

UT Law CLE

Departing Employee Litigation: Pandemic Edition

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Issue 1: Confidentiality Agreements

1. Confidential Information.

(a) During your employment by the Company, you have had or will have access to proprietary and confidential information provided to you by the Company concerning its business that is not generally known outside of the Company, including without limitation: product and system designs; specifications and formulas; software source code; business methods; technical methods; processes and practices; sales and marketing plans and proposals; customer lists; information as to existing and potential financing sources and arrangements; pricing strategies; financial and accounting records and information; your entire work product while employed by the Company; any other information designated by the Company as confidential; and any other information however documented that is a trade secret within applicable laws (collectively, the "Confidential Information").

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Confidentiality Agreements

- ❖ *Vassar Group, Inc. v. Ko*, No. 05-18-00814-CV, 2019 WL 3759467 (Tex. App.—Dallas Aug. 9, 2019, no pet.) (mem. op.)

Practice Tips

- ❖ Are workplace selfies ok?
- ❖ What if I just designate everything “confidential”?
- ❖ Can companies enforce NDAs after termination?
- ❖ How should employees “return” electronic files?



Issue 2: Non-Competes

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Non-Competes

❖ *Gallagher Benefit Servs., Inc. v. Richardson*,
No. 6:19-cv-00427, 2020 WL 1435111 (E.D.
Tex. March 24, 2020)

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