

**Mistryrise Intl. Ltd. v
Corporacion Electrica Nacional S.A.**

2025 NY Slip Op 33080(U)

August 6, 2025

Supreme Court, New York County

Docket Number: Index No. 655219/2021

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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MISTYRISE INTERNATIONAL LIMITED,	INDEX NO.	<u>655219/2021</u>
Plaintiff,	MOTION DATE	<u>07/15/2025</u>
- v -	MOTION SEQ. NO.	<u>007</u>
CORPORACION ELECTRICA NACIONAL S.A.,		
Defendant.	DECISION + ORDER ON MOTION	

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 007) 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115

were read on this motion to SEAL.

Plaintiff Mistyrise International Limited (“Plaintiff”) moves for an order sealing the documents filed in connection with Motion Sequence 8 as NYSCEF Documents 100 and 109 pursuant to non-party Citibank, N.A.’s (“Citibank”) designation of these documents as confidential. Citibank responded to the motion via letter (NYSCEF 112) proposing a more targeted series of redactions to protect its confidential information. Because Plaintiff advances no interest other than Citibank’s, and because narrowly targeted redactions are more likely to be permitted than the sealing of an entire document (*see Danco Labs., Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 6 [1st Dept 2000]), the Court will evaluate this motion based on Citibank’s proposal, which is filed as NYSCEF Document 113. For the reasons discussed below, Plaintiff’s motion is **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]). 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]).

The Court has reviewed Citibank’s proposed redactions and finds that they comport with the applicable sealing standards as laid out in *Mosallem*, 76 AD3d at 348-50, and its progeny, in that they contain sensitive, proprietary, and/or confidential business and financial information.

Accordingly, it is

ORDERED that Plaintiff’s motion is **granted**; it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Numbers 100, 109, and 113 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Numbers 110 and 114 in their current, redacted form; it is further

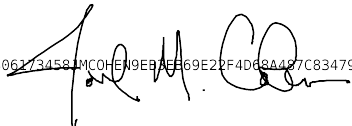
ORDERED that within 14 days of the date of this order, Plaintiff shall file a redacted version of the document at issue in accordance with Citibank's proposed redactions (NYSCEF 114) in connection with Motion Sequence 8; it is further

ORDERED that Plaintiff 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 as it related to future submissions, made by any party, that contain subject matter that the Court has authorized to be sealed by this 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 redacted document is contemporaneously filed under seal; and it is further

ORDERED that nothing in this Order shall be construed as authorizing the sealing or redactions 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.

8/6/2025
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: