

**Adam D.H. Grant and Alexander S. Kasendorf win Anti-Slapp Motion**  
(July 5, 2011)

Adam D.H. Grant and Alexander S. Kasendorf prevailed on an Anti-Slapp Motion, saving the client time and money as the case moves forward.

Here's an overview:

The plaintiffs were shareholders of a company whose assets were purchased by our client. The plaintiffs sold their ownership interest in the company to our client and executed a Non-Compete Agreement. Our client soon discovered that the plaintiffs were violating the Non-Compete Agreement by competing with our client for a third party's business.

The plaintiffs failed to adhere to our client's demand to cease and desist and continued to act in violation of the Non-Compete Agreement. Mr. Grant quickly analyzed the dispute and crafted a cease and desist letter which mirrored case law, anticipating the plaintiffs may use the letter and the client's contact with the third party as the basis for a lawsuit.

The parties continued to disagree as to certain provisions of their contractual relationship and were unsuccessful in resolving their differences. On March 2, 2011, the plaintiffs filed a complaint including three causes of action for: (1) breach of contract, (2) interference with business relations and (3) unfair business practices.

The plaintiffs alleged that our clients interfered with their business relationships and committed unfair business practices by communicating with third-party customers regarding the plaintiffs' former relationship with our client. We filed an anti-SLAPP (Strategic Litigation Against Public Participation) Special Motion to Strike alleging that the conduct complained of by the plaintiffs was protected speech. We argued that the alleged interference arose from a protected activity, relying on the carefully crafted letter, and that the client's conduct arose in good faith and was related to a pending litigation.

The court agreed and struck down the second and third causes of action from the complaint. The court sustained every evidentiary objection we made, effectively eviscerating the plaintiff's opposition. The court also awarded our client over \$5,300 in attorney's fees and costs.