

Glencore Ltd. v Kamca Trading S.A.

2026 NY Slip Op 30081(U)

January 6, 2026

Supreme Court, New York County

Docket Number: Index No. 651244/2025

Judge: Andrea Masley

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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 48

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GLENCORE LTD.,

Plaintiff,

- v -

KAMCA TRADING S.A., KAMCA OIL & BUNKERS CORP.,
and KAMCA HOLDING PANAMA S.A.,

Defendants.

INDEX NO. 651244/2025

MOTION DATE -

MOTION SEQ. NO. 013

**DECISION + ORDER ON
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 013) 263, 264, 265, 266, 267, 268, 269, 270, 271, 273

were read on this motion to/for SEAL.

In motion sequence 013, plaintiff Glencore Ltd moves pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to seal/redact the following documents:

1. Witness Statement of Juan David Marulanda Cuartas filed before the London Court of International Arbitration (NYSCEF 267¹)
2. Kamca Holdings Notes to Accounts and Financial Information (NYSCEF 268²)
3. Witness Statement of Ramon Carasco Ferrer filed before the London Court of International Arbitration (NYSCEF 269³)
4. Witness Statement of Marcos Marx Saramago Pinheiro filed before the London Court of International Arbitration (NYSCEF 270⁴)

¹ Publicly redacted version filed as NYSCEF 231.

² Publicly redacted version filed as NYSCEF 232.

³ Publicly redacted version filed as NYSCEF 233.

⁴ Publicly redacted version filed as NYSCEF 234.

Specifically, plaintiff argues that the proposed documents were submitted in the arbitration before the London Court of International Arbitration, and pursuant to its Partial Award (NYSCEF 266), must remain confidential as they reveal personal information of parties and nonparties. There is no indication of public interest in this matter. 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].)

Discussion

Plaintiff argues that good cause exists to redact the proposed documents because of a

“reasonable expectation of confidentiality under the Partial Award and the interest of comity strongly favors respecting the Partial Interim Award of the LCIA and Article 30.1 of the Rules of the LCIA and maintaining Glencore’s proposed redactions. And in addition to Article 30.1, the LCIA also explicitly ordered that the submissions be kept similarly confidential: “[Glencore] is hereby ordered and enjoined: not to disclose or in any way communication . . . to . . . any . . . person . . . any information or materials created for the purpose of this [arbitration] or any other documents produced in this [arbitration]”

(NYSCEF 264, MOL at 4, quoting the Partial Award.) Plaintiff argues that the proposed redactions contain Kamca Trading’s financial information, identities of third-party customers and transactional information related to Kamca Trading’s business, as well as allegations and information concerning the merits of arbitration claim.

Courts have sealed records where the disclosure of documents “could threaten a business’s competitive advantage.” (*Mosallem*, 76 AD3d at 350-351 [citations omitted].) Similarly, courts have recognized a compelling interest in sealing records that contain “proprietary financial information because disclosure could harm the private corporation’s competitive standing.” (*Mancheski v Gabrielli Group Capital Partners*, 39 AD3d 499, 502 [2d Dept 2007] [citation omitted].) Here, the proposed redactions are warranted to protect the parties from competitive harm, especially since there is no public interest in these documents. (See *Mosallem*, 76 AD3d at 350-351; *Mancheski*, 39 AD3d at 502.)

While “New York courts have not hesitated to authorize sealing the records of Article 75 proceedings involving arbitrable disputes,” it is not automatic, and movant still must demonstrate good cause. (*JetBlue Airways Corp. v Stephenson*, 31 Misc 3d

1241[A], 1241A, 2010 NY Slip Op 52405[U], *7 [Sup Ct, NY County 2010] [citation omitted]; see also *Matter of Kramer Levin Naftalis & Frankel LLP v Cornell*, 148 AD3d 430, 431 [1st Dept 2017] [affirming lower court's decision denying seal application in proceeding to stay arbitration where "Respondents failed to show that the record contains material 'so confidential or sensitive' that the record should be sealed"]; *Tong v S.A.C. Capital Mgt., LLC*, 52 AD3d 386, 387 [1st Dept 2008] [vacating sealing order in proceeding to compel arbitration where "factors relied upon by the court in sealing the record do not outweigh the public's right of access thereto"].)

While plaintiff cannot solely rely on presumed confidentiality, it has independently shown good cause for the proposed redactions because of the sensitive nature of the information which is largely financial and purely private to the internal functioning of Kamca Holding LLC.

Accordingly, it is

ORDERED that motion is granted; and it is further

ORDERED that the County Clerk, upon service of this order, is directed to seal NYSCEF 267, 268, 269, and 270; and it is further

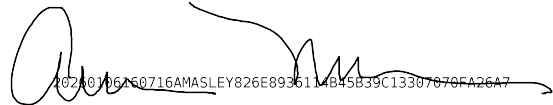
ORDERED that the County Clerk shall restrict access to the sealed documents with access to be granted only to authorized court personnel and designees, the parties and counsel of record in this action, and any representative of a party or of counsel of record upon presentation to the County Clerk of 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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1/6/2026
DATE

ANDREA MASLEY, J.S.C.

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED
<input checked="" type="checkbox"/>	GRANTED		

<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	GRANTED IN PART		

APPLICATION:

<input type="checkbox"/>	SETTLE ORDER
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN

<input type="checkbox"/>	SUBMIT ORDER
<input type="checkbox"/>	FIDUCIARY APPOINTMENT
<input type="checkbox"/>	REFERENCE

CHECK IF APPROPRIATE: