Core 5th Ave. LLC v 711 Fifth Ave. Principal Owner LLC
2025 NY Slip Op 34133(U)
October 23, 2025
Supreme Court, New York County
Docket Number: Index No. 654976/2025
Judge: Andrea Masley
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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CORE 5TH AVENUE LLC

Plaintiff,

- v -

711 FIFTH AVENUE PRINCIPAL OWNER LLC,

Defendant.

INDEX NO. 654976/2025

MOTION DATE --

MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 002) 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70

were read on this motion to/for SEAL.

In motion sequence 002 plaintiff Core 5th Avenue LLC moves pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to seal/redact the following documents (*see* NYSCEF Doc. No. [NYSCEF] 66, OSC; NYSCEF 65, Sealing Chart):

1. September 10, 2025 Jennie Enterprise Affirmation (NYSCEF 36[1]);
2. Accountant Letter and 2024 Profit & Loss Statement for CORE: 5th Avenue (NYSCEF 37[2]);
3. 2025 Profit & Loss Statement for CORE: 5th Avenue (NYSCEF 38);
4. Letter from JP Morgan Chase & Co. (NYSCEF 39[3]);

[1] Proposed redactions are filed under seal at NYSCEF 57. A publicly redacted version is filed at NYSCEF 58.
[2] Proposed redactions are filed under seal at NYSCEF 59. A publicly redacted version is filed at NYSCEF 60.
[3] Proposed redactions are filed under seal at NYSCEF 61. A publicly redacted version is filed at NYSCEF 62.

5. Internal Membership Renewals Report (NYSCEF 48);

6. September 12, 2025 Steven J. Cohen, Esq. Reply Affirmation (NYSCEF 49[4]).

The motion is unopposed.

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, empowers courts to seal documents only 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 [a].)

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 and citation omitted].)

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[4] Proposed redactions are filed under seal at NYSCEF 63. A publicly redacted version is filed at NYSCEF 64.

Discussion

Plaintiff meets the substantial burden of establishing good cause for its proposed redactions/sealings.[5] Plaintiff seeks to seal NYSCEF 38 and redact NYSCEF 36, 37, 39, and 49, asserting that these documents contain commercially sensitive information about plaintiff's finances. (*See* NYSCEF 65, Sealing Chart.) 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], 2010 NY Slip Op 52405[U], *7 [Sup Ct, NY County 2010], *affd* 88 AD3d 567 [1st Dept 2011]; *see also D'Amour v Ohrenstein & Brown*, 17 Misc 3d 1130[A], *20 [Sup Ct, NY County 2007] [a party "ought not to be required to make their private financial information public ... where no substantial public interest would be furthered by public access to that information."].) Here, good cause exists to seal NYSCEF 38, as the entire document contains sensitive financial information involving profit and losses. Further, as to NYSCEF 36, 37, 39, and 49, the proposed redactions because they are "narrowly tailored to serve compelling objectives" (*Danco Lab Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 6 [1st Dept 2000]) and

[5] For future applications, counsel is reminded that such application shall be supported with "an affidavit from a person with knowledge explaining why the file or certain documents should be sealed." (*Grande Prairie Energy LLC v Alstom Power, Inc.,* 5 Misc 3d 1002[A], 133A, 2004 NY Slip Op 51156 [U], *2 [Sup Ct, NY County 2004].) Here, the documents, on their face, clearly contain sensitive financial information, which counsel explains in his affirmation. (NYSCEF 56, Kasowitz aff ¶ 12 ["non-public commercially sensitive information, such as detailed, month-by-month current-fiscal-year financial statements (balance sheets, income statements, and cash flow statements)"].)

the filings contain confidential financial information. Accordingly, NYSCEF 36, 37, 38, 39, and 49 shall remain sealed.

Plaintiff also seeks to seal NYSCEF 48, arguing that the internal membership renewals report contains commercially sensitive and proprietary information that, if made publicly available, could threaten plaintiff's competitive business advantage. (*See* NYSCEF 65, Sealing Chart.) Courts have sealed records where the disclosure of documents "could threaten a business's competitive advantage." (*Mosallem*, 76 AD3d at 350-351 [citations omitted].) The proposed sealing is warranted so that plaintiff does not suffer competitive harm, especially since there is no public interest in this document. Therefore, NYSCEF 48 shall remain sealed.

Accordingly, it is

ORDERED that motion sequence 002 is granted; and it is further

ORDERED that the County Clerk, upon service of this order, is directed to seal NYSCEF 36, 37, 38, 39, 48, 49, 57, 59, 61, and 63; 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 the purposes of trial or other court proceedings on the record, e.g. arguments on motions.

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10/23/2025							
DATE				ANDREA MASLEY, J.S.C.			
CHECK ONE:		CASE DISPOSED		X	NON-FINAL DISPOSITION		
	X	GRANTED	☐ DENIED		GRANTED IN PART	☐	OTHER
APPLICATION:		SETTLE ORDER			SUBMIT ORDER		
CHECK IF APPROPRIATE:		INCLUDES TRANSFER/REASSIGN			FIDUCIARY APPOINTMENT	☐	REFERENCE