

Bangladesh Bank v Rizal Commercial Banking Corp.

2025 NY Slip Op 33102(U)

August 12, 2025

Supreme Court, New York County

Docket Number: Index No. 652051/2020

Judge: Andrea Masley

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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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, PHILREM
SERVICE CORP., SALUD BAUTISTA, MICHAEL
BAUTISTA, KAM SIN WONG, and JOHN DOES,

Defendant.

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INDEX NO. 652051/2020

MOTION DATE _____

MOTION SEQ. NO. 033

**DECISION + ORDER ON
MOTION**

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 033) 637, 638, 639, 640, 643, 644, 648, 649, 650, 653

were read on this motion to/for SEAL.

In mot. seq. no. 033, defendant Rizal Commercial Banking Corporation (RCBC) moves, pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to: (1) seal NYSCEF Doc. No. (NYSCEF) 551 (2016 investigation report) and 559 (2024 letter regarding investigation) and (2) redact NYSCEF 543¹ (RCBC counsel affirmation), NYSCEF 550² (April 2025 letter regarding discovery), NYSCEF 560³ (April 2025 letter regarding leave to amend answer), NYSCEF 565⁴ (defendants brief for leave to file amended answers). The motion is unopposed. There is no indication that the press or public have an interest in this matter.

¹ A publicly redacted version is filed at NYSCEF 569.

² A publicly redacted version is filed at NYSCEF 570.

³ A publicly redacted version is filed at NYSCEF 571.

⁴ A publicly redacted version is filed at NYSCEF 568.

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.) For example, §216.1 (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

RCBC seeks to seal NYSCEF 551 and 559, asserting that those documents contain sensitive and confidential banking investigation information and communications related to it. RCBC also seeks to redact NYSCEF 543, 550, 560, and 565 which cite to, paraphrase, or reference the information in NYSCEF 551 and 559. 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 because these documents contain confidential banking investigation information and communications which disclosure of could serve as a step-by-step guide to attempt attacks on the banks. (*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, these documents should be sealed and/or redacted.

Accordingly, it is

ORDERED that motion sequence number 033 is granted; and it is further

ORDERED that the County Clerk, upon service of this order, is directed to seal NYSCEF 551, 559, 543, 550, 560, and 565; and it is further

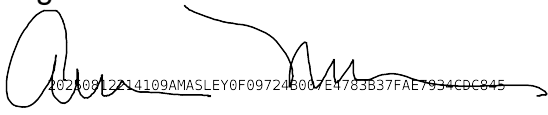
ORDERED that the County Clerk shall restrict access to the sealed documents with access to be granted only to authorized court personnel and designees, the parties and counsel of record in this action, and any representative of a party or of counsel of record upon presentation to the County Clerk of written authorization from counsel; and it is further

ORDERED that movant 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); 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.



8/12/2025
DATE

ANDREA MASLEY, J.S.C.

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