

**Peak UK Bidco Ltd. v Angelo, Gordon & Co., L.P.**

2024 NY Slip Op 34201(U)

November 23, 2024

Supreme Court, New York County

Docket Number: Index No. 652747/2024

Judge: Andrea Masley

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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 48

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PEAK UK BIDCO LIMITED,  
  
Plaintiff,

INDEX NO. 652747/2024

MOTION DATE --

- v -

MOTION SEQ. NO. 002

ANGELO, GORDON & CO., L.P., AG DIVERSIFIED  
INCOME MASTER FUND, L.P., AG GLOBAL DEBT  
STRATEGY PARTNERS SPV-1 LLC, AG GLOBAL DEBT  
STRATEGY PARTNERS, L.P., JAMES RIVER GROUP  
HOLDINGS LTD, D/B/A JAMES RIVER INSURANCE CO.,  
JRG REINSURANCE COMPANY, LTD., KAISER  
FOUNDATION HEALTH PLAN, INC., KAISER  
PERMANENTE GROUP TRUST, KAISER FOUNDATION  
HOSPITALS, NORTHWOODS CAPITAL XV, LIMITED,  
NORTHWOODS CAPITAL 20, LIMITED, NORTHWOODS  
CAPITAL XIV-B, LIMITED, NORTHWOODS CAPITAL XII-  
B, LIMITED, NORTHWOODS CAPITAL 22, LIMITED,  
NORTHWOODS CAPITAL 25, LIMITED, NORTHWOODS  
CAPITAL XI-B, LIMITED, NORTHWOODS CAPITAL,  
XVIII, LIMITED, NORTHWOODS CAPITAL XVI, LIMITED,  
and NORTHWOODS CAPITAL XVII, LIMITED

**DECISION + ORDER ON  
MOTION**

Defendants.

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 002) 34, 35, 36, 41, 42, 43

were read on this motion to/for SEAL.

In motion sequence number 002, plaintiff Peak UK Bidco Limited moves pursuant to the Uniform Rules of the New York State Trial Courts (22 NYCRR) § 216.1 to permanently seal (i) First Lien Credit Agreement dated July 12, 2019 (NYSCEF 20 & 42), wherein plaintiff is a borrower, and (ii) Assignment and Assumption dated August 1, 2019 (NYSCEF 21 & 43) pertaining to the credit agreement. The motion is unopposed. There is no indication that the press or public have an interest in this matter.

Plaintiff filed under temporary seal its memorandum of law (NYSCEF 35) and an attorney affirmation (NYSCEF 36) pertaining to this motion. Plaintiff has not requested to seal or redact these documents in its order to show cause. Accordingly, NYSCEF 35 and 36 shall be unsealed.

“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.) One of those statutes is section 216.1 (a) of the Uniform Rules for Trial Courts, which empowers courts to seal documents 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.” (22 NYCRR 216.1.)

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].) For example, in the business context, courts have sealed records where the disclosure of documents “could threaten a business’s competitive advantage.” (*Id.* at 350-351 [citations omitted].)

Moving defendants have demonstrated good cause to seal First Lien Credit Agreement dated July 12, 2019 (NYSCEF 20 & 42) and Assignment and Assumption

(NYSCEF 21 & 43). Disclosure of sensitive business information contained therein would put plaintiff at a competitive disadvantage.

Accordingly, it is

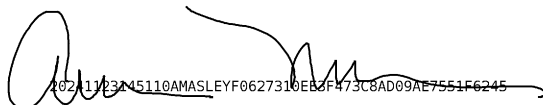
ORDERED that the motion is granted and the County Clerk, upon service of this order, shall (i) seal NYSCEF 20, 21, 42 and 43 and (ii) unseal NYSCEF 35 and 36; and it is further

ORDERED the New York 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 plaintiff serve a copy of this order upon the Clerk of the Court and the Clerk of the General Clerk's Office 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 at the address [www.nycourts.gov/supctmanh](http://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](mailto: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 purposes of trial or other court proceedings on the record e.g. arguments on motions.



11/23/2024  
DATE

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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