

Unfair Competition Counseling & Litigation

We understand that unfair competition challenges the very core of a company's business by putting at risk a company's customer relationships and competitively sensitive information. Given current trends of high employee turnover and mobility, it is important for companies to have well-drafted, enforceable restrictive covenants, and counsel who can aggressively and effectively enforce them through litigation. Our attorneys advise clients, across industries, on how to avoid unfair competition lawsuits in the first place and, when necessary, litigate in federal and state court to protect their interests and their business. Our extensive experience in this area of the law allows us to add value and insights that help our clients maximize the protection available to them.

Our attorneys have broad experience in all aspects of unfair competition counseling and litigation, including:

- Drafting restrictive covenants - non-competes, non-solicitation clauses, and non-disclosure clauses - tailored to our clients' particular needs and industries, to give employers the best chance of enforcing the agreements should they be litigated.
- Filing emergency injunction litigation when there is a need to take quick and effective action to shut down ongoing or threatened customer solicitation, information disclosures, or other conduct that could seriously harm our clients' interests.
- Counseling clients who are considering hiring an employee who is subject to a restrictive covenant with a current or former employer, so as to minimize the risk that they could be sued for inducing a breach of the restrictive covenant or unwittingly being party to disclosures of protected information.
- Helping employers protect their interests when they do not have restrictive covenants in place, by using trade secret doctrines, common law legal duties, consumer fraud statutes, and other creative theories.
- Counseling clients as to how they can manage and administer their businesses and information so as to increase the likelihood that their confidential and trade secret information will be protected.
- Advising multi-state employers as to the law of different states that applies to restrictive covenant and unfair competition issues.
- Providing counseling regarding complex restrictive covenant issues such as rolling out restrictive covenants for an existing workforce, or determining whether and how to compensate employees for restrictive covenants where consideration is required.

PROFESSIONALS

Beverly P. Alfon
Partner

Heather A. Bailey
Partner

Marissa R. Borschke
Associate

Jeffrey M. Glass
Partner

Kelly Haab-Tallitsch
Partner

Peter E. Hansen
Partner

John R. Hayes
Partner

Michael F. Hughes
Partner

Craig A. Kubiak
Partner

Debra A. Mastrian
Partner

Laurie E. Meyer
Partner

Jennifer A. Murphy
Partner

Julie A. Proscia
Partner

Jeffrey A. Risch
Partner

Timm W. Schowalter
Partner

Sara Zorich
Partner

- Advising clients regarding unfair competition in non-employee settings such as the sale or purchase of a business.
- Working with members of our intellectual property team to incorporate the appropriate protections for patents, trademarks, and copyrights and litigating other intellectual property theories which can arise in unfair competition cases.

Experience

Defended an Industrial Chemicals Manufacturer and Sales Representative in a Suit Brought by a Former Employer

Secured Judgment for a Regional Banking Client Accused of Terminating an Employee After She Applied for and Took VESSA Leave

Obtained a Summary Judgment Dismissal in Favor of High Profile Clients Accused of Tortiously Causing a New Business to Suffer \$25M in Alleged "Lost Profits" and an Additional \$75M in Other Damages

Firm News

Amundsen Davis Promotes Three Attorneys to Partner
Firm News, February 21, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List
Firm News, *Amundsen Davis*, January 23, 2023

41 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023
Firm News, August 18, 2022

Heather Bailey Recognized as a Top Author of 2021 by JD Supra for Employer Liability Issues
Firm News, *Automatic Merchandiser*, June 20, 2022

Amundsen Davis Promotes Five Attorneys to Partner
Firm News, March 14, 2022

Amundsen Davis Welcomes Labor & Employment Attorney Timm W. Schowalter as Partner in St. Louis
December 27, 2021

Attorney John Hayes Joins Amundsen Davis's Labor & Employment Group
March 18, 2020

Amundsen Davis Promotes Three to Partner
February 24, 2020

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Attorney Peter Hansen Joins Amundsen Davis's Labor & Employment Group
February 24, 2020

Amundsen Davis Ranks on Crain's Chicago Business' 2018 Largest Law Firms List
Crain's Chicago Business, October 25, 2018

Julie Proscia Appointed to Serve on Illinois Senate Task Force on Sexual
Discrimination and Harassment Awareness & Prevention
November 17, 2017

Amundsen Davis Ranks on Crain's Chicago Business' Largest Law Firms List
Crain's Chicago Business, September 15, 2017

Heather Bailey and her Team Raise Nearly \$16,000 for the 2017 Chicago Polar
Plunge Benefitting the Special Olympics Chicago
Chicago Tribune; Chicago Sun Times, March 5, 2017

Amundsen Davis Sponsors Institute for Law and the Workplace Scholarship for
Chicago-Kent College of Law Students
October 2016

Amundsen Davis Ranks on Crain's Chicago Business' Chicago Largest Law Firms
List
Firm News, *Crain's Chicago Business*, September 10, 2016

Seven Amundsen Davis Attorneys Included in Best Lawyers in America© 2017
August 15, 2016

In the Media

How Employment Regulation Might Shift Under the Biden Administration, and
What Businesses and Workers Need to Know -- *Business Insider* Interviews and
Quotes Beverly Alfon
Media Mention, *Business Insider*, January 21, 2021

Alerts

COVID-19 Employer Updates – Where Do We Stand Now?
Article, *Amundsen Davis Labor & Employment Alert*, February 10, 2022

OSHA's COVID-19 Vaccination Mandate is Dead, Now What?
Article, *Amundsen Davis COVID-19 Alert*, January 25, 2022

Federal Contractors' Alert: Your Vaccine Mandate Has Been Halted....Again
Article, *Amundsen Davis COVID-19 Alert*, January 24, 2022

OSHA ETS: What Health Care Providers Need to Know
Amundsen Davis Labor & Employment Alert, June 18, 2021

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STIMULUS 2.0: The Consolidated Appropriations Act 2021 – Key Provisions for Employers

Amundsen Davis Labor & Employment Alert, December 22, 2020

CDC Now Provides Two Options for Shortened Quarantine Time

Amundsen Davis Labor & Employment Alert, December 3, 2020

Employees Entitled to Leave Because Camp is Closed? Yes.

Amundsen Davis Labor & Employment Alert, July 2, 2020

ATTENTION Paycheck Protection Program Loan Recipients: REVISED Forgiveness Application Issued

Amundsen Davis Labor & Employment Alert, June 23, 2020

Key Takeaways for PPP Borrowers: The Forgiveness Application is Finally Out!!

Amundsen Davis Labor & Employment Alert, May 18, 2020

Why You Need to Pay Attention to How the Feds Are Approaching the Meat and Poultry Processing Industry

Amundsen Davis Labor & Employment Alert, April 28, 2020

Missouri Mandates Social Distancing and St. Louis County and City Order “Stay At Home”

Amundsen Davis Labor & Employment Alert, March 23, 2020

Legislative Tax Relief for Employers and Their Employees Affected by the Coronavirus Pandemic

Amundsen Davis Tax Alert, March 22, 2020

Families First Coronavirus Response Act: What It Means For Employers

Amundsen Davis Labor & Employment Alert, March 15, 2020

Protests Planned for March 8 Not Reason to Deviate from Normal Attendance Policies

Amundsen Davis Labor and Employment Alert, March 3, 2017

Urgent Alert: U.S. DOL Publishes Final Overtime Rule

Amundsen Davis Labor & Employment Alert, May 18, 2016

Events

Amundsen Davis’s Leadership & Management 2024 Certification Training Series Event, Webcast, September - November 2024

Employee Benefits in 2024 — Innovative Trends Shaping Our Future
Speaking Engagement, Brown & Brown, Seminar; Oak Brook, IL, February 28, 2024

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2024 Labor & Employment Law Update

Speaking Engagement, Illinois Lumber & Material Dealers Association, ILMDA Expo; Bloomington, IL, February 15, 2024

2024 State and Federal Employment Law Update

Speaking Engagement, Illinois Chamber of Commerce, Seminar; Springfield, IL, February 13, 2024

10th Annual New Laws Forum

Speaking Engagement, Illinois Chamber of Commerce, Seminar, Lisle, IL, December 5, 2023

Amundsen Davis's Ninth Annual Labor & Employment Fall Seminar

Event, Livestream, September 13, 2023

Addressing Mental Health Issues in the Workplace

Event, Amundsen Davis Webcast, August 8, 2023

Illinois, Wisconsin, and Federal Employment Law Update

Speaking Engagement, Illinois Chamber of Commerce, Webcast, April 27, 2023

Eighth Annual Labor & Employment Fall Seminar

Event, Amundsen Davis, Live-stream, September 21, 2022

L&E Legal Updates + Business Succession Planning

Independent Pharmacy Cooperative Conference 2022, Seminar; San Diego, CA, April 14, 2022

How to be the Employer Everyone Wants to Work for in 2022: Recruitment, Retention and More

Event, Amundsen Davis's Complimentary Indiana Labor & Employment Conference; Indianapolis, IN, March 3, 2022

COVID-19 Testing: What Employers Need to Know

Event, Amundsen Davis, Webcast, January 10, 2022

New Illinois Non-Compete Legislation: What You Need to Know

Event, Amundsen Davis, Webcast, December 16, 2021

The Very Latest on Vaccine Mandates for the Illinois Employer: Focusing on the Manufacturing Industry

Illinois Chamber of Commerce, Webcast, December 8, 2021

Eighth Annual New Laws Forum 2021

Speaking Engagement, Illinois Chamber of Commerce, Lisle, IL; Webcast, December 1, 2021

OSHA's Vaccine Mandate: What Does It Really Mean For Private Employers?

Valley Industrial Association; Webcast, November 17, 2021

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Responding to EEOC & IDHR Charges of Discrimination
Illinois Chamber of Commerce, Webcast, November 16, 2021

New COVID-19 Vaccine Mandates & Related Developments
The Horton Group; Webcast, November 16, 2021

Vaccine Mandates- Their Impact on Your Business and What to Expect
2021 NAMA Fly-In NE VOICE Advocacy Summit, Seminar; Washington, DC,
November 16, 2021

Rules, Tools, and Q&A - COVID Vaccine & Testing Mandate for the Workplace
Connor & Gallagher OneSource; Webcast, November 11, 2021

COVID-19 Lawsuits: What Businesses Can Do to Diminish Risks & Avoid Liabilities
Illinois Chamber of Commerce, Webcast, November 2, 2021

Biden Vaccine Mandates: What Employers Need to Know
Illinois Chamber of Commerce, Webcast, October 28, 2021

Seventh Annual Labor & Employment Fall Seminar
Event, Amundsen Davis, Seminar; Oak Brook, IL, September 29, 2021

New COVID-19 Vaccine Mandates & Related Developments
The Horton Group; Webcast, September 17, 2021

NEW Illinois Law Changes Coming: New Equal Pay & Related Reporting Mandates
Illinois Chamber of Commerce, Webcast, September 16, 2021

Illinois/Missouri: Big Changes in 2020 & 2021 and What's Shaping Up for 2021
Illinois Chamber of Commerce; St. Louis, MO, September 16, 2021

Illinois/Indiana: Big Changes in 2020 & 2021 and What's Shaping Up in 2021
Illinois Chamber of Commerce, Webcast, September 14, 2021

Overview to Stay Compliant Within Employment Laws
Lorman, Webcast, September 1, 2021

Recruiting & Retaining Employees in 2021
Illinois Manufacturers' Association, Webcast, August 31, 2021

Illinois/Wisconsin: Big Changes in 2020 & 2021 and What's Shaping Up in 2021
Illinois Chamber of Commerce, Webcast, August 25, 2021

New HR Forms for 2021-2022: What Every HR Manager Must Know!
Illinois Chamber of Commerce, Webcast, August 19, 2021

NAMA Show - Diverse and Inclusive Workplaces: How to Effectuate a Culture That
Benefits Everyone, Including the Employer
New Orleans Ernest N. Morial Convention Center; New Orleans, Louisiana,
August 18, 2021

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NAMA Show - An Interactive Legal Workshop on Liability and HR Issues Facing Employers Today

New Orleans Ernest N. Morial Convention Center; New Orleans, Louisiana, August 17, 2021

Recruiting & Retaining Employees in 2021: Being Creative while Avoiding Legal Pitfalls

Event, Amundsen Davis, Webcast, August 10, 2021

New Pay Data Reporting Obligations & Criminal Conviction Restrictions Impacting Illinois Employers

Illinois Chamber of Commerce, Seminar; Naperville, IL, June 3, 2021

The Biden Administration: What Businesses Need to Know

Clear Law Institute, Webcast, May 19, 2021

What You Need to Know as You Transition Your Team Back to the Office

AssuredPartners, Webcast, May 12, 2021

Negotiate, Persuade, and Close the Candidate

Lorman Education Services; Webcast, May 5, 2021

NEW Illinois LEGAL MANDATES for Employers: Prohibition re Criminal Convictions & Equal Pay Certification Obligations

Connor & Gallagher OneSource, Webcast, April 29, 2021

NEW Illinois Law Prohibiting Use of Criminal Convictions: An Employer's Guide

Event, Amundsen Davis, Webcast, April 29, 2021

Model Employee Policies Handbook Update - What's Changed for Illinois Employers?

Illinois Chamber of Commerce, Seminar; Naperville, IL, April 21, 2021

2021 Educational Series: "2021 Labor & Employment Laws Updates Impacting Trucking Employers"

Mid-West Truckers Association, Inc., Webcast, April 12, 2021

Gearing up for President Biden's Emergency COVID-19 Workplace Rules

Illinois Chamber of Commerce, Webcast, March 23, 2021

American Rescue Plan: What Employers Must Know Now

Event, Amundsen Davis, Webcast, March 23, 2021

Major Labor & Employment Changes Today and Tomorrow under the Biden Administration

Event, Amundsen Davis, Webcast, March 17, 2021

COVID-19 Vaccine in the Workplace

Aurora Regional Chamber of Commerce, Webcast, March 10, 2021

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To Mandate Vaccines or Not: What Employers Need to Understand
Illinois Landscape Contactors Association, Webcast, March 3, 2021

To Mandate Vaccines or Not: What Employers Need to Understand
Illinois Chamber of Commerce, Webcast, March 2, 2021

Labor Law Hot Topics and COVID-19 – What It Means for Employers
Illinois Lumber and Material Dealers Association; Webcast, February 25, 2021

Terminating the Problem Employee
Illinois Chamber of Commerce, Webcast, February 23, 2021

A New Era of Workplace Regulation on Illinois Employers
Illinois Manufacturers' Association, Webcast, February 16, 2021

COVID-19 Vaccinations and Employer Responsibilities
Illinois Association Chamber of Commerce Executives, Webcast, February 11,
2021

The Legal Implications of Managing a Remote Workforce
AssuredPartners, Webcast, February 10, 2021

Berwyn Development Corporation Seminar on COVID-19 Vaccination and
Required Testing
Berwyn Development Corporation, Webcast, February 2, 2021

Drafting and Litigating Restrictive Employment Covenants
Illinois Chamber of Commerce; Webcast, January 28, 2021

COVID Safety & Health Concerns in the Workplace
Employee Benefits Association of Northern Illinois, Webcast, January 27, 2021

How to Use Injunctive Relief to Benefit Your Clients
Lorman Education Services, Webcast, January 27, 2021

Mandatory Vaccines and Other Options for Employers During this Year's Cold &
Flu Season
Rockford Chamber of Commerce, Webcast, January 13, 2021

How Employees Can Better Manage this Year's Cold & Flu Season
Illinois Chamber of Commerce, Webcast, December 4, 2020

Election 2020 and the Merit Shop: How Should Merit Shop Contractors Prepare
for Upcoming DOL Policy and Regulatory Actions?
Associated Builders and Contractors' Legal and Policy Forecast Conference;
Webcast, December 3, 2020

7th Annual New Laws Virtual Forum for Illinois Employers
Illinois Chamber of Commerce, Webcast, December 2, 2020

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To Mandate Vaccines or Not: What Employees Need to Understand
Illinois Chamber of Commerce, Webcast, November 18, 2020

Reasonable Suspicion Training for Managers
Waubensee Community College, Webcast, November 11, 2020

Impact of the 2020 Election on the Workplace
Illinois Chamber of Commerce, Webcast, November 10, 2020

Business Owner's Guide to Preventing Gender Bias in the Workplace
Lorman Education Services, Webcast, November 3, 2020

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments
Event, Amundsen Davis, Webcast, October 29, 2020

Chicago Fair Workweek Ordinance: Separating Fact from Fiction
Illinois Chamber of Commerce, Webcast, October 28, 2020

Sexual Harassment and Discrimination in the Workplace for Employers – *Are You Prepared Both Proactively & Reactively for the Illinois Workplace Transparency Act?*
Event, Amundsen Davis, Webcast, October 22, 2020

The Illinois Prevailing Wage Certified Transcript of Payroll
Illinois Chamber of Commerce, Webcast, October 21, 2020

Illinois Mandatory Anti-Sexual Harassment Prevention Training
Chicago Healthcare Risk Management Society, Webcast, October 15, 2020

Illinois Minimum Wage & Overtime During these Unprecedented Times
Illinois Chamber of Commerce, Webcast, October 13, 2020

Train the Trainer: Anti Sexual Harassment Training Mandatory in Illinois
Illinois Chamber of Commerce, Webcast, October 8, 2020

Trends & Technical Issues Impacting Employment Based Immigration in Light of
COVID-19 and the Election Year
Illinois Chamber of Commerce, Webcast, October 6, 2020

Illinois Mandatory Anti-Sexual Harassment Prevention Training
Chicago Healthcare Risk Management Society, Webcast, September 24, 2020

The 7 Deadly Sins of Documenting Discipline
Clear Law Institute, Webcast, September 16, 2020

How to Confront and Discipline Employees in the Age of COVID-19
Illinois Chamber of Commerce, Webcast, September 15, 2020

Conducting an Internal HR Audit in 2020 and Beyond
Illinois Chamber of Commerce, Webcast, September 10, 2020

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COVID-19 Executive Orders, Back-to-School and Other Concerns
Finishing Contractors Association of Illinois, Webcast, September 1, 2020

Illinois Mandatory Anti-Sexual Harassment Training
Lorman Education Services, Webcast, August 27, 2020

Race, Religion, and Politics in the Workplace: What Employers Need to Know
Event, Amundsen Davis, Webcast, August 19, 2020

What Employers Need to Know Related to COVID-19 and Childcare
Illinois Chamber of Commerce, Webcast, August 17, 2020

Re-Opening the Economy: Preparing to Return to the Workplace
The Chamber of Manitowoc County; Webcast, May 19, 2020

How Family First Coronavirus Response Act and CARES Impact Your Business
Aurora Regional Chamber of Commerce, Webcast, April 15, 2020

COVID-19 and the Remote Workforce: What Employers Need to Know
Illinois Chamber of Commerce, Webinar, April 9, 2020

COVID-19 FINANCIAL ASSISTANCE: What Money is Available and How Can My
Business Get It?
Associated Builders and Contractors of Illinois, Webcast, April 9, 2020

The Current and Potential Effects of the Coronavirus on Employers, Employees,
and the Workplace
Clear Law Institute, Webcast, April 6, 2020

Human Resources Legal Advice You Need to Know Now
American Bus Association & USLAW Network, Webcast, April 3, 2020

COVID-19 Webinar Series: The Latest Local, State and Federal Mandates
Impacting the Workplace
Event, Presented by Amundsen Davis COVID-19 Task Force, March 18, 2020

Overview of New and Updated Illinois Laws
IL Chamber of Commerce New Laws Forum; Lisle, IL, December 4, 2019

Preparing for Tomorrow's Problems Today: Marijuana, Wellness, Benefits and
More
Event, Amundsen Davis, Seminar; Lombard, IL, September 25, 2019

Significant Illinois Legislation Changes Coming: Harassment and Discrimination
Illinois Chamber of Commerce, Seminar; Chicago, IL 60606, September 19, 2019

New Illinois Sexual Harassment and Discrimination Legal Updates
Speaking Engagement, Lorman Education Services; Webcast, September 18, 2019

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How to Document and Terminate in YOUR Industry
Event, Amundsen Davis, Webcast, August 21, 2019

Recreational Marijuana and the Construction Industry
Speaking Engagement, Finishing Contractors Association of Illinois; Webcast,
August 8, 2019

Institute for Law and the Workplace Employment Law Conference
Chicago, IL; Chicago-Kent College of Law, June 4, 2019

Protecting Your Customer Relationships and Competitively Sensitive Information
in Illinois
Illinois Chamber of Commerce, Webinar, December 5, 2018

Hiring and Firing: Doing it Right
Illinois Chamber of Commerce; Glen Ellyn, IL, February 27, 2018

Directives from the Board Room: Will Your HR Team Fail or Save the Day?
Amundsen Davis, Webcast; Chicago, IL, February 21, 2018

Employment Law Update for Businesses in Illinois and Indiana
Illinois Chamber of Commerce; Tinley Park, IL, July 27, 2017

Prevailing Wage in Illinois - What's Changed for Employers?
Illinois Chamber of Commerce; Springfield, IL, July 19, 2017

Properly Executing Non-compete Agreements in IL
Illinois Chamber of Commerce; Webinar, June 14, 2017

Supervisor Training for Effective Management
Illinois Chamber of Commerce; Naperville, IL, April 27, 2017

Women in the Workplace
Illinois Chamber of Commerce, Seminar; Glen Ellyn, IL, April 11, 2017

The New Administration: Impact on the Workplace Examined
Amundsen Davis, Seminar; Chicago, IL, February 16, 2017

New HR Laws Update
Illinois Chamber of Commerce; Webinar, January 31, 2017

Human Resource Law: What You Need to Know Now
National Business Institute, Seminar; Chicago, IL, December 5, 2016

New Laws Forum for Illinois Employers
Illinois Chamber of Commerce, Seminar, November 30, 2016

U.S. Department of Labor New Overtime Pay Rule
National Automatic Merchandising Association, Webinar, November 15, 2016

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ELECTION 2016: Impact on the Workplace Examined
Amundsen Davis, Webcast; Chicago, IL, November 10, 2016

2016 Employment Law Update for Illinois Employers
Illinois Chamber of Commerce, Effingham, IL, July 7, 2016

Encore Webinar-- DOL Publishes Final Overtime Rule: What You Need to Know!
Amundsen Davis, Webinar, June 22, 2016

Published Works

Time To Update Severance Agreements
Publication, *Hoosier Banker Magazine*, May/June 2023

Politicians Aim To Force Unionization In The Private Sector
The Illinois Manufacturer Magazine, August 2, 2021

New HR Laws Impacting Illinois Manufacturers
The Illinois Manufacturer Magazine, April 30, 2021

Illinois Employment Forms-Online Version
Publication, *Illinois Chamber of Commerce*, March 2021

COVID Fatigue? What You May Have Missed Related to Employment Laws
InTouch Magazine - NAMA, Summer 2020

Coronavirus... Tornadoes... Data Breach... Oh My! Is Your Workplace Prepared for
a Pandemic or Other Catastrophe?
InTouch Magazine - NAMA, Spring 2020

Illinois Employment Law Handbook - 5th Edition
Illinois Chamber of Commerce, 2019

New Year's Resolution for Operators Should Include an HR Checklist!
InTouch Magazine - NAMA, Winter 2019

Illinois Employment Law Handbook, 4th Edition
Illinois Chamber of Commerce, 2016

Blog Posts

Local and State Employment Law Update
Labor & Employment Law Update, June 6, 2024

State and Local Employment Law Update - Family Leave, Fair Labor Standards
Act, Religious Accommodations and More
Labor & Employment Law Update, May 2, 2024

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FTC Votes to Ban Non-Compete Clauses: What Does this Mean for Employers?
Labor & Employment Law Update, April 24, 2024

Time is Running Out on Illinois Employers --- Better Have Your PAID LEAVE Policy
in Place by 12-31-23!
Labor & Employment Law Update, December 18, 2023

Local and State Employment Law Update: Various Terms Redefined
Labor & Employment Law Update, June 27, 2022

Local and State Employment Law Updates: Wage Posters
Labor & Employment Law Update, March 11, 2022

Local and State Employment Law Updates: A Mass Issuance of New
Labor Posters
Labor & Employment Law Update, March 7, 2022

Local and State Law Updates: From Minimum Wage to Medical Marijuana
Labor & Employment Law Update, February 23, 2022

Local and State Law Updates: New Posters and Revised Legislation
Labor & Employment Law Update, January 27, 2022

Local and State Law Updates: California and Oregon Issue New Posters
Labor & Employment Law Update, January 21, 2022

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