

Form 9. Complaint -- Injunctive Relief

[Caption and signature block as in Form 1]

Plaintiff alleges:

1. Plaintiff is a Utah corporation with its principal place of business in Salt Lake County, Utah.

2. Defendant is an individual who was employed by plaintiff corporation as an officer and director of marketing during the period _____ through _____.

3. At the time defendant began his employment with plaintiff, defendant executed an Employment Agreement which contained, among other things, a covenant whereby defendant agreed not to compete with plaintiff in its business within the State of Utah for a period of two years after defendant's employment with plaintiff terminated.

4. During the time defendant was employed with plaintiff, he had access to plaintiff's trade secrets and confidential customer lists and was also, through his direct contacts with plaintiff's customers, one of the key personnel in establishing the good will associated with plaintiff's business and products.

5. Defendant has left plaintiff's employ and has established a wholly owned business which competes directly in the State of Utah with the plaintiff's business in violation of the covenant not to compete contained in defendant's Employment Agreement with plaintiff.

6. As a result of defendant's breach of the Employment Agreement and specifically the covenant not to compete contained in the Employment Agreement, plaintiff is entitled to an order of this court effective for the pendency of the action and permanently restraining the defendant for a period of two years from the date of the termination of defendant's employment with the plaintiff from competing in any way with the plaintiff's business in the State of Utah.

7. Plaintiff will suffer irreparable harm unless the court issues a temporary restraining order and permanent injunction as requested by plaintiff.

8. Unless a temporary restraining order and an injunction is issued, the threatened injury to the plaintiff outweighs whatever damage the proposed order and injunction may cause the defendant.

9. The issuance of a temporary restraining order and injunction will not be adverse to the public interest.

10. There is a substantial likelihood that the plaintiff will prevail on the merits of the underlying claim or this case presents serious issues on the merits which should be the subject of further litigation.

Wherefore, plaintiff requests injunctive relief as follows:

A. An order of this court restraining the defendant from competing with the plaintiff's business in the State of Utah for a period of two years;

- B. For all costs of suit incurred, including reasonable attorneys' fees; and
- C. For such other relief as the court deems proper.