

**George S. Kaufman Charitable Found. v Kearns**

2025 NY Slip Op 33462(U)

September 15, 2025

Supreme Court, New York County

Docket Number: Index No. 155065/2020

Judge: Joel M. Cohen

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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 03M

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THE GEORGE S. KAUFMAN CHARITABLE  
FOUNDATION, BY ITS TRUSTEE, BESSEMER TRUST  
COMPANY, N.A., THE GEORGE S. KAUFMAN  
DISPOSITIVE TRUST, BY ITS TRUSTEE, BESSEMER  
TRUST COMPANY, N.A., BESSEMER TRUST  
COMPANY, N.A. AS PRELIMINARY EXECUTOR OF THE  
ESTATE OF GEORGE S. KAUFMAN,

Plaintiffs,

- v -

THOMAS D. KEARNS, OLSHAN FROME WOLOSKY LLP,  
DAVID LEE, STAPPER & VAN DOREN, GOLDWEBER  
EPSTEIN LLP, GSK NEW VENTURES ASTORIA LLC,

Defendants.

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THOMAS KEARNS, OLSHAN FROME WOLOSKY LLP

Plaintiffs,

-against-

HAHN & HESSEN LLP

Defendant.

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INDEX NO. 155065/2020  
MOTION DATE 07/07/2025  
MOTION SEQ. NO. 010

**DECISION + ORDER ON  
MOTION**

Third-Party  
Index No. 595823/2020

HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 010) 358, 359, 360, 361,  
362, 364, 365

were read on this motion to \_\_\_\_\_ SEAL \_\_\_\_\_.

Defendants move for an order sealing Exhibit C to the Affirmation of John B. Harris in Support of Defendants’ Motion to Strike the Jury Demand, filed as NYSCEF Doc. No. 353. The motion is unopposed. For the following reasons, the motion is denied without prejudice to filing a new motion proposing targeted redactions of the document.

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]).

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 fact that the parties have stipulated to sealing documents, or that they have designated the documents during discovery as “Confidential” or “Highly Confidential,” does not, by itself, require granting of the motion (*see, e.g., Maxim*, 145 AD3d at 518; *Gryphon*, 28 AD3d at 324).

In this case, Defendants argue that sealing the document at issue in this motion is justified because Plaintiffs had designated it as “Confidential” since “it contains, on its face, confidential and/or sensitive information” (NYSCEF 361 at 2). Such broad and categorical assertions of good cause do not establish a compelling justification to seal the entire document. While *portions* of the document may include confidential business information or

sensitive information of parties or non-parties, the record on this motion does not establish that is the case. In view of the admonition that sealing of court records must be “narrowly tailored to serve compelling objectives,” (*Danco*, 274 AD2d at 6), the parties will need to propose and justify targeted redactions that satisfy the requirements of 22 NYCRR § 216 (a) and applicable case law.

The document 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 this Part’s Sealing Practices and Procedures (*see* <https://www.nycourts.gov/LegacyPDFS/courts/comdiv/NY/PDFs/part3-sealing-practices.pdf>), 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.

Accordingly, it is:

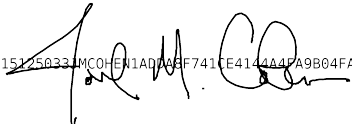
**ORDERED** that Motion Seq. No. 10 is **DENIED** without prejudice to filing a new motion within 14 days to redact confidential portions of the document consistent with this Decision and Order and applicable law; it is further

**ORDERED** that the documents filed as NYSCEF Doc. No. 353 shall remain provisionally sealed for 14 days from the date of the Court’s entry of this Decision and Order on NYSCEF. If the parties file a new motion to seal or redact confidential portions of the document consistent with this Decision and Order within that 14-day period, the document shall remain provisionally sealed pending resolution of that motion. If no such motion is

filed within 14 days from the entry of this Decision and Order, the parties shall within three business days thereafter file an unsealed copy of the document on NYSCEF; and 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.**

9/15/2025  
\_\_\_\_\_  
**DATE**

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