

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KOVA COMMERCIAL OF NAPLES,
LLC,

Plaintiff,

v.

Case No: 2:23-cv-614-JES-KCD

TODD SABIN,

Defendant.

OPINION & ORDER

This matter comes before the Court on Todd Sabin's (Sabin or Defendant) Motion for Reconsideration (Doc. #57) filed on November 1, 2023 and KOVA Commercial of Naples, LLC's (KOVA or Plaintiff) Response in Opposition (Doc. #64) filed on November 29, 2023. The Motion will be granted as to the alternative requested relief.

KOVA is a commercial real estate brokerage firm and Sabin was a member of the firm. Previously, KOVA moved for a preliminary injunction (Doc. #31) based on restrictive covenants executed between the parties. Sabin filed a Response in Opposition (Doc. #36) and later moved for leave to amend his Response in Opposition. (Doc. #39.) The Court granted KOVA's motion, denied Sabin's motion, and issued a preliminary injunction. (Docs. ##42-43.)

Sabin's current motion seeks the following relief:

WHEREFORE, Defendant, Todd Sabin, requests that this Honorable Court reconsider its October 4, 2023 denial of Defendant's Motion for Leave to Amend (Doc. 42),

reversing the Preliminary Injunction (Doc. 43) and holding an evidentiary hearing on the Motion for Preliminary Injunction, [sic] if deemed necessary. In the alternative, Defendant requests the Court enter an Order altering or amending the Preliminary Injunction (Doc. 43) to remove "communicating with or otherwise soliciting, either directly or indirectly, or accepting business from, or otherwise interfering with any of KOVA's current clients or prospective clients or tenants listed in KOVA's forms or documents" and state "solicit[ing] any of KOVA's current or prospective clients that seek to or currently buy, sell, lease, or rent in Collier or Lee Counties, Florida."

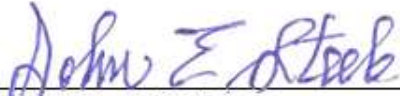
(Doc. #57, p. 23.) In granting the preliminary injunction, this Court's Opinion & Order stated that "Sabin will not be permitted to solicit any of KOVA's current or prospective clients that seek to or currently buy, sell, lease, or rent in Collier or Lee Counties, Florida." (Doc. #42, p. 19.) This is the same language Sabin's alternative relief seeks to include into the preliminary injunction. No reason is offered by KOVA as to why the Opinion & Order and the preliminary injunction should not mirror each other. The alternative relief will be granted. The motion is otherwise denied.

Accordingly, it is hereby

ORDERED:

Defendant's Motion for Reconsideration (Doc. #57) is **GRANTED IN THE ALTERNATIVE** and is otherwise **DENIED**. An amended preliminary injunction will be filed separately.

DONE and ORDERED at Fort Myers, Florida, this 5th day of
December, 2023.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record