

**IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF
COUNTY, MISSISSIPPI**

PLAINTIFF

VS.

NO.

DEFENDANT

VERIFIED COMPLAINT

files this Complaint against for a temporary restraining order, a preliminary injunction, a permanent injunction, damages, and for costs and attorneys' fees.

PARTIES

1. The Plaintiff is an adult resident of County, Mississippi and is doing business as .
2. The Defendant is an adult resident of County, Mississippi, and may be served with process at , , , Mississippi.

JURISDICTION

3. This Court has jurisdiction of the subject matter and of the parties.

FACTS

4. is an unincorporated licensed business located at , Mississippi. The business is owned and operated by .
5. Between mid-20 and of the Defendant was employed by (""). Between 20 and 20 , the Defendant's daughter/son was also employed by .
6. and his/her husband/wife, are presently doing business as , a direct competitor of .
7. While employed by , owed a fiduciary duty to to act with the utmost good faith and loyalty and to act in the interest of, not contrary to the interest, of . As a fiduciary, was obligated to maintain and not violate the confidences and secrets of 's business, and to refrain from the misappropriation of tangible and intangible property belonging to , including but not limited to good will, customer lists, pricing sheets, proprietary computer-encoded information, software and business forms. This obligation survived the termination of and 's employment by , and required them to refrain at any time from converting to their own use confidential and proprietary business information and other property

of [redacted] to which they had no access or right of access apart from their employment relationship with [redacted].

8. While still employed by [redacted], [redacted] pilfered from [redacted]'s computer, on the premises of [redacted], customer names and addresses which he/she then surreptitiously passed along to [redacted] and [redacted] together with inventory and pricing information, suppliers and pricing information, computer software, business forms, and other confidential proprietary information of [redacted]. These acts were done pursuant to a civil conspiracy to accomplish the unlawful objective of competing unfairly with [redacted] through the vehicle of the business in which [redacted] and [redacted] had an interest, [redacted]. This wrongful conduct by [redacted] was unknown to [redacted] at the time it was occurring, but was subsequently discovered by him/her. Immediately upon committing these wrongful acts, [redacted] became a trespasser without consent to be upon the premises of [redacted] owned or controlled by [redacted]. Accordingly, the Defendant is liable for trespass, breach of fiduciary duty, and civil conspiracy.

9. [redacted] has additionally made false, defamatory and disparaging remarks about [redacted] and his/her business, and has proximately caused damage to [redacted] as a consequence of those remarks. He/She has knowingly made those remarks with intent to harm [redacted]'s business. On [redacted], 20 [redacted] the Defendant had delivered to [redacted] the libelous document attached as "Exhibit A" to this Complaint, which made further written defamatory allegations about [redacted], both personally and professionally. In this document, the Defendant further threatens that he/she will distribute 160 copies of this blatantly defamatory document to "courts, jury, builders, trim carpenters, vendors, agencies, banks, and individual customers." Such publication would cause immediate and irreparable harm to [redacted], personally and professionally. Accordingly, the Defendant is liable to [redacted] for commercial disparagement and defamation.

10. [redacted] is entitled to a temporary restraining order, a preliminary injunction, and a permanent injunction commanding [redacted] to immediately cease any distribution or mailing of any copies of the document identified as "Exhibit A," or any document [redacted] and [redacted] had an interest, [redacted]. This wrongful conduct by [redacted] was unknown to [redacted] at the time it was occurring, but was subsequently discovered by him/her. Immediately upon committing these wrongful acts, [redacted] became a trespasser without consent to be upon the premises of [redacted] owned or controlled by [redacted]. Accordingly, the Defendant is liable for trespass, breach of fiduciary duty, and civil conspiracy.

11. Pursuant to Ru1e 65 of the Mississippi Rules of Civil Procedure, the undersigned counsel of record for the Plaintiff certifies that he/she has made no efforts to provide notice to the Defendant, due to the nature of the Order sought, of his/her intention to file this Complaint and to bring on for hearing this Complaint for a temporary restraining order.

FOR THE STATED REASONS, the Plaintiff [redacted] demands judgment against the Defendant, and prays the Court:

- A. Award actual damages in an amount not less than \$ [redacted];
- B. Award punitive damages in an amount not less than \$ [redacted];
- C. Issue an immediate temporary restraining order, a preliminary injunction, and a permanent injunction commanding the Defendant to cease reproduction, distribution, and/or [redacted]

publication of the document identified as "Exhibit A" to this Complaint, or any other information or document directed at the personal or professional defamation of the Plaintiff; and

D. Award costs and attorneys' fees associated with pursuing this action.

This the day of , 20 .

Respectfully submitted,

Attorney for

Of counsel:

Telephone:
MSB #
Attorney for