

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

2024 NY Slip Op 32360(U)

July 10, 2024

Supreme Court, New York County

Docket Number: Index No.: 651242/2021

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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242 TENTH INVESTORS LP,

Plaintiff,

- v -

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

Defendants.

INDEX NO. 651242/2021

MOTION DATE 05/03/2024

MOTION SEQ. NO. 011

**DECISION + ORDER ON  
MOTION**

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 011) 345, 346, 347, 348, 349, 350, 351, 352

were read on this motion to SEAL.

Defendants GVC 242 Tenth Sponsor, LLC and GVC 242 Tenth Sponsor Inv LLC (collectively, “Defendants”) moves for an order sealing and/or redacting certain sealing certain documents (NYSCEF 212, 233, 294, 297, 308 and 343) 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, Defendants may file a redacted version of Plaintiff’s memorandum of law in opposition to Defendants’ motion for summary judgment (NYSCEF 343), with the redactions set forth in NYSCEF 350, as the same subject matter was previously approved by the Court for redaction in the Decision and Order on Mot. Seq. 007 (NYSCEF 146).

Similarly, Exhibit A (NYSCEF 294 [“Email dated July 3, 2019”]), Exhibit D (NYSCEF 212, 297 [“Email dated October 28, 2019”]), and Exhibit O (NYSCEF 233, 308 [“Email dated March 9, 2020”]) to the Affirmation of Jonathan E. Temchin in opposition to Plaintiff’s motion for summary judgment (NYSCEF 293 [“Temchin Affirmation”]) may be publicly filed with the redactions identified in NYSCEF 347, 348, and 349, respectively, as they contain non-public information regarding the parties’ internal deliberations on the partnership’s deregulation strategy. The redactions are targeted and 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

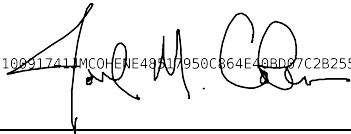
**ORDERED** that the County Clerk is directed, upon service of a copy of this order with notice of entry, (1) to maintain NYSCEF Document Numbers 212, 233, 294, 297, 308 and 343 under seal, so that the documents may only be accessible by the parties, their counsel, and authorized court personnel; and (2) to maintain NYSCEF Document Numbers 347, 348, 349, and 350 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.

7/10/2024

DATE

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