



## NON-COMPETE LITIGATION

# WHEN IT COUNTS

Barnes & Thornburg represents companies that both seek to enforce non-compete agreements against departing personnel and employers that have hired employees subject to non-compete agreements.

The Firm recognizes that there is no one-size-fits all strategy when evaluating non-compete agreements. Our lawyers analyze the individual facts of each case, and our experience allows us to quickly identify the real issues critical to resolution of these cases. We ask the hard questions of our clients regarding their business objectives and how litigation fits within those objectives so as to resolve these matters in the most efficient way possible.

Emblematic of the Firm's experience is its work in the key Indiana case of *Smart Corp. v. Grider*, 650 N.E.2d 80 (Ind. Ct. App. 1995), in which the Court reversed a lower court opinion that refused to enforce a covenant not to compete when a former employee was terminated and began taking customer from the Firm's client. The Grider case rejected a claim that the geographic scope of the covenant was too broad, and held that a covenant not to compete within the same state is not overly broad, a holding that has been cited more than 20 times by other courts.

Our lawyers have not only litigated these cases in state and federal courts across the country, but have also extensively written, lectured, and taught on this subject. The Firm's attorneys have lectured on topics diverse as whether the Trade Secrets Act affects the enforceability of covenants not to compete and the practical steps employers need to know to create and enforce covenants not to compete.

## Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

## RELATED PRACTICES

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