

ET JV Holdings, LLC v TBH-ASL BSA Member LLC
2026 NY Slip Op 31783(U)
April 21, 2026
Supreme Court, New York County
Docket Number: Index No. 659784/2024
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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ET JV HOLDINGS, LLC, ET BRAND, INC., ETBB
LLC, ELIE TAHARI, JEREMEY TAHARI,

Plaintiffs,

- v -

TBH-ASL BSA MEMBER LLC, BLUESTAR
ALLIANCE, LLC, JOSEPH GABBAY, RALPH
GINDI,

Defendants.

INDEX NO. 659784/2024

MOTION DATES 04/07/2026,
04/08/2026,
04/08/2026

MOTION SEQ. NOS. 011 012 013

DECISION + ORDER ON MOTIONS

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HON. ANAR RATHOD PATEL:

The following e-filed documents, listed by NYSCEF document number (Motion 011) 654–660, 679, 681–683 were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 012) 661–667, 672–674, 676 were read on this motion to/for SEAL.

The following e-filed documents, listed by NYSCEF document number (Motion 013) 668–671, 675, 678 were read on this motion to/for SEAL.

In Mot. Seq. No. 011, Defendant/Counterclaim Plaintiff Bluestar Alliance, LLC (“Bluestar”) moves for an order pursuant to 22 NYCRR § 216.1(a) to redact/seal the following documents filed in relation to the parties’ pending motions for summary judgment: Bluestar’s Memorandum of Law in Opposition (NYSCEF Doc. No. 559) and certain exhibits attached to the Affirmation of Rachel Penski Fissell (“Fissell Aff.”) (NYSCEF Doc. Nos. 569, 571, 573, 613, 615, 617, 619, 621, 623, 625, 627, 629). Bluestar maintains that the documents at issue disclose confidential and commercially sensitive business and financial information of Bluestar and non-parties—the same information which the Court previously found the movant demonstrated good cause to seal under the stringent standards applicable to sealing motions in its March 26, 2026 Decision and Order on Mot. Seq. Nos. 008, 009, and 010 (NYSCEF Doc. Nos. 554–556). The Elie Parties do not oppose the motion.

In Mot. Seq. No. 012, Plaintiffs/Counterclaim Defendants ET JV Holdings, LLC, ET Brand, Inc., ETBB LLC, and Elie Tahari (collectively, the “Elie Parties”) separately move for an order pursuant to 22 NYCRR § 216.1(a) to seal an exhibit attached to the Affirmation of Bruce R. Ewing (“Ewing Aff.”) (NYSCEF Doc. No. 564). The Elie Parties maintain that the document at

issue discloses confidential financial information of TBH Brand Holdings LLC and its related brands. Bluestar does not oppose the motion.

In Mot. Seq. No. 013, non-parties HBN 140, LLC, HBN 101, LLC, Hilco, Inc., and Angelo, Gordon & Co., LP (the “HBN Non-Parties”) separately move for an order pursuant to 22 NYCRR § 216.1(a) to redact/seal certain other exhibits attached to the Fissell Aff. (NYSCEF Doc. Nos. 576, 578, 596, 598, 601, 602). The HBN Non-Parties maintain that the documents at issue disclose confidential financial information of non-parties—the same information which the Court previously found the movant demonstrated good cause to seal under the stringent standards applicable to sealing motions in its March 26, 2026 Decision and Order on Mot. Seq. Nos. 008, 009, and 010 (NYSCEF Doc Nos. 554–556). The parties do not oppose the motion.

Bluestar, the Elie Parties, and the HBN-Non Parties each move to redact certain portions of Bluestar’s Response to Statement of Undisputed Facts (NYSCEF Doc. No. 561). Bluestar and the HBN Non-Parties move to redact certain portions of the Elie Parties’ Response to Statement of Undisputed Facts (NYSCEF Doc. No. 652).

For the reasons as set forth herein, and the Court’s prior Decision and Order on Mot. Seq. Nos. 008, 009, and 010 (NYSCEF Doc. Nos. 554–556), the unopposed motions are hereby GRANTED.

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 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). “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) (internal citations omitted).

Here, Bluestar seeks to redact certain information regarding the management service fees that Bluestar receives from brands other than the Tahari brand, revenues of such other brands, the monetary distributions that the members of TBH and TASL Brand Holdings LLC (“TASL”) received; Bluestar’s confidential and proprietary management, investment, and sales strategies and plans; the identity of private equity firms with whom Bluestar had confidential discussions about a potential sale of its brands; the corporate structure, ownership, and confidential provisions of the operating agreements of private non-party corporate entities; and non-public confidential information regarding a TBH non-party licensee. NYSCEF Doc. No. 656. The HBN Non-Parties seek to redact certain information regarding the HBN Non-Parties’ internal investment strategies; non-public negotiations and deal structure proposals involving private companies; capital contribution of privately held entities; and an HBN Non-Party deponent. NYSCEF Doc. No. 670.

The Court hereby references and incorporates its prior Decision and Orders on Mot. Seq. No. 004 (NYSCEF Doc. No. 256) and Mot. Seq. Nos. 008, 009, and 010 (NYSCEF Doc. Nos. 554–556) pursuant to which it granted Bluestar’s and the HBN Non-Parties’ respective motions to redact/seal similar information.

The Elie Parties submit the Affirmation of Jeremy Tahari (“Tahari Aff.”) in support of their motion. The Elie Parties seek to redact certain information with respect to non-party TBH Brand Holdings LLC’s (the “Company”) financial condition and trademark assets. Tahari Aff. at ¶ 4. The Tahari Aff. sets forth that disclosure of the non-public information at issue would threaten the Company by revealing their underlying value and commercial vulnerabilities. *Id.* The Elie Parties further argue that there is no compelling public interest in the information at issue such that disclosure is justified. NYSCEF Doc. No. 665 at 7–8.

The Court has reviewed the proposed redactions and finds that the limited redactions proposed demonstrate good cause under the stringent standards applicable to sealing motions. *See, e.g., Mosallem*, 76 A.D.3d at 350 (“we have allowed for sealing where trade secrets are involved, or where the release of documents could threaten a business’s competitive advantage”) (internal citations omitted); *Mavel, a.s. v. Rye Dev., LLC*, 79 Misc. 3d 1231(A) (N.Y. Sup. Ct. 2023); *People v. Leasing Expenses Co. LLC*, 73 Misc. 3d 1207(A) (N.Y. Sup. Ct. 2021). “Additionally, the First Department has affirmed the sealing of records concerning financial information where there has not been a showing of relevant public interest in disclosure of the financing.” *North Star Debt Holdings, L.P. v. Serta Simmons Bedding, LLC*, No. 652243/2020, 2020 WL 4530191, at *2 (N.Y. Sup. Ct. Aug. 04, 2020) (citing *Dawson v. White & Case*, 184 A.D.2d 246, 247 (1st Dept. 1992)). “Likewise, private transactions and financial information belonging to nonparties should accordingly be sealed.” *Bravia Cap. Hong Kong Ltd. v. HNA Grp. Co., Ltd.*, 81 Misc. 3d 1234(A) (N.Y. Sup. Ct. 2024) (citing *Mancheski*, 39 A.D.3d at 502). Further, “the private financial information, or sensitive personal information, of a nonparty should be protected.” *Chen Dongwu v. New York City Reg’l Ctr. LLC*, 85 Misc. 3d 1202(A) (N.Y. Sup. Ct. 2025).

Accordingly, it is hereby

ORDERED that Bluestar’s Motion to Seal (Mot. Seq. No. 011) is GRANTED in accordance with 22 NYCRR § 216.1(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 NYSCEF Doc. Nos. 559, 561, 569, 571, 573, 613, 615, 617, 619, 621, 623, 625, 627, 629, and 652 permanently under seal so that the documents may be accessible only to the Court, the attorneys of record, the parties, and authorized court personnel; and it is further

ORDERED that the Clerk shall maintain NYSCEF Doc. Nos. 558, 560, 570, 572, 574, 614, 616, 618, 620, 622, 624, 626, 628, 630, and 651 in their current redacted form; and it is further

ORDERED that the Elie Parties’ Motion to Seal (Mot. Seq. No. 012) is GRANTED in accordance with 22 NYCRR § 216.1(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 NYSCEF Doc. No. 564 permanently under seal so that the document may be accessible only to the Court, the attorneys of record, and authorized court personnel; and it is further

ORDERED that the HBN Non-Parties' Motion to Seal (Mot. Seq. No. 013) is GRANTED in accordance with 22 NYCRR § 216.1(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 NYSCEF Doc. Nos. 576, 578, 596, 598, 601, and 602 permanently under seal so that the documents may be accessible only to the Court, the attorneys of record, the parties, and authorized court personnel; and it is further

ORDERED that the Clerk shall maintain NYSCEF Doc. Nos. 577, 579, 597, 599, and 603 in their current redacted form; and it is further

ORDERED that future submissions that contain the same information and subject matter that the Court has authorized to be filed in redacted or sealed form pursuant to this Decision and Order must comply with Part 45 Practices and Procedures at Section VII.B. (Successive Motions); and it is further

ORDERED that nothing in this Decision and Order shall be construed as authorizing the sealing or redaction of any documents or evidence to be offered at future hearings and/or 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.

4/21/2026
DATE


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

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
		<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: