

**242 Tenth Inv. LP v GVC 242 Tenth Sponsor, LLC**

2024 NY Slip Op 32223(U)

June 28, 2024

Supreme Court, New York County

Docket Number: Index No. 651242/2021

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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242 TENTH INVESTORS LP,

Plaintiff,

- v -

GVC 242 TENTH SPONSOR, LLC, GVC 242 TENTH  
SPONSOR INV LLC

Defendants.

INDEX NO. 651242/2021

MOTION DATE 03/22/2024

MOTION SEQ. NO. 008

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 008) 280, 281, 282, 283, 284, 285, 286, 287, 288, 289

were read on this motion to SEAL.

Plaintiffs 242 Tenth Investors LP (“Plaintiff”) moves for an order sealing and/or redacting certain sealing certain documents (NYSCEF 178, 182, 188, 192, 196, 198, 201, 203, 215, 241, 242, 260, 261, 262, 266, 270, 271, 277, 278) filed in connection with the parties’ motions for summary judgment. No parties have opposed this motion. For the following reasons, the motion is **granted**.

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]).

The Court has reviewed the documents subject to this motion and finds the following:

First, copies of the Limited Partnership Agreement for 242 Tenth Holdings LP (NYSCEF 178, 192, and 203), the operational budget for 242 Tenth Avenue for the fiscal year 2020 (NYSCEF 215), and copies of monthly Partnership financial statements and financial reporting (NYSCEF 182, 241, 242, 260, 261, 262, 270, and 271) may be filed in the sealed and/or redacted form identified in NYSCEF 282, 283, 284, 285, as the same subject matter was previously sealed and/or redacted (NYSCEF 146 [Decision and Order on Mot. Seq. 007]).

Second, the Court finds sealing of the copies of Acquisition Models prepared by the Defendant concerning the acquisition of 242 Tenth Avenue (NYSCEF 196 and 198), and a copy of the Term Sheet between the parties for the acquisition of 242 Tenth Avenue (NYSCEF 201) is appropriate as the documents contain sensitive financial data, including confidential financial terms and the internal financial operations of the parties. The references to the above materials in Plaintiff’s Memorandum of Law (NYSCEF 187, unredacted version filed at NYSCEF 277) and supporting Affirmation of Roman Arzhintar on summary judgment (NYSCEF 276, unredacted version filed at NYSCEF 278) and Plaintiff’s Statement of Material Facts (NYSCEF

188, redacted at NYSCEF 286) and exhibit 77 to the Affirmation of Daniel Robertson in Support of Plaintiff's Motion for Summary Judgment (NYSCEF 266, redacted version filed at NYSCEF 287) are likewise approved as the redactions satisfy the requirements of 22 NYCRR § 216.1 (a).

Accordingly, it is:

**ORDERED** that the Motion to Seal and/or Redact is **GRANTED**; it is further

**ORDERED** that the County Clerk is directed, upon service on him of a copy of this order with notice of entry, (1) to maintain NYSCEF Document Numbers 178, 182, 188, 192, 196, 198, 201, 203, 215, 241, 242, 260, 261, 262, 266, 270, 271, 277, and 278 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; (2) to maintain NYSCEF Document Numbers 187, 276, 282, 283, 284, 285, 286, 287 in their current redacted form; it is further

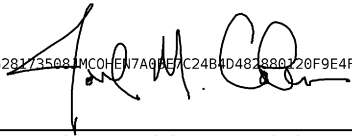
**ORDERED** that within seven (7) days of the date of this Order, the parties are directed to submit a list of any documents filed with a request to seal on NYSCEF but were not made a part of any sealing motion; the County Clerk is directed, upon service of such list, to unseal those documents; it is 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 service upon the County Clerk 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)]; 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.

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JOEL M. COHEN, J.S.C.

6/28/2024  
DATE

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"/>	DENIED	<input type="checkbox"/>
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"/>	OTHER
			<input type="checkbox"/>	REFERENCE