

No Employment Agreement, No Problem



A non-compete or non-solicit agreement puts you in the driver's seat if a key employee learns your secret playbook, leaves you and joins a direct competitor. But you may have neglected to get the employee to sign a strong employment agreement. You might not even have a non-disclosure agreement to stand on. Feels like you're in free fall, right? What can be done then?

Look for a paperless claim. Texas, like many states, prohibits employees from using or disclosing your business secrets on a new job. If you can prove that the ex-employee is improperly using or disclosing your business secrets, you can get an injunction. No employment agreement is needed.

Also keep that in mind when hiring. Your new employee might not have a non-compete or non-solicit agreement, but what if he has a jump drive filled with his last company's secrets? That's a lawsuit waiting to happen.

Red Bull had to bring a promotional stunt—a space dive—to a screeching halt because of a business secrets lawsuit. Here's what the [Wall Street Journal](#) had to say about the space dive from a balloon at 120,000 feet:

The dive, slated to take place over New Mexico later this year, was to feature renowned parachutist Felix Baumgartner, and was intended to bring Red Bull a publicity bonanza. Mr. Baumgartner, clad in a special spacesuit and captured on camera, was supposed to break the sound barrier during part of his more than 20-mile descent from the stratosphere.



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Business secrets lawsuits have teeth. One stopped Red Bull's space dive. Imagine what one can do to your competition who you believe has decided to play dirty.

