

**Fortress Credit Corp. v Cohen**

2025 NY Slip Op 34942(U)

December 18, 2025

Supreme Court, New York County

Docket Number: Index No. 651498/2024

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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FORTRESS CREDIT CORP.,	<b>INDEX NO.</b>	<u>651498/2024</u>
Plaintiff,		09/02/2025,
		09/04/2025,
- v -		09/23/2025,
		09/24/2025,
CHARLES S. COHEN,	<b>MOTION DATE</b>	<u>10/07/2025</u>
Defendant.		012 013 014
	<b>MOTION SEQ. NO.</b>	<u>015 018</u>

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 012) 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 461, 463, 464, 481, 496, 497, 498 were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 013) 471, 472, 473, 474, 475, 478, 479, 480, 482, 499, 500, 501 were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 014) 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 527, 529, 530, 534 were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 015) 521, 522, 523, 524, 525, 526, 528, 531, 532, 535 were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 018) 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 618 were read on this motion to SEAL.

Defendant Charles S. Cohen moves for an order sealing and/or redacting portions of certain documents filed in connection with this action. Plaintiff opposes the motions to the extent they seek full sealing of those documents. For the following reasons, Defendant's 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]). Good cause must “rest on a sound basis or legitimate need to take judicial action” (*Danco Labs.*, 274 AD2d at 9). Agreements to seal are insufficient as such agreements do not establish “good cause” (*MBIA Ins. Corp. v Countrywide Home Loans, Inc.*, 2012 NY Slip Op 33147[U], \* 9 [Sup Ct, NY County 2012]).

The Court has reviewed the proposed redactions as provided in NYSCEF Document Nos. 448, 449, 450, 451, 487, 493, 497, 498, 500, 501, 508, 510, 512, 514, 516, 518, 600, 602, 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 confidential business and personal information. Defendant has proposed and justified targeted redactions that satisfy the requirements of 22 NYCRR § 216.1 (a).

Defendant is advised that future sealing motions that fail to comply with the Court's Sealing Practices and Procedures may result in outright denial of the motion (without leave to propose redactions). The Court is spending an inordinate amount of time deciphering Defendant's motion papers.

Accordingly, it is:

**ORDERED** that Defendant's Motions are **GRANTED**; it is further **ORDERED** that the County Clerk shall maintain NYSCEF Document Numbers 448, 449, 450, 451, 487, 497, 498, 500, 501, 509, 511, 513, 515, 517, 519, 601, 603 in their current, redacted form; it is further

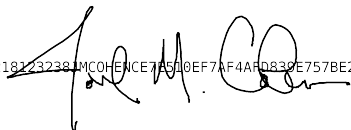
**ORDERED** that the County Clerk shall maintain NYSCEF Document Numbers 206, 218, 219, 221, 244, 246, 299, 317, 319, 323, 333, 336, 452, 486, 493, 508, 510, 512, 514, 516, 518, 578, 583, 600, 602 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

**ORDERED** that Defendant 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.

This constitutes the Decision and Order of the Court.

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**JOEL M. COHEN, J.S.C.**

12/18/2025  
**DATE**

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

APPLICATION:

SETTLE ORDER

NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

SUBMIT ORDER

FIDUCIARY APPOINTMENT

REFERENCE