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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | [customerservice@law360.com](mailto:customerservice@law360.com)

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# Chubb Unit Loses Atty DQ Bid Appeal In Coverage Row

By **Carla Baranauckas**

Law360 (September 22, 2025, 4:06 PM EDT) -- A New Jersey appellate court on Monday affirmed a trial court order denying Chubb Insurance Co. of New Jersey's bid to disqualify plaintiff's counsel, solo personal injury attorney Eric Dinnocenzo, in an insurance coverage action involving an alleged \$772,500 jewelry theft, saying the company failed to demonstrate the lawyer was a necessary trial witness.

On interlocutory appeal, the Appellate Division reiterated that disqualification under Rule of Professional Conduct 3.7 is "a harsh discretionary remedy which must be used sparingly" and is particularly susceptible to tactical abuse. Courts must weigh the client's right to chosen counsel against the profession's interest in avoiding conflicts and preserving the integrity of the trial process, the opinion said.

Nicole Cordova and Andres Flores-Artieda filed suit in 2022, alleging breach of contract, insurance bad faith, violations of the New Jersey Consumer Fraud Act and the Law Against Discrimination.

"While we recognize the parties have not concluded discovery, obtaining new counsel now — years after Cordova filed her claim and with such a voluminous record — would present her with a substantial hardship," the opinion said. "Moreover, disqualifying Dinnocenzo would deprive Cordova of the right to choose her counsel."

The appellate panel found that communications by Dinnocenzo were not unique or unavailable elsewhere; written records and testimony from other Chubb agents sufficed to establish the factual background; and Cordova would suffer substantial hardship, having relied on Dinnocenzo for more than five years on a contingency basis and having exchanged more than 50,000 discovery documents.

The judges also agreed that Chubb had not met its heightened burden for deposing opposing counsel, especially given the threat to privileged communications and the availability of less intrusive means.

The case arose from a December 2018 alleged armed robbery in Plainfield, New Jersey. Cordova and Flores-Artieda, who died in 2023, claimed they were robbed at gunpoint while waiting for takeout, the opinion said. The couple had maintained a "Masterpiece" insurance policy through Chubb that listed jewelry and watches totaling nearly \$1 million in coverage. The claim submitted to Chubb amounted to \$772,500.

Chubb conducted an extensive investigation, including multiple examinations under oath and the collection of more than 2,000 pages of documents, according to the opinion. However, the policy was later canceled for nonpayment and coverage was denied in February 2023, more than four

years after the incident. Chubb asserted the loss was staged and that the insureds misrepresented material facts and failed to cooperate, triggering the fraud and cooperation exclusions under the policy.

Cordova and Flores-Artieda filed suit in 2022, alleging breach of contract, insurance bad faith, violations of the New Jersey Consumer Fraud Act and the Law Against Discrimination, the opinion said. Their trial counsel, Dinnocenzo, became central to the litigation as the purported sole repository of key communications with Chubb's former claims counsel, Cynthia Bernstiel.

Chubb responded with a motion to disqualify Dinnocenzo, arguing he was a necessary witness for trial and the only individual capable of supporting Cordova's bad faith and consumer fraud claims, the opinion said. The insurer also issued a subpoena and resisted a protective order, aiming to compel Dinnocenzo's testimony.

On March 21, the trial court denied Chubb's motion to disqualify Dinnocenzo, granted Cordova's motion to quash the subpoena and issued a protective order prohibiting further disqualification attempts.

"The motion to disqualify was a purely tactical maneuver, made nearly three years after the case was filed," Dinnocenzo said. "After repeated unsuccessful efforts to obtain the dismissal of plaintiff's bad faith and Consumer Fraud Act claims, it threatened my disqualification unless my client voluntarily discontinued them, trying to manufacture a conflict between us. Its timing coincided with when plaintiff Andres Flores-Artieda died — his estate was unable to secure new counsel (likely because he is now an unavailable witness and there is a 50,000-page record in the case) and it promptly issued me a subpoena and then sought my disqualification."

Counsel for Chubb did not immediately respond to requests for comment.

Judges Robert J. Gilson, Lisa Perez Friscia and Robert M. Vinci sat on the panel.

Nicole Cordova is represented by Eric Dinnocenzo of the Law Office of Eric Dinnocenzo.

Chubb Insurance Co. of New Jersey is represented by Paul Ferland and Josh Tumen of Cozen O'Connor PC.

The case is Nicole Cordova et al. v. Chubb Insurance Co. of New Jersey, case number A-2754-24, in the Superior Court of New Jersey, Appellate Division.

--Editing by Drashti Mehta.

*Update: This article has been updated to include comment from the plaintiff's attorney.*