

**DECLARATION OF \_\_\_\_\_**

I, \_\_\_\_\_, declare and state as follows:

1. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I would and could testify competently thereto.
2. [Former Employer] (“\_\_\_\_\_”) is my former employer. I resigned my employment with Former Employer on \_\_\_\_\_, 200\_\_.
3. On or about \_\_\_\_\_, 200\_\_, I learned that \_\_\_\_\_, left Former Employer for a position with New Employer as I [received an email/saw an announcement in a trade paper]. \_\_\_\_\_ did not contact me to inform me about any opportunities or openings with New Employer.
4. For approximately, \_\_ weeks prior to my resignation, I conducted a job search. On my own time, I conducted a search utilizing the classified advertisements, a “headhunter” and on-line resources. I interviewed \_\_ potential employers.
5. During my job search, I had \_\_ meetings with New Employer’s personnel. Mr./Ms/ \_\_\_\_\_ was not at any of these meetings. No one asked me to bring confidential or trade secret information from Former Employer to New Employer. In fact, when I was offered employment by New Employer, I was expressly told that I was not to bring confidential or trade secret information or materials to New Employer.
6. After I was offered employment by New Employer, I called \_\_\_\_\_ to ask whether I would like working at New Employer. \_\_\_\_\_ never contacted or called me to encourage me to join New Employer.
7. Since my resignation from Former Employer, I have not made any attempts to solicit or entice Former Employer’s employees to seek employment or opportunities with New Employer.
8. Since my resignation from Former Employer, I have not made any attempts to solicit or entice Former Employer’s clients or prospects on behalf of New Employer utilizing trade secret or confidential information that I acquired through my employment with Former Employer.

1           9.     During my employment with Former Employer, I occasionally performed  
2 work from home. Typically, the work I performed at home on behalf of Former Employer  
3 was either in a Word document or an Excel spreadsheet.

4           10.    I deleted the emails in my “in box,” deleted files and sent files on a regular  
5 basis, approximately every few weeks.

6           11.    Around the time I gave Former Employer my notice of resignation, I looked  
7 through my personal email and located very few, outdated emails relating to Former  
8 Employer. I then deleted them.

9           12.    During this same time period, I searched through my personal computer for  
10 any remaining Word or Excel files relating to Former Employer. I located a handful of  
11 documents on my hard drive and deleted them.

12           13.    Everything I deleted was a copy, the original of which could be found on  
13 Former Employer’s computer network or in a Former Employer file at the office.

14           14.    I also conducted a search of my home work area for hard copies of any  
15 Former Employer related documents. I found one or two copies of Former Employer  
16 related documents and shredded them.

17           15.    Other than the details provided in this declaration, I did not “take” any of  
18 Former Employer’s confidential business information and I certainly did not take any  
19 Former Employer’s confidential business information with me when I resigned my  
20 employment. In fact, the only Former Employer information that I can think of that I have  
21 in my possession from Former Employer are copies of expense reports that I submitted for  
22 reimbursement during my employment with Former Employer. Accordingly, I have not  
23 “used” any confidential business information from Former Employer since prior to my  
24 resignation and then I was using the information only to perform my job duties on behalf  
25 of Former Employer.

26           16.    The home computer on which I performed work for Former Employer is a  
27 family computer. I have personal tax returns on that computer and [my spouse uses the  
28 computer to do work for his/her clients.]

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I declare under penalty of perjury under the laws of the State of California and the laws of the United States of America that the foregoing is true and correct. Executed this \_\_\_th day of April 2009 at \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
[Employee]

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