

**E-FILE**

At a Special Term Part 48 of the Supreme Court of the State of New York, Commercial Division, held in and for the County of Suffolk, at the Courthouse, 400 Carleton Avenue, Central Islip, New York 11722, on the 29<sup>th</sup> day of March, 2018

Present: Hon. Jerry Garguilo, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

*Mot. seq. 002*

-----x

MICHAEL NOCELLA and THE NOCELLA  
INSURANCE AGENCY,

Index No. 604642/2018

Plaintiffs,

(Garguilo, J.)

v.

**ORDER MODIFYING THE  
TEMPORARY RESTRAINING ORDER  
ENTERED ON MARCH 15, 2018**

ALLSTATE INSURANCE COMPANY,

Defendant.

-----x

THIS MATTER having been brought before the Court by defendant Allstate Insurance Company (“Allstate”), by and through its attorneys Saiber LLC, for an Order pursuant to CPLR 6314 (the “Motion”) modifying the Order to Show Cause Request for a Temporary Restraining Order that was entered and filed on March 15, 2018 (NYSCEF Doc. No. 39); and upon consideration of the moving papers submitted by Allstate; and opposition and reply papers, if any; and oral argument, if any; and all prior pleadings and proceedings in this action; and for good cause shown;

IT IS on this 29<sup>th</sup> day of March, 2018, ORDERED that:

1. Allstate’s Motion shall be, and hereby is, GRANTED.
2. The “Ordered” provisions of the temporary restraining order set forth on page 4

and 5 of the Order to Show Cause Request for a Temporary Restraining Order, dated March 15,

2018, (NYSCEF Doc. No. 39) shall immediately be modified pending the return date on the Order Show Cause presently scheduled for April 11, 2018 at 9:30 a.m., to provide for the following temporary restraints:

A. The July 1, 2018 deadline for plaintiff Michael Nocella to complete the sale of the Allstate book of business shall be stayed;

B. Allstate Exclusive Agent Daniel Bach and Allstate Licensed Sales Producers Sharlene Basso, Keith Mirra, Robert Giordano, Joseph Dito and Heather Khan (collectively "Authorized Agent and LSPs") shall be permitted to service and access information relating to existing Allstate customers who were formerly serviced by the Nocella Agency;

C. Access required to service existing Allstate customers who were formerly serviced by the Nocella Agency shall be restored to the Nocella Agency location at 4250 Veterans Memorial Hwy, Holbrook, NY (the "Nocella Agency Location"), and the Authorized Agent and LSPs shall be permitted to access the policies and other information for such Allstate customers at the Nocella Agency Location; and

D. Phone calls from existing Allstate customers shall be redirected back to the Nocella Agency Location, and the Authorized Agent and LSPs shall be permitted to receive such phone calls at the Nocella Agency Location;

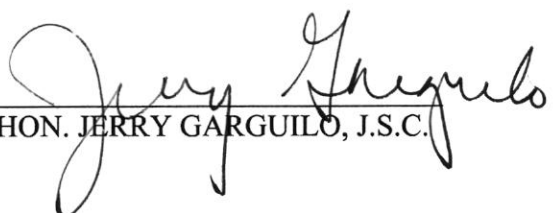
E. Michael Nocella and Christina Giugliano shall continue to be prohibited from servicing Allstate customers and prohibiting from accessing Allstate confidential and proprietary information, including confidential information about Allstate's customers.

F. The agent locator function on Allstate's website shall be manually reactivated such that the Nocella Agency Location is listed on the agent locator.

3. Service of a copy of this Order Modifying the Temporary Restraining Order dated March 15, 2018 shall be made upon counsel for the plaintiffs, Anthony P. DellUniversita, Esq., and service be and hereby is deemed equivalent in all respects to service of same directly upon plaintiffs.

**GRANTED**  
**MAR 29 2018**  
Judith A. Pascale  
**CLERK OF SUFFOLK COUNTY**

ENTER:

  
HON. JERRY GARGUILO, J.S.C.