Templeton v. Creative Loafing Tampa, Inc., District Court of Appeal of Florida, 1989

FACT: In October 1988, Steppin' Out was purchased by the plaintiff, which publishes a local edition of its magazine in the Tampa Bay area known as Creative Loafing. A large portion of the purchase price consisted of the good will associated with Music. Approximately two weeks after the sale, on October 31, 1988, defendant resigned after 8 years of employment and started a competing magazine called Music Pulse. When he left Music, defendant had in his possession the advertiser and distribution lists he had kept at his former position, but he returned them to plaintiff a few days after he left.

Within ten days after leaving, defendant had the first edition of Music Pulse ready for publication. Most of the 80 to 100 advertisers in Music Pulse were the same merchants who had advertised in Music, and Music Pulse was distributed to many of the same establishments to which Music had been distributed.

Review the above two paragraphs. First, filter out facts that are not truly relevant. Second, state the facts more concisely. How would you describe the relevant facts to a close friend? Would you use these words?

Plaintiff sued defendant, seeking damages and injunctive relief against defendant for what plaintiff alleged to be defendant’s use of plaintiff’s trade secrets, consisting of the allegedly confidential information on the advertiser and distribution lists.

The trial court granted plaintiff’s motion for temporary injunction, finding that plaintiff had suffered irreparable harm as a result of defendant’s use of its trade secrets.

LEGAL ISSUE: Did the lists in question qualify as trade secrets if there is no evidence that they are the product of any great expense or efforts, that they are distillation of larger lists, or that they include information not available from public sources?

LEGAL RULE: The lists in question do not quality as trade secrets entitled to injunctive protection because there is no evidence that they are the product of any great expense or effort, that they are distillation of larger lists, or that they include information not available from public sources.

OUTCOME: Reversed with instructions to set aside the injunction entered herein.

Overall: Good first effort. But, I suggest that you spend some time honing the legal - legal!! - issue and the legal rule. Once those have been perfected, consider what facts are in fact relevant/important in light of the legal rule.