

F21 IPCO, LLC v Alameda DC, S DE R.L.

2026 NY Slip Op 30023(U)

January 5, 2026

Supreme Court, New York County

Docket Number: Index No. 654151/2025

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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F21 IPCO, LLC,

Plaintiff,

- v -

ALAMEDA DC, S DE R.L., AR RETAIL S.A., AMERICAN
RESTAURANTS HOLDINGS, S.A., PROMERICA
FINANCIAL CORPORATION, BANCO PROMERICA DE
COSTA RICA, S.A., ARH LATAM SERVICES S.A., and AR
HOLDINGS INTERNATIONAL CORP.,

Defendants.

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INDEX NO. 654151/2025

MOTION DATE --

MOTION SEQ. NO. 006

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 006) 98, 99, 100, 101, 102, 103, 104, 105, 106, 109

were read on this motion to/for SEAL.

In motion sequence 006 plaintiff F21 IPCO, LLC (F21) 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] 109, Order to Show cause [OSC]):

1. October 7, 2020 License Agreement (NYSCEF 34¹):
2. January 1, 2025 Second Amendment to License Agreement (NYSCEF 36²).

Specifically, F21 argues that “[p]ublic disclosure of F21’s license agreements would reveal commercially sensitive information related to its licensing strategy and would harm F21’s competitive advantage in the brand licensing market.” (NYSCEF 105,

¹ A publicly redacted version is filed at NYSCEF 101. Proposed redactions are filed at NYSCEF 100.

² A publicly redacted version is filed at NYSCEF 103. Proposed redactions are filed at NYSCEF 102.

Dubiner³ aff ¶ 7.) Moreover, F21 provides that the License Agreement and the Amendments are governed by a confidentiality clause. (*Id.* ¶ 5.) 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*

³ Jeff Dubiner is “currently employed by Authentic Brands Group LLC (‘ABG’) as its Chief Legal Officer.” (NYSCEF 105, Dubiner aff ¶ 1.) F21 is an affiliate of ABG. (*Id.* ¶ 3.)

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

Discussion

F21 seeks to redact NYSCEF 34 and 36, arguing that the Licensing Agreement and its Second Amendment contain commercially sensitive information about F21's licensing strategy that would cause F21 competitive harm if made publicly available. (NYSCEF 105, *Dubiner* aff ¶ 7; see also NYSCEF 104, *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 *Dawson v White & Case*, 184 AD2d 246, 247 [1st Dept 1992].) Further, 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 redactions are warranted so that F21 does not suffer competitive harm, especially since there is no public interest in these documents. Therefore, NYSCEF 34 and 36 shall remain sealed.

Accordingly, it is

ORDERED that motion sequence 006 is granted; and it is further

ORDERED that the County Clerk, upon service of this order, is directed to seal NYSCEF 34, 36, 100, and 102; and it is further

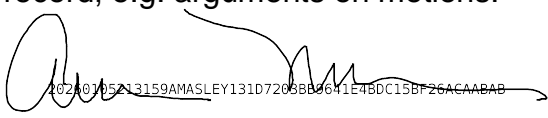
ORDERED that the County Clerk, upon service of this order, is directed to unseal NYSCEF 35⁴; and it is further

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.



<u>1/5/2026</u> DATE					<u>ANDREA MASLEY, J.S.C.</u>
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
				REFERENCE	

⁴ F21 moved in motion sequence 005 to seal NYSCEF 35. (See NYSCEF 51, OSC.) Motion sequence 005 was denied without prejudice. (NYSCEF 97, Decision and Order at 4.) F21 does not renew the request to seal any portion of NYSCEF 35 in this motion. (See NYSCEF 106, Plaintiff's MOL at 3, n 1.)