisfy the requirements of 22 NYCRR § 216 (a) and applicable case law. Therefore, these documents will remain provisionally under seal to permit the prompt filing of a follow-up motion proposing and explaining the need for specific redactions. Any subsequent motion seeking to address the above concerns should adhere to the Part 3 Sealing Practices and Procedures (available online on the Court’s website), including the requirement to submit an affidavit based on personal knowledge attesting to the factual bases for redaction and a spreadsheet setting forth the good faith basis for each proposed redaction.

BaubleBar also submits that it brought this motion for the purpose of allowing ShipLion a sufficient opportunity to obtain an appropriate protective order from the Court concerning the filing under seal of certain documents that ShipLion previously marked as “Confidential” in this proceeding or may otherwise consider confidential. However, ShipLion did not move to seal NYSCEF 389, 397, 398, 401, 403, 404, 406, 409, 411, 413, 414, 415, 426, 427, 429, 430, 433 – 440, 443, 449, 450, 452 – 455, 457, 460 – 462, 465 – 472, 474, 475, 482, and 483, and therefore the motion as to those documents is denied.

Accordingly, it is:

ORDERED that BaubleBar’s Motion is **denied**, without prejudice to filing a new motion within 21 days to consistent with this Decision and Order herein; it is further

ORDERED that the documents filed as NYSCEF 391, 392, 393, 399, 402, 405, 410, 412, 416, 417, 421, 422, 428, 432, 441, 458, 459, 463, 484, 485, 456, 463, 484, and 485 shall remain provisionally sealed for 21 days from the date of the Court’s entry of this Decision and Order on NYSCEF. If BaubleBar files a new motion to seal or redact confidential portions of the

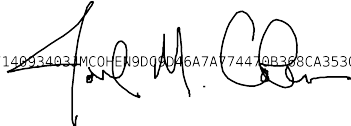
documents consistent with this Decision and Order within that 21-day period, the documents shall remain provisionally sealed pending resolution of that motion. If no such motion is filed within 21 days from the entry of this Decision and Order, the parties shall within three business days thereafter direct the County Clerk to file unredacted/unsealed copies of the documents on NYSCEF; and it is further

ORDERED that the County Clerk shall **unseal** NYSCEF 389, 397, 398, 401, 403, 404, 406, 409, 411, 413, 414, 415, 426, 427, 429, 430, 433, 434, 435, 436, 437, 438, 439, 440, 443, 449, 450, 452, 453, 544, 455, 457, 460, 461, 462, 465, 466, 467, 468, 469, 470, 471, 472, 474, 475, 482, and 483; it is further

ORDERED that BaubleBar shall serve a copy of this order upon the Clerk’s Office within five (5) days of the date of this Order, and such service 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); 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.

7/14/2025
DATE

CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	
	<input type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART	<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