

AlphaSense, Inc. v Financial Tech. Partners LP

2026 NY Slip Op 30569(U)

February 13, 2026

Supreme Court, New York County

Docket Number: Index No. 651846/2024

Judge: Anar Rathod Patel

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 45

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ALPHASENSE, INC., ALPHASENSE OY,
ALPHASENSE, LLC

Plaintiffs,

- v -

FINANCIAL TECHNOLOGY PARTNERS LP, FTP
SECURITIES LLC,

Defendants.

INDEX NO. 651846/2024

MOTION DATE 01/22/2026

MOTION SEQ. NO. 008

DECISION + ORDER ON MOTION

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HON. ANAR RATHOD PATEL:

The following e-filed documents, listed by NYSCEF document numbers (Motion 008) 388– 397, 399, 401–416 were read on this motion to/for SEAL.

Relevant Factual and Procedural History¹

On January 8, 2026, Plaintiffs AlphaSense, Inc., AlphaSense OY, and AlphaSense, LLC (collectively, “Plaintiffs” or “AlphaSense”) produced seventeen documents to Defendants Financial Technology Partners LP and FTP Securities LLC (collectively, “Defendants” or “FTP”), one of which was inadvertently disclosed as it contained communications intended to be withheld as protected under the attorney-client privilege. On January 12, 2026, Defendants filed a letter in connection with the then-pending Mot. Seq. No. 007, and attached the document at issue (NYSCEF Doc. 384) (“1/5/23 E-mail”) as an exhibit. Plaintiffs discovered their inadvertent production on January 22, 2026, and subsequently wrote to Defendants to “clawback” the inadvertently produced portions of the 1/5/23 E-mail pursuant to paragraph 19(c) of the Confidentiality Order (NYSCEF Doc. No. 30).

Plaintiffs move for an order sealing the 1/5/23 E-mail and replacing it with the proposed redacted version filed at NYSCEF Doc. No. 392. Defendants oppose the motion and alternatively propose narrower redactions (NYSCEF Doc. No. 416).

Legal Analysis

Pursuant to § 216.1(a) of the Uniform Rules for Trial Courts, the 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

¹ The relevant facts are taken from the parties’ respective memoranda of law for the instant motion.

of the parties.” “There is a presumption that the public has the right of access to the courts to ensure the actual and perceived fairness of the judicial system, as the ‘the bright light cast upon the judicial process by public observation diminishes the possibilities for injustice, incompetence, perjury, and fraud.’” *Mancheski v. Gabelli Grp. Cap. Partners*, 39 A.D.3d 499, 501 (2d Dept. 2007) (quoting *Republic of Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653 (3d Cir. 1991)). “The public right to access, however, is not absolute.” *Mosallem v. Berenson*, 76 A.D.3d 345, 349 (1st Dept. 2010). “The burden of proof on a sealing application is upon the party who desires that the record be impounded or, as here, remain sealed because of the need to establish compelling circumstances for the secrecy” *Coopersmith v. Gold*, 156 Misc. 2d 594, 606 (N.Y. Sup. Ct. Rockland Cnty. 1992). “Although the rule does not further define ‘good cause,’ a standard that is ‘difficult to define in absolute terms,’ a sealing order should rest on a ‘sound basis or legitimate need to take judicial action,’ a showing properly burdening the party seeking to have a sealed record remain sealed.” *Danco Lab’ys, Ltd. v. Chem. Works of Gedeon Richter, Ltd.*, 274 A.D.2d 1, 8 (1st Dept. 2000) (quoting *id.*).

Plaintiffs contend that good cause exists to seal the 1/5/23 E-mail because it is protected under the attorney-client privilege, as communications regarding legal advice and strategy between AlphaSense’s CEO Jack Kokko (“Kokko”) and in-house counsel Herbert Wang (“Wang”). Plaintiffs further maintain that the inadvertent production of the 1/5/23 E-mail does not operate as a waiver of the privilege because they intended to maintain the confidentiality of the communications, took reasonable steps to prevent disclosure, and acted promptly upon learning of the disclosure of the document. Plaintiffs additionally argue that the confidential nature of the communications outweigh the limited public interest.

In opposition, Defendants argue that good cause does not exist to seal the 1/5/23 E-mail because it is not protected under the attorney-client privilege. Defendants assert that the communications do not constitute legal advice, as the information was business and factual in nature; they contend Wang was not operating in the role of a lawyer providing legal advice and strategy. Defendants further posit that no other basis exists to seal the document.

The inquiry before the Court of whether Plaintiffs have demonstrated good cause shown to redact portions of the 1/5/23 E-mail under § 216.1(a) turns on whether Plaintiffs have established that the communications are protected under the attorney-client privilege. The Court finds that Plaintiffs’ proposed redactions are overbroad. Plaintiffs rely on an asserted attorney-client privilege as the sole basis to demonstrate good cause. A party cannot assert the attorney-client privilege “unless an attorney-client relationship has been established...[a]nd the privilege applies only when ‘the communication from attorney to client [is] made for the purpose of facilitating the rendition of legal advice or services, in the course of a professional relationship’ and ‘[t]he communication itself [is] primarily or predominantly of a legal character.’” *New York C.L. Union v. New York State Off. of Ct. Admin.*, 2025 WL 2955709, at *3 (N.Y. Oct. 21, 2025) (internal citations omitted). “The critical inquiry is whether the communications are primarily and predominantly of a legal character and, in their full content and context, were made to render legal advice or services to the client.” *Saran v. Chelsea GCA Realty P’ship, L.P.*, 174 A.D.3d 759 (2d Dept. 2019) (internal citation omitted).

The communications between Kokko and Wang within the 1/5/23 E-mail discuss whether AlphaSense should provide FTP with their updated capitalization table. NYSCEF Doc. No. 384.

Plaintiffs generally state that the communications “are between attorney and client and contain legal advice and strategy relayed by counsel,” and that the e-mails consist of Kokko “requesting legal advice from AlphaSense’s in-house legal counsel, Herbert Wang [*sic*] who then provides such advice.” NYSCEF Doc. No. 395 (Pl.’s Mem. of Law) at 7; NYSCEF Doc. No. 389 (Wolf Aff.) at ¶ 5. However, Plaintiffs’ conclusory statements fail to establish that each of the proposed redacted communications were made for the purpose of facilitating legal advice and that the communication itself is predominantly of a legal character, particularly when the mixed responsibility of in-house counsel Wang² mandates the heightened need to apply the attorney-client privilege cautiously and narrowly. *See Spectrum Sys. Int’l Corp. v. Chem. Bank*, 78 N.Y.2d 371, 378 (1991); *see also Saran*, 174 A.D.3d at 760 (citing *Rossi v. Blue Cross & Blue Shield of Greater New York*, 73 N.Y.2d 588, 592–93 (1989)).

Rather, most of the communications concerning the capitalization tables relate to AlphaSense’s business and generally nothing stated by Wang in the e-mails “sets him apart as a legal advisor in the discussion.” *Saran*, 174 A.D.3d at 759–61; *cf. Rossi*, 73 N.Y.2d at 588, 593 (finding that the attorney-client privilege applied where in-house counsel clearly functioned as a lawyer, held no other responsibility within the organization, and made a communication to the client plainly in the role of an attorney). Moreover, Plaintiffs fail to point to any “particular communication in which in-house counsel gave legal advice or in which [Kokko] sought legal advice from [Wang].” *Id.* at 761. Accordingly, the Court finds that Plaintiffs have failed to demonstrate that good cause exists to apply their proposed redactions to the 1/5/23 E-mail for purported attorney-client privilege.

Nevertheless, the Court finds that certain minimal communications within the 1/5/23 E-mail constitute legal advice and therefore applies its own narrowly tailored redactions per the attached Court Exhibit A.

The Court has considered the parties remaining contentions and finds them to be unavailing.

Accordingly, it is hereby

ORDERED that Plaintiffs’ motion to seal (Mot. Seq. No. 008) is GRANTED to the extent of the Court’s applied redactions attached at Court Exhibit A; and it is further

ORDERED that upon service of a copy of this Decision and Order upon the Clerk of the Court, the Clerk shall maintain the documents filed at NYSCEF Doc. Nos. 382, 384, 391, 393, 402, 404, 416 permanently under seal so that the documents may be accessible only by the parties, their counsel, and authorized court personnel; and it is further

ORDERED that the documents filed at NYSCEF Doc. Nos. 392, 394, 401, 403 shall remain on the public docket in their redacted form; and it is further

² As Defendants observe, Wang is also a CPA who appears to have worked on the capitalization table, further demonstrating that his position at AlphaSense involved both business and legal responsibilities. *See* NYSCEF Doc. No. 402 (Def.’s Mem. of Law) at 11.

ORDERED that future submissions that contain the same information/subject matter that the Court has authorized to be filed in redacted or sealed form pursuant to this Decision and Order may be filed in redacted or sealed form on NYSCEF, provided that an unredacted copy of any redacted document is contemporaneously filed under seal, *see* Part 45 Practices and Procedures at Section VII; and it is further

ORDERED that the Clerk of the Court shall maintain future submissions under seal that contain the same information/subject matter that the Court has authorized to be filed in redacted or sealed form pursuant to this Decision and Order; and it is further

ORDERED that nothing in this Decision and 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 Clerk of the Court 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).

The foregoing constitutes the Decision and Order of the Court.

2/13/2026
DATE


ANAR RATHOD PATEL, A.J.S.C.

CHECK ONE:

CASE DISPOSED
GRANTED DENIED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT

OTHER
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: