

Bangladesh Bank v Rizal Commercial Banking Corp.

2026 NY Slip Op 31699(U)

April 18, 2026

Supreme Court, New York County

Docket Number: Index No. 652051/2020

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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BANGLADESH BANK,

Plaintiff,

INDEX NO. 652051/2020

- v -

MOTION DATE _____

RIZAL COMMERCIAL BANKING CORPORATION, MAIA
SANTOS DEGUITO, ANGELA RUTH TORRES,
LORENZO V. TAN, RAUL VICTOR B. TAN, PHILREM
SERVICE CORP., SALUD BAUTISTA, MICHAEL
BAUTISTA, KAM SIN WONG, and JOHN DOES,

MOTION SEQ. NO. 059

**DECISION + ORDER ON
MOTION**

Defendants.

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 059) 1269, 1270, 1271,
1272, 1273, 1274, 1279, 1281, 1282, 1283

were read on this motion to/for SEAL.

In motion sequence 059, defendant Rizal Commercial Banking Corporation
(RCBC) 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] 1279, Order to Show Cause):

1. October 31, 2025 Email From Kang (NYSCEF 1229¹);
2. March 12, 2016 Email From Dee (NYSCEF 1230);
3. May 6, 2016 BSP Letter (NYSCEF 1231);
4. August 12, 2016 BSP Letter (NYSCEF 1232); and
5. January 24-25, 2026 Email Correspondance (NYSCEF 1238²).

¹ A publicly redacted version is filed at NYSCEF 1271.

² A publicly redacted version is filed at NYSCEF 1272.

Specifically, RCBC argues that good cause exists to seal/redact because the documents contain (i) confidential customer banking information, (ii) confidential details of board meeting minutes, and (iii) references to confidential regulatory or law-enforcement investigations protected from disclosure under Philippine bank secrecy laws. (See NYSCEF 1273, Proposed Sealing Chart.) 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

NYSCEF 1229 and 1238

RCBC seeks to redact NYSCEF 1229 and 1238 on the grounds that these emails contain confidential customer banking information and confidential details of board meeting minutes, which if made publicly available could “provide outsiders with insight into RCBC’s internal systems, investigative approaches, and decision-making structures and could be exploited by bad actors seeking to replicate attacks on the bank.”

(NYSCEF 1274, Memorandum of Law at 4; NYSCEF 1273, Proposed 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 [is] no countervailing public interest that would be furthered by their disclosure.” (*Jetblue Airways Corp. v Stephenson*, 31 Misc 3d 1241(A), at *7 [Sup Ct, NY County 2010], *affd* 88 AD3d 567 [1st Dept 2011].) Similarly, courts have found good cause to seal documents that contain sensitive information that could pose security concerns if disclosed. (*Matter of Crawford v New York City Dept. of Info. Tech. & Telecom.*, 43 Misc 3d 735 [Sup Ct, NY County 2014], *lv dismissed* 136 AD3d 591 [1st Dept 2016].) RCBC has demonstrated that the proposed redactions are warranted to protect the bank from possible attacks. Accordingly, NYSCEF 1229 and 1238 shall remain sealed.

NYSCEF 1230, 1231, and 1232

RCBC seeks to seal NYSCEF 1230, 1231, and 1232 on the grounds that these documents contain communications between the BSP and RCBC, as well as bank customer and account information, which are protected from disclosure under Philippine bank secrecy laws. (NYSCEF 1273, Proposed Sealing Chart.) The court has previously found that RCBC has sufficiently demonstrated good cause to seal/redact

documents where the filings contain or describe correspondence related to BPS's investigations of RCBC and public disclosure would be a violation of the bank secrecy laws of the Philippines. (See NYSCEF 1042 Decision and Order [mot. seq. no. 046] at 3-4.) Therefore, NYSCEF 1230, 1231, and 1232 shall remain sealed.

Accordingly, it is

ORDERED that motion sequence 059 is granted; and it is further

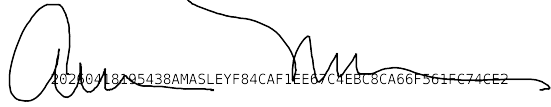
ORDERED that the County Clerk, upon service of this order, is directed to seal NYSCEF 1229, 1230, 1231, 1232, and 1238; and it is further

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 RCBC 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.



4/18/2026

DATE

ANDREA MASLEY, 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