

Becker Obtains Preliminary Injunction Enjoining Former Employees from Utilizing Allegedly Misappropriated Information

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Absent an employment agreement with a restrictive covenant or no-compete clause, one would think that a former employee could solicit their former employer's clients without any problem. While that would normally be the case, the former employees can't take or use confidential and proprietary information and trade secrets for their own self-enrichment and/or the enrichment of their new employer. And, while NY Courts do not grant the drastic relief of a preliminary injunction lightly, the Becker team was able to obtain this relief for their medical practice clients City Prime MSO LLC and Medinova Physicians LLC.

On November 26, 2019, Becker's medical practice clients were granted an emergency temporary restraining order (TRO) against former employees/defendants based on their alleged misappropriation and conversion of confidential and proprietary patient information and trade secrets for defendants' self-enrichment and the enrichment of their new employer's medical facility, and its owner.

Significantly, even though there were no employment agreements or restrictive covenants that controlled the parties' conduct, the Court's TRO enjoined defendants from using and/or disclosing confidential and proprietary information and trade secrets misappropriated from the plaintiffs' electronic medical record system and interfering with plaintiffs' relationships with its patients or employees.

On January 13, 2020, after oral argument, the Court granted Becker's motion for a preliminary injunction (and, in essence converted the TRO into a preliminary injunction).

A civil and criminal contempt hearing is scheduled for February 3 regarding the defendants' alleged violation of the TRO.

Becker's litigation team was led by [Glenn Spiegel](#) with [Gary Rosen](#), [Vincenzo Mogavero](#) and [James Mahon](#).

The case is *City Prime MSO LLC and Medinova Physicians PPLC v. Rafael Bueno, P.A., David Rivera, P.A., Sugar Hill Medical P.C., Konstantinos Zarkadas, M.D. Vieri Bueno Molina, Amanda Reynoso and Berky Cabrera* in the Commercial Division of the New York County Supreme Court before Hon. Andrea Masley.

About Becker

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