

**BR Fund IV Acq Inv, LLC v Brightwood Capital
Fund III-Inst., LP**

2025 NY Slip Op 33712(U)

September 29, 2025

Supreme Court, New York County

Docket Number: Index No. 651756/2024

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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BR FUND IV ACQ INV, LLC, BR FUND V ACQ INV, LLC,
Plaintiffs,

INDEX NO. 651756/2024

MOTION DATE 07/01/2025,
07/30/2025

- v -

MOTION SEQ. NO. 006 007

BRIGHTWOOD CAPITAL FUND III-INSTITUTIONAL, LP,
BRIGHTWOOD CAPITAL FUND III, LP, BRIGHTWOOD
CAPITAL FUND III-U, LP, BRIGHTWOOD CAPITAL FUND
MANAGERS III, LLC, BRIGHTWOOD CAPITAL FUND III-
INSTITUTIONAL HOLDING CORP., BRIGHTWOOD
CAPITAL FUND III HOLDINGS, LP, AND BRIGHTWOOD
FUND III-C, LP,

**DECISION + ORDER ON
MOTION**

Defendants.

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 006) 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 320, 321, 350

were read on this motion to _____ SEAL _____.

The following e-filed documents, listed by NYSCEF document number (Motion 007) 351, 352, 353, 354, 355, 356, 358, 359, 360, 361, 362, 363, 364, 365

were read on this motion to _____ SEAL _____.

Defendants move for an order sealing and/or redacting portions of NYSCEF 157, 158, 161, 168, 179, 190, 199, 200, 210, 222, 224, 227, 245, 254, 259, 262, 264, 268, 270, 298, 301, and 304 (Mot. Seq. 006) and NYSCEF 334, 335, and 338 (Mot. Seq. 007) filed in connection with this action. No parties oppose these requests. For the following reasons, Defendants' motions are 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]).

The Court has reviewed the proposed redactions of NYSCEF 245, 254, 259, 262, 270, 298, 304 [redacted versions at 244, 253, 258, 261, 269, 297, 303]) 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 personal identifying information of third-party brokers, who are not parties herein (*Mancheski v Gabelli Group Capital Partners*, 39 AD3d 499, 502 [2d Dept 2007]).

As to the remaining documents, the Court finds redaction of information regarding the value of Brightwood’s private investments and the amount and calculation of the purchase price in the parties’ transaction is appropriate based on the Court’s Sept. 20, 2024 Order (NYSCEF 123, Chan, J.) redacting same (NYSCEF 161, 210, 222, 224, 227, 264, 266, 268, 301, 157, 158,

168, 179, 190, 199, 200, 334, 335, 338 [redacted versions at NYSCEF 209, 221, 223, 226, 263, 265, 267, 300, 312, 313, 314, 315, 316, 317, 318, 354, 355, 356]). Defendants have proposed and justified targeted redactions that satisfy the requirements of 22 NYCRR § 216.1 (a).

Accordingly, it is:

ORDERED that Defendants' Motions (Mot. Seq. 006 and 007) are **GRANTED**; it is further

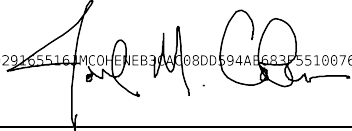
ORDERED that the County Clerk shall maintain NYSCEF Document Numbers 209, 221, 223, 226, 244, 253, 258, 261, 263, 265, 267, 269, 297, 300, 303, 312, 313, 314, 315, 316, 317, 318, 354, 355, and 356 in their current, redacted form; it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Numbers 157, 158, 161, 168, 179, 190, 199, 200, 210, 222, 224, 227, 245, 254, 259, 262, 264, 268, 270, 298, 301, 304, 334, 335, and 338 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

ORDERED that Defendants 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.

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JOEL M. COHEN, J.S.C.

9/29/2025
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