

Ex Parte Application? Yes No
Notice Provided? Yes No

At IAS Part 57 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, 60 Centre Street, New York, New York, on the 25th day of July, 2017.

PRESENT:

HON. CE Ramos
Justice.

MILL LANE MANAGEMENT, LLC, and GARY SINDERBRAND,
Plaintiff,

v.

WELLS FARGO ADVISORS, LLC, and STEVEN SINDERBRAND,
Defendants.

Index No. 652025/2017

ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER

MOTION SEQUENCE # 002

Upon reading and filing the annexed affirmation of Angela A. Turiano dated July 24, 2017 and the exhibits annexed thereto, and upon the pleadings and all prior proceedings herein, and sufficient grounds having been alleged, it is hereby

ORDERED, that the above named plaintiffs or their attorneys show cause before this Court at IAS Part 53, at the Courthouse, 60 Centre Street, New York, New York, on 8/10, 2017 at 11:00 a.m., or as soon thereafter as counsel can be heard, why an order should not be made and entered, pursuant to Articles 31 and 63 of the Civil Practice Law and Rules: (i) granting defendant Wells Fargo Advisors ("Wells Fargo") a preliminary injunction prohibiting plaintiffs, their agents, representatives, attorneys

(including, without limitation, including Andrew Miller, Esq. and Aaron Zeisler, Esq.) and/or affiliates, and anyone else acting in concert with them, from any further review, use and/or dissemination of privileged documents and/ the customer information ("Confidential Information") contained in the compact disk ("CD") in their possession provided by defendant Wells Fargo Advisors LLC in disclosure including without limitation, enjoining and restraining plaintiffs from contacting any Wells Fargo customers identified within the Confidential Information; (ii) directing plaintiffs and anyone acting in concert with them, to return to defendant Wells Fargo Advisors LLC the CD containing privileged documents and Confidential Information, including all copies thereof and all electronic and hard copy documents containing information derived from the Confidential Information; (iii) ordering plaintiffs to submit to immediate disclosure, including depositions, to identify the privileged documents, Confidential Information and all persons with whom plaintiff Sinderbrand and his agents, representatives, attorneys or affiliates have shared the Confidential Information; (iv) precluding the use of the privileged documents and Confidential Information in this action, in any other action among the parties or for any other purpose; and, (v) granting the movant such other and further relief as the Court may deem just and proper; and it is further

ORDERED, that, sufficient reason having been ^{alleged} ~~shown~~ therefor, pending the hearing of ~~plaintiff's application for a preliminary injunction~~ ^{this order to show cause}, pursuant to CPLR Article 63, plaintiffs, their agents, representatives, attorneys (including, without limitation, including Andrew Miller, Esq. and Aaron Zeisler, Esq.) and/or affiliates, and anyone else acting in concert with them, be, and the same hereby are, enjoined and restrained from any further


 JSZ

[Handwritten marks: a large square with a diagonal line, and initials 'JSC' written twice.]

review, use and/or dissemination of privileged documents and/or the Confidential Information in the CD in their possession including without limitation, enjoining and restraining plaintiffs from contacting any Wells Fargo customers identified within the Confidential Information; and it is further

ORDERED, that oral argument shall be required on the return date of this motion; and it is further

ORDERED, that a copy of this order and the papers upon which it is based, shall be served on or before July __, 2017 by ECF and service by overnight mail, which service shall be deemed complete upon mailing, upon Aaron Zeisler, Esq, attorney for plaintiff in the instant action, 750 Third Ave, New York, NY 10017 and upon Andrew Miller, Esq., attorney for plaintiff in the New Jersey action, 1550 New Road, Northfield, NJ 08225, and same shall be deemed good and sufficient service; and it is further

ORDERED that plaintiffs' answering papers, if any, shall be served so as to be received by defendants' counsel, Bressler, Amery & Ross, P.C., 17 State Street, New York, New York, on or before _____, 2017; and it is further

~~**ORDERED** that any reply papers shall be served by defendants by overnight mail, which service shall be deemed complete upon mailing, on or before _____, 2017.~~

ENTER:

**ORAL ARGUMENT
DIRECTED**
[Handwritten signature]
J.S.C.

[Handwritten signature]

J.S.C.