



Non-Compete & Trade Secrets PRACTICES

OVERVIEW

Proprietary information and business relationships are critical business assets, and our attorneys can help employers protect them. From drafting employment agreements and restrictive covenants to managing high-stakes litigation involving injunctions and emergency relief, our non-compete and trade secrets practice offers wide-ranging experience in matters concerning trade secret misappropriation, confidentiality and non-disclosure agreements, covenants not to compete, unfair competition, employee raiding and other issues concerning the protection of confidential information and business relationships.

On the front end, we can help companies draft, review and revise core agreements, adopt beneficial human resources policies and manage risk. This requires a deep understanding of the legal and regulatory environments, which evolve unpredictably over time, as well as the scope and reach of such agreements. Whether in employment agreements, in independent contractor relationships or as part of the sale or purchase of a company, protective agreements are essential. When disputes arise, we can evaluate the facts and the law and quickly seek the relief you need, whether through emergency TRO or injunction, negotiation, mediation, arbitration or litigation. We strive to understand your business and customize our advice for your company's circumstances and needs.

Services

- Drafting, revising and updating non-compete, non-solicit, non-disclosure (NDA) and confidentiality agreements
- Assessing the strength and enforceability of non-compete and non-solicit agreements for individuals and employers
- Sending and responding to cease-and-desist letters involving potential breaches of restrictive covenants and misappropriation of trade secrets
- Litigating non-compete, non-solicit and confidentiality agreements
- Litigating unfair competition and trade secret claims
- Obtaining emergency relief (temporary restraining orders and preliminary injunctions) to protect trade secrets and to enforce non-compete and non-solicit obligations
- Defending against attempts to obtain emergency relief based on unreasonable and unenforceable non-compete and non-solicit provisions
- Managing risks associated with employee hiring and departures
- Analyzing non-compete, non-solicitation, confidentiality and trade secret issues that arise in business transactions

REPRESENTATIVE EXPERIENCE

- Initiated litigation in North Carolina Business Court on behalf of RTP-based contract research organization against former employees for taking confidential files, misappropriating trade secrets and joining a Florida-based competitor in breach of non-competition and other restrictive covenants.
- Represented Fortune 500 transportation industry business in Florida state court lawsuit brought by a competitor alleging that the hiring of a former sales executive breached a non-competition covenant.
- Initiated litigation in North Carolina Business Court on behalf of a landscape maintenance business against a former manager who took confidential files and misappropriated trade secrets when he left.
- Represented internet marketing company in bringing trade secret and breach of contract claims in North Carolina Business Court against public company for misappropriating trade secrets and misusing confidential information obtained during due diligence related to a potential business transaction.
- Initiated litigation in North Carolina federal court on behalf of Fortune 500 home-fixture manufacturer against former employee who joined a competitor in breach of non-competition covenant.
- Defended employer in the material handling industry that was sued in Florida state court by Fortune 100 company that claimed the employer misappropriated its trade secrets, tortiously interfered with its employee relationships and otherwise unfairly competed with it when the employer hired nineteen of its at-will employees over the course of several months.
- Initiated litigation in North Carolina Business Court on behalf of large tobacco company against former employee who downloaded confidential files and trade secrets shortly before joining a competitor.
- Defended employer in the entertainment industry and a newly hired employee who were sued in Michigan state court by a competitor who previously employed the employee and who claimed that the employee breached and the employer tortiously interfered with a non-solicitation agreement.
- Represented multiple insurance companies in lawsuits brought in state and federal courts in North Carolina that involved allegations of non-competition and non-solicitation agreement breach by insurance agents and executives who left one company to join a competitor.
- Represented medical device distributor in lawsuit filed in federal court in North Carolina that sought to restrain the sales activities of former sales employees who left to join a competitor but were bound by non-solicitation agreements.
- Defended four insurance executives in an action in North Carolina Business Court against the executives and their subsequent employer alleging breach of non-competition agreement and misappropriation of trade secrets.
- Defended manufacturing business in declaratory judgment action filed in South Carolina state court by former employee seeking to avoid burdens of non-compete agreement.
- Represented mortgage insurance company in bringing litigation in North Carolina state court against a former employee to enforce non-compete obligations and to protect the company's proprietary information.
- Represented car wash chain in North Carolina state court lawsuit asserting claims related to the hiring of a competitor's former employee.

ACCOLADES

Our employment, labor and human resources practice and its lawyers have received significant client, peer and business community recognition from leading legal publications, including *Chambers USA: America's Leading Lawyers for Business*, *U.S. News – Best Lawyers*® “Best Law Firms,” and *The Best Lawyers in America*®. Our practice is one of two in North Carolina to receive the highest rating available from *Chambers USA*.

PROFESSIONALS

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