

**Bangladesh Bank v Rizal Commercial Banking Corp.**

2025 NY Slip Op 33101(U)

August 12, 2025

Supreme Court, New York County

Docket Number: Index No. 652051/2020

Judge: Andrea Masley

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

**PRESENT: HON. ANDREA MASLEY PART 48**

*Justice*

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BANGLADESH BANK,

Plaintiff,

- v -

RIZAL COMMERCIAL BANKING CORPORATION, MAIA SANTOS DEGUITO, ANGELA RUTH TORRES, LORENZO V. TAN, RAUL VICTOR B. TAN, ISMAEL S. REYES, BRIGITTE R. CAPINA, NESTOR O. PINEDA, ROMUALDO S. AGARRADO, PHILREM SERVICE CORP., SALUD BAUTISTA, MICHAEL BAUTISTA, CENTURYTEX TRADING, WILLIAM SO GO, EASTERN HAWAII LEISURE COMPANY, LTD., KAM SIN WONG, WEIKANG XU, DING ZHIZE, GAO SHUHUA, and JOHN DOES,

Defendants.

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INDEX NO. 652051/2020  
MOTION DATE -  
MOTION SEQ. NO. 030 031 032

**DECISION + ORDER ON MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 030) 589, 590, 591, 592, 593, 594, 597, 598, 624, 627

were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 031) 605, 606, 607, 608, 609, 619, 621, 622, 623, 632

were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 032) 612, 613, 614, 615, 616, 620, 625, 626, 628, 629

were read on this motion to/for MISCELLANEOUS.

In motion sequence number 030, plaintiff Bangladesh Bank moves pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to seal/redact the following documents:

1. June 2016 Incident Response Report (NYSCEF Doc. No. [NYSCEF] 580);
2. April 2016 Incident Response Report (NYSCEF 582);
3. World Informatix Cyber Security Presentation (NYSCEF 583);

4. World Informatix Cyber Security Report (NYSCEF 584);
5. Mandiant Incident Response Executive Summary (NYSCEF 585);
6. Lists of documents in possession, people interviewed, and members of the investigation committee (NYSCEF 587); and
7. Plaintiff's Memorandum of Law in Opposition (NYSCEF 588<sup>1</sup>)

In motion sequence number 031, defendant Rizal Commercial Banking Corporation (RCBC) moves, pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to redact its reply memorandum to the motion for leave to file amended answers (NYSCEF 604<sup>2</sup>).

In motion sequence number 032, plaintiff Bangladesh Bank moves pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to redact the April 29, 2025 email to the court (NYSCEF 611<sup>3</sup>).

These motions are unopposed.<sup>4</sup>

### Legal Standard

“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 numerous statutes.” (*Id.* at 349.) One of those statutes is section 216.1

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<sup>1</sup> A publicly redacted version is filed at NYSCEF 591.

<sup>2</sup> A publicly redacted version is filed at NYSCEF 608.

<sup>3</sup> A publicly redacted version is filed at NYSCEF 615.

<sup>4</sup> The parties are reminded to follow Part 48 Procedures on sealing. (Part 48 Procedures ¶ 10[A] [“The court will not entertain successive motions to seal documents/information that the court previously permitted to be redacted or sealed”].)

(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.” (Uniform Rules for Trial Cts [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].) Good cause must “rest on a sound basis or legitimate need to take judicial action.” (*Danco Lab Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 8 [1st Dept 2000] [internal quotation marks omitted].)

## Discussion

### Mot. Seq. no. 030

Bangladesh Bank seeks to seal NYSCEF 580, 582, 583, 584, 585, 587 and redact NYSCEF 588, asserting that these documents contain confidential information about Bangladesh Bank’s IT infrastructure and remediation recommendations. Courts have sealed records containing “sensitive proprietary and business information ... [when] [t]he parties had an interest in protecting these documents and there was no countervailing public interest that would be furthered by their disclosure.” (*Jetblue Airways Corp. v Stephenson*, 31 Misc 3d 1241(A), at \*7 [Sup Ct, NY County 2010], *affd* 88 AD3d 567 [1st Dept 2011].) The proposed redactions and sealing are warranted so that Bangladesh Bank’s IT infrastructure remains safeguarded especially since there is

no public interest in these documents. Accordingly, these documents shall remain sealed and/or redacted.

Mot. Seq. no. 031

RCBC seeks to redact NYSCEF 604, asserting that this document paraphrases or cites to a highly confidential investigation report. In support of its motion, RCBC relies on NY Banking Law § 36 (10) without explaining how it pertains to a report issued by a committee established by a foreign government. In its previous decision, this court rejected RCBC's reliance on NY Banking Law § 36 (10) and allowed any party to move to seal the documents again, and subsequently RCBC filed motion sequence 033. (See NYSCEF 634, Decision and Order [mot. seq. no. 029].)

In reliance on the supporting law provided in motion sequence 033, which is addressed in separate decision, good cause exists to redact NYSCEF 604. Courts have sealed records containing "sensitive proprietary and business information." (*Jetblue Airways Corp.* 31 Misc 3d 1241(A), at \*7.) Further, sealing may be appropriate when materials "involve closely guarded information about current or future business plans or strategies, the disclosure of which likely would provide an advantage to a competitor." (*Cortlandt St. Recovery Corp. v Bonderman*, 71 Misc 3d 908, 910 [Sup Ct, NY County 2021] [citation omitted].) The proposed redactions are warranted because NYSCEF 604 cites to a confidential investigation report containing sensitive banking information, which disclosure of could serve as a step-by-step guide to attempt attacks on the bank. (*Crawford v New York City Dept. of Info. Tech. & Telecoms*, 43 Misc 3d 735 [Sup Ct, NY County 2014], *appeal dismissed* 25 NYS3d 595 [1st Dept 2016] [Finding good cause to seal documents that contain sensitive information, which

disclosure of could pose security concerns.]) Accordingly, NYSCEF 604 shall remain redacted.

Mot. Seq. no. 032

Bangladesh Bank seeks to redact NYSCEF 611, asserting that this email to the court references information in a confidential investigation report. For the same reasons stated above, Bangladesh Bank demonstrated good cause to redact NYSCEF 611 which contains sensitive proprietary information related to Bangladesh Bank's IT infrastructure. Accordingly, NYSCEF 611 shall remain redacted.

Accordingly, it is

ORDERED that motion sequence number 030 is granted; and it is further

ORDERED that motion sequence number 031 is granted; and it is further

ORDERED that motion sequence number 032 is granted; and it is further

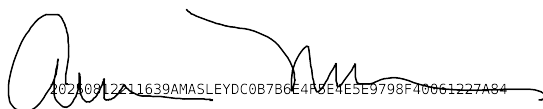
ORDERED that the County Clerk, upon service of this order, is directed to seal NYSCEF 580, 582, 583, 584, 585, 587, 588, 604, and 611; and it is further

ORDERED that 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 movants shall serve a copy of this order on the County Clerk in accordance with the procedures set forth in the Protocol on Courthouse 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](http://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 or other court proceedings on the record, e.g., arguments on motions.



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8/12/2025

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