

**EarthLink, LLC v Charter Communications  
Operating, LLC**

2025 NY Slip Op 34765(U)

December 9, 2025

Supreme Court, New York County

Docket Number: Index No. 654332/2020

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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EARTHLINK, LLC,

Plaintiff,

- v -

CHARTER COMMUNICATIONS OPERATING, LLC,

Defendant.

INDEX NO. 654332/2020

MOTION DATE --

MOTION SEQ. NO. 038

**DECISION + ORDER ON  
MOTION**

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 038) 1337, 1338, 1339, 1340, 1341, 1344, 1347, 1348

were read on this motion to/for SEAL.

In motion sequence 038, plaintiff EarthLink, LLC (EarthLink) 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] 1344, Order to Show Cause [OSC]):

1. Demonstrative charts (NYSCEF 1332);
2. EarthLink’s Memorandum of Law (MOL) in Support of EarthLink’s Response to Charter Communications Operating, LLC’s Supplemental Submission (NYSCEF 1336<sup>1</sup>).

Specifically, EarthLink argues that the demonstrative charts and references thereto in the MOL “contains highly confidential, commercially sensitive raw data regarding EarthLink’s customer base, including detailed subscriber information during the

<sup>1</sup> A publicly redacted version is filed at NYSCEF 1339.  
654332/2020 EARTHLINK, LLC vs. CHARTER COMMUNICATIONS  
Motion No. 038

EarthLink/Charter relationship.” (NYSCEF 1340, Johnson<sup>2</sup> aff ¶¶ 3-4.) The motion is unopposed. There is no indication that the press or public have an interest in this matter.

### 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*

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<sup>2</sup> Trevor Johnson is “the General Counsel of Trive Capital Management LLC . . . a private-equity firm that manages the private equity fund that owns EarthLink.” (NYSCEF 1340, Johnson aff ¶ 1.)

*Gedeon Richter, Ltd.*, 274 AD2d 1, 8 [1st Dept 2000] [internal quotation marks and citation omitted].)

### Discussion

EarthLink meets the substantial burden of establishing good cause for its proposed redactions/sealings. EarthLink seeks to seal NYSCEF 1332 and redact NYSCEF 1336, asserting that these documents contain confidential and commercially sensitive information about EarthLink's customer base. (See NYSCEF 1340, Johnson aff ¶¶ 3-4.) 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].) Moreover, courts have sealed records where the disclosure of documents "could threaten a business's competitive advantage." (*Mosallem*, 76 AD3d at 350-351 [citations omitted].) Here, good cause exists to seal NYSCEF 1332, as the charts contain sensitive information about EarthLink's customer base. Further, as to NYSCEF 1336, the proposed redactions are "narrowly tailored to serve compelling objectives." (*Danco Lab Ltd. v Chemical Works of Gedeon Richter, Ltd.*, 274 AD2d 1, 6 [1st Dept 2000].) Finding that EarthLink demonstrates good cause for its proposed redactions/sealings, NYSCEF 1332 and 1336 shall remain sealed.

Accordingly, it is

ORDERED that motion sequence 038 is granted; and it is further

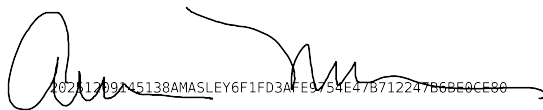
ORDERED that the County Clerk, upon service of this order, is directed to seal NYSCEF 1332 and 1336; and it is further

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.



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12/9/2025  
DATE

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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"/>	DENIED	<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