

**Shell NA LNG LLC v
Venture Global Calcasieu Pass, LLC**

2026 NY Slip Op 31204(U)

March 24, 2026

Supreme Court, New York County

Docket Number: Index No. 659637/2025

Judge: Joel M. Cohen

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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SHELL NA LNG LLC

Petitioner,

- v -

VENTURE GLOBAL CALCASIEU PASS, LLC,

Respondent.

INDEX NO. 659637/2025

MOTION DATE 11/14/2025,
12/10/2025,
12/15/2025

MOTION SEQ. NO. 002 006 008

**DECISION + ORDER ON
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 002) 86, 87, 88, 89, 93, 94, 95, 96, 97, 98, 119, 120, 121

were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 006) 240, 241, 242, 243, 244, 254, 255, 256, 257

were read on this motion to SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 008) 251, 252, 253, 258, 259, 260, 262, 263, 264

were read on this motion to SEAL.

Petitioner Shell NA LNG LLC (“Shell”) and Respondent Venture Global Calcasieu Pass, LLC (“VGCP”) both move to permanently seal and/or redact certain documents filed in connection with Shell’s petition to vacate (Motion Sequence 001) and motion for leave to conduct discovery (Motion Sequence 003), and VGCP’s motion for a protective order (Motion Sequence 007). Specifically, Shell moves to permanently seal NYSCEF Document Numbers 6, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 84, 246, 248, 250, and permission to leave as redacted NYSCEF Document Numbers 5, 7, 37, 83, 245, 247, and 249.

VGCP moves to permanently seal NYSCEF Document Numbers 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 167, 169, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 222, 224, 230, 232, 234, and 238, and permission to leave as redacted NYSCEF Document Numbers 123, 155, 168, 170, 176, 178, 210, 223, 225, 231, 233, 235, and 239.

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]).

At the same time, however, New York has a “long and strong public policy favoring arbitration” (*Am. Intl. Specialty Lines Ins. Co. v Allied Capital Corp.*, 35 NY3d 64, 70 [2020]), and New York courts have authorized sealing the records of Article 75 proceedings where the matter properly belonged in arbitration, and thus “the material filed with the court belongs not in

the court, but in the files of the arbitrating body” (*Matter of Cohen v S.A.C. Capital Advisors, LLC*, 11 Misc 3d 1054(A) [Sup Ct, NY County 2006], quoting *Feffer v Goodkind, Wechsler, Labaton & Rudolf*, 152 Misc 2d 812, 815 [Sup Ct, NY County 1991], *affd sub nom.*, 183 AD2d 678 [1st Dept 1992]). While there is not “a per se sealing rule for records submitted to the court in connection with arbitration proceedings” where, “as is common among parties to arbitration, the parties had a strong expectation of confidentiality even in court proceedings to confirm the award,” sealing and/or redaction may be appropriate (*Allstate Life Ins. Co. v Lincoln Ben. Life Co.*, 2020 WL 3819037 [Sup Ct, NY County 2020]).

Here, the parties expressly agreed that any dispute arising out of the Sales and Purchase Agreement would be resolved through confidential arbitration, an agreement reflected in the Tribunal’s designation of certain materials as highly confidential. In turn, almost all the documents at issue here were either produced for the purpose of the arbitration or—as is the case with the Award, various submissions, and transcripts of proceedings—comprise a direct record of it. As for those that do not (*e.g.*, the parties’ memoranda of law in this action), the parties have submitted targeted redactions concerning the same.

In those circumstances, the Court determines that both Shell and VGCP have made sufficient showing to warrant sealing and/or redacting the documents at issue. Moreover, the Court’s decision adjudicating the petition (NYSCEF 266, 267, 268), which decision is not sealed, sets forth the portions of the record the Court deemed necessary to explain its ruling, thus minimizing any residual public interest in the documents that are the subject of this motion.

Accordingly, it is

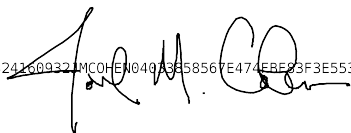
ORDERED that Petitioner Shell NA LNG LLC’s motion to seal and redact is
GRANTED; it is further

ORDERED that Respondent Venture Global Calcasieu Pass, LLC’s motion to seal and redact is **GRANTED**; it is further

ORDERED that the County Clerk shall maintain NYSCEF Document Numbers 6, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 84, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 167, 169, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 222, 224, 230, 232, 234, 238, 246, 248, and 250 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; and it is further

ORDERED the parties serve a copy of this order upon the Clerk of the Court and the Clerk of the General Clerk’s Office 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).

This constitutes a Decision and Order of the Court.


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JOEL M. COHEN, J.S.C.

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| <u>3/24/2026</u> DATE | | | |
| CHECK ONE: | <input checked="" type="checkbox"/> CASE DISPOSED | <input type="checkbox"/> NON-FINAL DISPOSITION | |
| | <input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED | <input type="checkbox"/> GRANTED IN PART | <input type="checkbox"/> OTHER |
| APPLICATION: | <input type="checkbox"/> SETTLE ORDER | <input type="checkbox"/> SUBMIT ORDER | |
| CHECK IF APPROPRIATE: | <input type="checkbox"/> INCLUDES TRANSFER/REASSIGN | <input type="checkbox"/> FIDUCIARY APPOINTMENT | <input type="checkbox"/> REFERENCE |