

**Voya Inv. Trust Co. v Chirico**

2026 NY Slip Op 30297(U)

January 22, 2026

Supreme Court, New York County

Docket Number: Index No. 652879/2025

Judge: Melissa A. Crane

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. MELISSA A. CRANE

PART

60M

Justice

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INDEX NO. 652879/2025
MOTION DATE 11/19/2025
MOTION SEQ. NO. 001

VOYA INVESTMENT TRUST CO. - VOYA SENIOR LOAN TRUST FUND, VOYA FLOATING RATE FUND, VOYA STRATEGIC INCOME OPPORTUNITIES FUND, VOYA CREDIT INCOME FUND, VOYA INVESTMENT TRUST CO. - SENIOR LOAN COMMON TRUST FUND, VOYA CLO 2013-2, LTD., VOYA CLO 2013-3, LTD., VOYA CLO 2014-1, LTD., VOYA CLO 2014-4, LTD., VOYA CLO 2015-3, LTD., VOYA CLO 2016-3, LTD., VOYA CLO 2017-3, LTD., VOYA CLO 2017-4, LTD., VOYA CLO 2018-1, LTD., VOYA CLO 2018-2, LTD., VOYA CLO 2018-3, LTD., VOYA CLO 2018-4, LTD., VOYA CLO 2019-1, LTD., VOYA CLO 2019-2, LTD., VOYA CLO 2019-3, LTD., VOYA CLO 2019-4, LTD.

DECISION + ORDER ON MOTION

Plaintiff,

- v -

JAMES M. CHIRICO, KIERAN J. MCGRATH,

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 28, 29, 30, 31, 32, 37 were read on this motion to/for SEAL

In Motion Sequence No. 01 defendant Kieran McGrath moved to redact nonparty names and contact information contained in Exhibits 11-13 to the Affirmation of Robert C. Penn Jr. Defendant's motion is unopposed and is granted.

Pursuant to § 216.1 (a) of the Uniform Rules for Trial Courts, this Court may seal or redact a filing "upon a written finding of good cause, which shall specify the grounds thereof."

"[T]he court shall consider the interests of the interests of the public as well as of the parties" in

determining whether there is good cause (22 NYCRR § 216 [a]). The Court must also balance the risk of privacy concerns stemming from public access to the information against the “compelling public interest in exposure of this information,” if any (see *MBL4. Ins. Corp. v Countrywide Home Loans, Inc.*, 2013 WL 450030, \*9 (Sup Ct, NY County Jan. 3, 2013).

The moving party has the burden to set forth compelling circumstances to justify restricting public access and must demonstrate “a sound basis or legitimate need to take judicial action” (*Danco Labs., Ltd. v Chemical Works of Gedeon Richter*, 274 AD2d 1, 6 [1st Dept 2000]). “[T]here is a broad presumption that the public is entitled to access to . . . court records” (*Mosallem v Berenson*, 76 AD3d 345, 348-350 [1st Dept 2010]). Further, Courts recognize that third-party customers have an interest in protecting their “names” and “financial information.” *Acrisure, LLC v. Woodruff-Sawyer & Co.*, 2024 WL 4470947, at \*1-2 (Sup. Ct. N.Y. Cnty. Oct. 9, 2024).

The “personal information” of nonparty persons is likewise sensitive. *Natixis Real Est. Cap. Tr. 2007-HE2 v. Natixis Real Est. Cap., Inc.*, 77 Misc. 3d 1224(A) (Sup. Ct. N.Y. Cnty. 2023) (Table), 2023 WL 177463, at \*2. Where “disclosure could impinge on the privacy rights of third parties who clearly are not litigants,” courts acknowledge that there is a “compelling interest” to seal. *Mancheski v. Gabelli Grp. Cap. Partners*, 39 A.D.3d 499, 502 (2d Dep’t 2007).

Here, Movant has established good cause to redact Exhibit Nos. 11-13. That is, this information contains the personal information of Avaya’s nonparty customers and employees, and the disclosure thereof could impinge on the privacy rights of those employees and customers who clearly are not litigants. Furthermore, there is no legitimate public interest in the disclosure this information. Therefore, Defendant’s unopposed motion, Motion Sequence No. 01, is granted.

Accordingly, it is

**ORDERED** that defendant's unopposed motion to redact is granted; and it is further

**ORDERED** that upon service of a copy of this Order upon the Clerk of the Court, the Clerk shall permit the following documents to be filed in redacted form: NYSCEF Doc. Nos. 20, 22, and 24. The Clerk shall also permit the following unredacted courtesy copies to remain under seal: NYSCEF Doc. Nos. 19, 21, and 23. The Clerk shall permit the foregoing documents to remain filed with redactions or under seal, as specified above, wherever they shall appear in connection with this action. Until further Order of the Court, the Clerk of the Court shall deny access to those unredacted documents to anyone other than the County Clerk's staff, authorized court personnel, the parties, and their counsel; and it is further

**ORDERED** that any redacted document filed in the NYSCEF docket must be accompanied by an unredacted Court Copy (*see* Part 60 Practices and Procedures) at all times; and it is further

**ORDERED** that future submissions that contain the same information/subject matter that the Court has authorized to be filed in redacted form by this Order may be filed in redacted form on NYSCEF, provided that in all instances 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; and it is further

**ORDERED** that service upon the County Clerk 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 – [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

1/22/2026

DATE



MELISSA A. CRANE, 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