

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

AND DEFENDANTS

COMPLAINT

NOW COMES , Plaintiff, (" ") and files its Complaint against Defendants, (" ") and (" ") and for cause of action would show unto the Court the following, to-wit:

1.

Plaintiff, , is a corporation organized and existing pursuant to the laws of the State of Mississippi, and having its principal place of business in County, Mississippi.

2.

The Defendants are:

(a) , a non-resident corporation organized and existing pursuant to the laws of the State of and authorized to do business in the State of Mississippi, having its principal place of business in County, Mississippi, and which may be served with process by serving its registered agent, ;

(b) , an adult resident citizen of the Judicial District of County, Mississippi, who may be served with process at .

3.

The cause of action hereinafter stated occurred and accrued in County, Mississippi.

4.

is engaged in the business of to end users of such consumer goods.

5.

In , the President of , met with , a representative of , at in , Mississippi. The meeting was conducted in order to discuss a potential purchase of business by .

6.

In conjunction with the meeting, _____ left with _____ certain financial statements and other private sensitive documentation concerning condition and business of _____.

7.

In _____, _____ received a telephone call from _____, another representative of _____, informing _____ that _____ was not interested in entering the business of _____, and would not offer to purchase _____.

8.

Shortly thereafter, in _____, _____ began attempting to recruit _____, a key employee of _____, to go to work for _____, in the business of sales of _____ in _____, Mississippi. _____ continued to try to lure _____ from _____ for several months, continuing to offer _____ more money and benefits.

9.

At all times material hereto, _____ was in a confidential relationship with _____ and owed _____ a fiduciary duty of good faith and fair dealing.

10.

In early _____, _____ asked _____ if he/she intended to continue his/her employment with _____ and was assured by _____ that he/she intended to continue as an employee.

11.

In _____, _____, _____, resigned from his/her employment at _____ and went to work for _____, substantially performing the same duties he/she had performed at _____ for _____.

12.

_____ and _____ have wrongfully misappropriated _____ trade secrets in the form of customer lists and bid computation procedures, all to the detriment of _____'s former employer, _____, to whom he/she owed a fiduciary duty, and in favor of _____'s new employer, _____, resulting in damage to _____.

13.

At all times, _____'s misappropriation of trade secrets has been conducted while in the course and scope of his/her employment with _____ and is liable for the actions of _____ its employee, _____, upon the doctrine of respondent superior.

14.

The customer list and bid computation methods of _____ constitute a confidential information of _____ as an employee and/or former employee, _____ had a high duty not to disclose such information to others to the detriment of _____. _____, while in the course and scope of his/her employment with _____ disclosed and utilized this confidential information to the detriment of _____ and the benefit of _____, causing damage to _____.

15.

Due to the wrongful conduct of _____ and _____, _____ has been damaged and will continue to suffer damage to its business, in the sum of \$ _____.

16.

The actions of _____ in requiring the confidential financial information pertaining to the business of _____ under the pretext of purchasing the business of _____, and then hiring the key employee of _____ and inducing him/her to breach his/her fiduciary duties owed to _____ were committed with willful and wanton disregard for the rights of _____, and _____ is entitled to recover punitive damages from Defendant, _____, in such sum as to be established by the Court upon a trial hereof.

WHEREFORE, PREMISES CONSIDERED, _____, sues and demands judgment against _____ and _____, jointly and severally, in the sum of \$ _____, and punitive damages against Defendant, _____, in such sum as will be established by the Court upon a trial hereof, together with its costs.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for