

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

ROBERT TOUSSIE,

Plaintiff,

-against-

ORDER

14 CV 2705 (FB) (CLP)

ALLSTATE INSURANCE CO. *et al.*,

Defendants.

----- X

ROBERT TOUSSIE and LAURA TOUSSIE,

Plaintiffs,

-against-

15 CV 5235 (ARR) (CLP)

ALLSTATE INSURANCE CO.,

Defendant.

----- X

POLLAK, United States Magistrate Judge:

On October 20, 2017, the Court entered a preservation Order in these related matters, enjoining the plaintiffs or anyone acting on their behalf from removing any boxes or property from storage units located at Christie's Fine Art Storage Services ("CFASS"), in light of significant concerns that evidence had been or would be spoliated. See Toussie v. Allstate Ins. Co., No. 14 CV 2705, 2017 WL 4773374, at *4-5 (E.D.N.Y. Oct. 20, 2017). On November 6, 2017, the Court extended the preservation Order until January 15, 2018 because significant delays, primarily attributable to plaintiffs and their previous counsel, had prevented the defendant from finishing its inspection of the premises at CFASS. See Toussie v. Allstate Ins. Co., No. 14 CV 2705, 2017 U.S. Dist. LEXIS 183603, at *5-6 (E.D.N.Y. Nov. 6, 2017).

By letter dated January 12, 2018, defendant Allstate Insurance Company ("Allstate")

requests that the Court order that its preservation Order and injunction continue in effect until March 15, 2018. (See Def.'s Letter at 2-3, Jan. 12, 2018). Defendant explains that disputes regarding the inspection, Mr. Toussie's obstructive conduct when he attended the inspection, and the recent withdrawal of plaintiffs' attorneys prevented defendant from completing the inspections before January 15, 2018 as originally planned. (See id.)

Given that the inspection has not concluded, that there remains the possibility of irreparable harm to the defendant if the Court were not to enter a preservation order, and that the concerns regarding spoliation have not abated, the Court concludes it is appropriate to continue the preservation order.

The Court therefore **ORDERS** that plaintiffs, Robert Toussie and Laura Toussie, as well as their agents, employees, or any other person, are **ENJOINED** from removing any boxes or property from the storage units located at Christie's Fine Art Storage Services, 100 Imlay Street, Brooklyn, NY 11231, absent permission from this Court. This prohibition shall remain in place until the earlier of March 15, 2018 or the conclusion of the inspection of the premises.

Counsel for Allstate Insurance Company is directed to serve a copy of this Order on Christie's Fine Art Storage Services. The Clerk of the Court is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
January 12, 2018

/s/ Cheryl L. Pollak
Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York