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RESTRICTIVE COVENANTS, TRADE SECRETS AND PROPRIETARY INFORMATION

Nationwide Practice in Federal and State Court

- We have extensive experience counseling and representing employers, employees, and executives regarding the enforcement of restrictive covenants and the protection of trade secrets and proprietary information.
- Our clients range from large multi-national corporations to small businesses and individuals.
- We represent clients in state and federal court and in arbitration proceedings throughout the U.S.
- Our clients benefit from our collective knowledge and experience, together with our direct approach, emphasizing a commitment to efficiently helping our clients navigate a very complex legal and competitive environment.

KNOWLEDGE, EXPERIENCE AND IMAGINATION: KEYS TO SUCCESS

The law governing trade secrets and proprietary information, especially in Georgia, is extremely fact-intensive. Counseling clients about these issues requires not only industry knowledge and legal experience, but also a healthy dose of imagination and creativity. Our extensive and practical experience can help maximize results and minimize potential exposure.

And when litigation occurs, we use the same direct approach to maximize results. We listen to our clients to obtain an understanding of their needs and concerns and address those considerations head on to achieve the best possible result. Because emotions sometimes run high in this area of litigation, our attorneys are skilled at providing an objective analysis of the legal issues and a direct, no-nonsense approach to the protection of our clients' interests.

We are well-positioned to respond quickly and in a straightforward manner to any legal issue that our clients face. We are poised for decisive action, but always with an ear toward the client's ultimate objectives. In undertaking any engagement, we perform a thorough analysis of the facts to ensure that our clients can assess potential liability and optimize their chances for success.

Our work in this area includes:

- Enforcing and defending against restrictive covenants, including



noncompetition, nonsolicitation, and nondisclosure covenants.

- Enforcing and defending against rights and claims involving trade secrets and proprietary information.
- Drafting employment contracts, policies, and handbooks.
- Extensive trial and appellate experience litigating cutting-edge issues in this ever-changing area of law.
- Counseling employers, officers, and employees with respect to all aspects of the employment relationship.

THE DIRECT APPROACH TO PROTECTION OF COMPETITIVE RIGHTS

- **Client:** A start-up real estate firm and its founding members.
- **Challenge:** Our clients were executives who left their former real estate firm to open a competing enterprise. Their former firm aggressively sought to enjoin them from establishing a new business, asserting claims for emergency injunctive relief, fraud, unfair competition, breach of contract, breach of fiduciary duty, misappropriation of trade secrets, and broad discovery requests. The challenge: avoid a potentially terminal injunction and bring closure to this litigation quickly and cost-effectively.
- **Outcome:** We defeated the request to enjoin competition and obtained summary judgment on all claims against our clients, enabling them to grow into a major competitive force in the industry.
- **Our approach:** We added value for our client through lean staffing, thorough but cost-effective preparation, and focused motion practice aimed directly at the dispositive issues in the case.

ARBITRATION EXPERIENCE

Our lawyers have significant experience in alternative means of dispute resolution that can save clients time and money. We are experienced in formal ADR proceedings like arbitration and mediation. In addition to arbitrations pursuant to the rules of AAA and JAMS, we are very experienced in arbitrations involving stock brokers pursuant to FINRA rules.

LITIGATION AND TECHNOLOGY COMBINE TO ACHIEVE RESULTS QUICKLY

Trade secret litigation involves immense time pressures, especially with



respect to the preservation of evidence and prevention of improper use of proprietary information. Our team has considerable experience in using technology to gather, analyze and use electronic information to our clients' benefit—steps which are necessary to prevent or mitigate serious financial harm. Legal know-how and technical expertise combine to help ensure that our clients are in the strongest position—even before litigation has commenced.

SUCCESSFUL PROTECTION OF CONFIDENTIAL INFORMATION

- **Client:** A major financial services company.
- **Challenge:** An employee obtained sensitive computerized information about our client's customers. The challenge: to enjoin use of this sensitive information and to retrieve it quickly and cost-effectively.
- **Outcome:** We quickly secured a preliminary injunction against the employee, which allowed us to discover the source of the information and retrieve it.
- **Our approach:** We implemented a plan that led directly to a quick and effective resolution of our client's difficult problem.

NEWS

Rogers & Hardin Team Secures Full Defense Verdict in Jury Trial

PUBLICATIONS

So They Want You To Sign A Non-Compete (And Now!) – Negotiation Thoughts For Executives