



**nilan
johnson
lewis PA**

Non-Compete and Trade Secret Litigation

Our team of attorneys at Nilan Johnson Lewis has deep expertise assisting employers in non-competition and trade secret matters. We routinely defend hiring employers (and frequently the departed employee) against these sorts of claims and prosecute claims on behalf of former employers. From the hiring employer perspective, we help clients quickly craft strategies to avoid litigation, or if litigation is unavoidable, to prepare the best defenses to misappropriation and tortious interference claims. For our former employer clients, we effectively communicate with former employees and their new employers to enforce restrictions, with our goal to enable our clients to prevent unfair competition and respond quickly and forcefully when it occurs. We have litigated a wide range of claims associated with employees' pre- and post-separation conduct in state and federal courts throughout the country, including in states like California, where courts disfavor restrictive covenants. Our clients range from Fortune 50 companies to startups, in industries including retail, medical device, manufacturing, logistics, various technology sectors, and others. We have particular expertise in ensuring litigation occurs in venues most favorable to our clients' interests and in mining electronic and forensic data to develop evidence of wrongdoing. We are adept at seeking and obtaining emergency relief on behalf of our clients, and our considerable experience in this area allows us to resolve matters expeditiously, efficiently, and decisively. We understand that aggressive litigation often is necessary, but that these disputes often lend themselves to creative business solutions. Outside the litigation context, we have helped our clients develop and implement effective strategies for protecting their business interests. For example, we offer audits of clients' existing restrictive covenant practices, helping them assess their business needs to protect intellectual property and human capital, consider benefits of enforcing restrictive covenants, and minimize risks with practical preventative advice. We use this same expertise to help clients create and implement new nationwide restrictive covenant programs. We also provide advice regarding hiring new employees with restrictive covenant obligations, including analysis of contractual duties, maximizing "justification" defenses to tortious interference claims, and advising on potential preventative measures.

Overview of our expertise

Labor and Employment

Affirmative Action Plans and
OFCCP Compliance

EEOC Class Investigation and
Litigation Defense

Discrimination Defense

Trials and Arbitrations

FLSA/Wage-and-Hour Defense

Executive Agreements and
Severance

Labor Management Relations

Leave of Absence and Disability
Advice/Defense

Non-Compete and Trade Secret
Litigation

Pre-Hire Testing and
Background Check
Advice/Defense

Preventive Employment
Counseling

Reductions in Force

Whistleblower/False Claims Act
Defense

Workplace Investigations

Industry Focus: Health Care

Industry Focus: Retail

Industry Focus: Tech Startups