

**Heritage Realty Servs., LLC v AMTAD, LLC**

2025 NY Slip Op 34738(U)

December 9, 2025

Supreme Court, New York County

Docket Number: Index No. 653606/2025

Judge: Andrea Masley

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

-----X

HERITAGE REALTY SERVICES, LLC,  
Plaintiff,

- v -

AMTAD, LLC,  
Defendant.

INDEX NO. 653606/2025

MOTION DATE --

MOTION SEQ. NO. 002

**DECISION + ORDER ON  
MOTION**

-----X

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 002) 23, 24, 25, 28, 29, 30

were read on this motion to/for SEAL.

In motion sequence 002 defendant AMTAD, LLC, move pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to seal/redact the Heron Tower 2024 Budget Worksheet dated October 18, 2023 (2024 Approved Budget). (NYSCEF Doc No. 22.<sup>1</sup>)

Defendant argues that the 2024 Approved Budget 2024 contains commercially sensitive information which would hinder its competitive advantage if disclosed publicly. There is no indication of public interest in the matter. This 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,

<sup>1</sup> A redacted copy is publicly filed at NYSCEF 17. 653606/2025 HERITAGE REALTY SERVICES, LLC vs. AMTAD, LLC Motion No. 002

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].)

### Discussion

Defendant asserts that the Approved Budget 2024 details certain expenses, revenue, profits and losses of Heron Tower, a property owned by defendant. (NYSCEF 22, Approved Budget 2024.) Defendant argues that good cause exists to seal this document because it contains internal finances, including sensitive budgetary and profits-and-loss information and of minimal public interest.

Courts have sealed records where the disclosure of documents “could threaten a business’s competitive advantage.” (*Mosallem*, 76 AD3d at 350-351 [citations omitted].) Further, 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 Dawson v*  
*White & Case*, 184 AD2d 246, 247 [1st Dept 1992]; *D’Amour v Ohrenstein & Brown*, 17  
Misc 3d 1130[A], 2007 NY Slip Op 52207[U], \*20 [Sup Ct, NY County 2007]  
[“[d]efendants ought not to be required to make their private financial information public,  
merely because they have been named as defendants in a lawsuit, where no  
substantial public interest would be furthered by public access to that information.”].)

Here, the Approved Budget 2024 contains financial information regarding  
defendant’s business which if subject to public disclosure, would result in the  
compromise of defendant’s, business competitive advantage. Thus, defendant has met  
its burden of showing good cause to redact this document.

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 22; and it is further

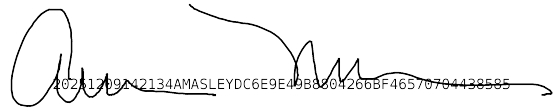
ORDERED that the County Clerk shall restrict access to the sealed documents  
with access to be granted only to authorized court personnel and designees, the parties  
and counsel of record in this action, and any representative of a party or of counsel of  
record upon presentation to the County Clerk 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](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](mailto: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.



12/9/2025

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