

U.S. Court of Appeals for the Second Circuit Rules in Favor of Client KLDDiscovery

April 2018

Williams & Connolly represented KLDDiscovery, a large e-discovery services firm, and its Chief Executive Officer in litigation with a competitor. The competitor filed three separate federal suits in Illinois, New York, and Virginia against four of its former salesmen, as well as the firm's clients for alleged breach of non-compete agreements, conspiracy, violations of the Computer Fraud and Abuse Act, and misappropriation of trade secrets. The cases were subsequently consolidated to the U.S. District Court for the Southern District of New York. The competitor-plaintiffs sought a preliminary injunction, permanent injunction, lost profits, punitive damages, and attorneys' fees. The parties engaged in substantial pre-hearing fact and expert discovery, and the Court held a three-day evidentiary hearing led by **Joe Petrosinelli**. On June 19, 2017, the Court denied the plaintiffs' motion for preliminary injunction.

In a later memorandum opinion explaining this result, the Court wrote that it is "unpersuaded that [KLDDiscovery] has done anything improper" and "concluded that plaintiffs had failed to show a likelihood of success on the merits on any of their claims against" KLDDiscovery. The Court also rejected all of the plaintiffs' legal arguments, observing: "In sum, [the plaintiffs'] motion for a preliminary injunction fails as to the facts and the law." On June 24, 2017, the Court entered an order dismissing with prejudice all claims against Williams & Connolly's clients.

On April 24, 2018, the U.S. Court of Appeals for the Second Circuit affirmed the dismissal order. **Bryan Wilson** argued the appeal for KLDDiscovery and its CEO.

The team representing KLDDiscovery and its CEO included **Joe Petrosinelli**, **Bryan Wilson**, **Ken Brown**, **Joshua Tully**, and **Michaela Wilkes Klein**.

Please click [here](#) to read a copy of the decision.

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