

A.N.L.Y.H. Invs. LP v JDS Principal Highline LLC

2026 NY Slip Op 31742(U)

April 20, 2026

Supreme Court, New York County

Docket Number: Index No. 651757/2022

Judge: Joel M. Cohen

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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 03M

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A.N.L.Y.H. INVESTMENTS LP,

Plaintiff,

INDEX NO. 651757/2022

MOTION DATE 03/03/2026

- v -

JDS PRINCIPAL HIGHLINE LLC, JDS CONSTRUCTION
GROUP LLC, MICHAEL STERN,

MOTION SEQ. NO. 006

Defendants.

**DECISION + ORDER ON
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 006) 256, 257, 258, 259, 260, 261, 277, 278

were read on this motion to SEAL.

Defendant and Third-Party Plaintiff JDS Principal Highline LLC (“JDS Highline”) moves for an order sealing and/or redacting portions of NYSCEF Doc. Nos. 216, 220, 221, 222, 223, 224, 225, 226, 227, 229, 230, 231, 232, 233, 234, 253, and 254 filed in connection with its summary judgment motion. No parties oppose this request. For the following reasons, JDS Highline’s motion is granted in part.

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]). Good cause must “rest on a sound basis or legitimate need to take judicial action” (*Danco Labs.*, 274 AD2d at 9). Agreements to seal are insufficient as such agreements do not establish “good cause” (*MBIA Ins. Corp. v Countrywide Home Loans, Inc.*, 2012 NY Slip Op 33147[U], * 9 [Sup Ct, NY County 2012]).

The Court has reviewed the documents sought to be sealed and finds that the request to seal NYSCEF Doc. Nos. 220, 223, 227, 230, 232, and 234 comport with the applicable sealing standards as laid out in *Mosallem*, 76 AD3d at 348-50, and its progeny, in that they contain sensitive financial records including wire transfer confirmations and the internal general ledger of 340 Flatbush Partners LLC, the disclosure of which could harm JDS Highline’s competitive position, reveal financing strategies, and compromise the privacy of third-party financial institutions involved in the underlying transactions.

However, JDS Highline has not demonstrated that any confidential information contained in NYSCEF Doc. Nos. 216, 221, 222, 224, 225, 226, 229, 231, and 233, which are a deposition transcript and email correspondence among JDS-affiliated personnel, cannot be adequately protected through targeted redactions. The fact that the parties have entered into agreements with a confidentiality provisions, is not, by itself, a reason to grant the motion.

As to the summary judgment papers, JDS Highline seeks to seal these papers or alternatively, be granted leave submit proposed redacted versions of Doc. Nos. 253 and 254 that redact only those portions quoting from or describing the sealed exhibits. The Court does not permit full sealing of memoranda filed in connection with motions, and therefore, the alternative relief is granted.

In view of the admonition that sealing of court records must be “narrowly tailored to serve compelling objectives,” (*Danco*, 274 AD2d at 6), Defendants will need to propose and justify *targeted* redactions of NYSCEF Doc. Nos. 216, 221, 222, 224, 225, 226, 229, 231, 233, 253, and 254 that satisfy the requirements of 22 NYCRR § 216 (a) and applicable case law. These documents will remain provisionally under seal to permit the prompt filing of a follow-up motion proposing and explaining the need for specific redactions.

Accordingly, it is:

ORDERED that JDS Highline’s Motion is **GRANTED IN PART** such that the request to seal NYSCEF Doc. Nos. 220, 223, 227, 230, 232, and 234 is **granted**; the motion is **denied** as to the request to seal NYSCEF Doc. Nos. 216, 221, 222, 224, 225, 226, 229, 231, 233, 253, and 254 *without prejudice* to filing a new motion within 21 days to redact confidential portions of those documents consistent with this Decision and Order and applicable case law; it is further

ORDERED that the County Clerk shall maintain NYSCEF Doc. Nos. 220, 223, 227, 230, 232, and 234 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; it is further

ORDERED that the documents filed as NYSCEF Doc. Nos. 216, 221, 222, 224, 225, 226, 229, 231, 233, 253, and 254 shall remain provisionally sealed for 21 days from the date of the Court’s entry of this Decision and Order on NYSCEF. If JDS Highline files a new motion to

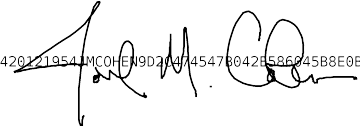
seal or redact confidential portions of the documents consistent with this Decision and Order within that 21-day period, the documents shall remain provisionally sealed pending resolution of that motion. If no such motion is filed within 21 days from the entry of this Decision and Order, the parties shall within three business days thereafter direct the County Clerk to file unredacted/unsealed copies of the documents on NYSCEF; and it is further

ORDERED that JDS Highline shall serve a copy of this order upon the Clerk’s Office within five (5) days of the date of this Order, and such service 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); it is further

ORDERED as it related to future submissions, made by any party, that contain subject matter that the Court has authorized to be sealed by this Order, parties may file a joint stipulation, to be So Ordered, which will authorize the filing of such future submissions to be filed in redacted form on NYSCEF, provided that 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.

This constitutes the Decision and Order of the Court.

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JOEL M. COHEN, J.S.C.

4/20/2026
DATE

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