



JEFFREY SCHULTZ, CIPP/US

PARTNER

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Jeff Schultz is an experienced business litigator and trial lawyer who has extensive knowledge about the field of data security and privacy. This background led him to be named leader of the firm's Data Innovation, Security and Privacy practice area and co-chair of the Noncompete and Trade Secrets practice area. Further, Jeff is a Certified Information Privacy Professional (CIPP/US) through the International Association of Privacy Professionals and formerly served as chair of The Missouri Bar's Technology and Computer Law Committee.

As a litigator, Jeff routinely represents individuals and organizations across all industries in complex commercial disputes, including those involving the misappropriation of trade secrets, computer tampering, nondisclosure and noncompete agreements, commercial contracts and shareholder disputes. Jeff also assists clients in developing and implementing information protection strategies and responding to data-related incidents, including data breaches. He is a sought-after writer, speaker and advisor on the topics of noncompete agreements, trade secrets, computer tampering, data security and social media.

In addition, Jeff has authored a number of publications and has presented extensively on data security litigation, trade secrets law, noncompete and unfair competition law, e-discovery and commercial contracts.

TRADE SECRETS, DATA PROTECTION AND PRIVACY

When clients are faced with the theft of data or disclosure of confidential information, Jeff reacts quickly by developing and implementing strategies to control the situation and remedy the breach. He frequently seeks and secures temporary restraining orders and preliminary and permanent injunctions to help safeguard businesses and their information. In addition, Jeff routinely assists clients in opposing requests for injunctive relief.

Jeff also counsels clients in connection with the development and implementation of programs to safeguard against information theft and minimize risks that arise as their businesses grow. In addition, Jeff assists clients across all industries in responding to data breaches and other computer incidents, including advising clients and developing strategies to comply with statutory and regulatory notice, disclosure, and remediation requirements and interacting with regulators. As part of his practice, he closely follows issues that stem from the use of technology in today's fast moving environment, including laws governing cyber-behavior, privacy, and discovery.

SERVICES AND INDUSTRIES

Intellectual Property Litigation
Noncompete and Trade
Secrets
Litigation
Data Innovation, Security and
Privacy
Complex Commercial
Litigation
Emerging Companies
Consumer Products and
Services
Financial Services and Banking
Manufacturing and Innovation
Technology
Alternative Dispute Resolution
Employment and Labor
Technology Transactions
Franchising and Distribution
Health Care and Life Sciences
E-Discovery

ADMISSIONS

Missouri
Illinois
U.S. District Court, Eastern
District of Missouri
U.S. District Court, Western
District of Missouri
U.S. District Court, Southern
District of Illinois

NONCOMPETE, NONSOLICIT AND CONFIDENTIALITY AGREEMENTS

Jeff seeks and secures temporary restraining orders and preliminary and permanent injunctions to enforce noncompete, nonsolicitation, and confidentiality agreements. In addition, he routinely drafts noncompete, nonsolicit and confidentiality agreements and advises clients regarding the use of such agreements with employees and the acquisition or sale of businesses.

EDUCATION

- Washington University School of Law (J.D., 2004)
 - Washington University Journal of Law & Policy, Editor and Executive Board Member
 - Scholar in Law Award
- Truman State University (B.A., *magna cum laude*, 2001)
 - Phi Kappa Phi Honor Society

PROFESSIONAL ACTIVITIES

- The Missouri Bar
- American Bar Association
- Washington University School of Law (Alumni Executive Committee)
- The Missouri Bar—Technology and Computer Law Committee (Chair, 2013-2015)
- Theodore McMillian Inns of Court (Barrister Member, 2013-2015, 2017-2019)

CHARITABLE AND CIVIC INVOLVEMENT

- Boy Scouts of America (Emerging Leaders Network)

ACCOLADES

- Benchmark Litigation, Local Litigation Star in Commercial Litigation, Data Privacy and ICT and Software (2020-present)
- *The Best Lawyers in America*®, Commercial Litigation, Litigation - Patent, Trade Secrets Law (2018-present); Litigation - Intellectual Property (2021-present)
- [Missouri/Kansas Super Lawyers](#)®, (2020-present); Rising Star (2011-2019)
- "Up and Coming Lawyer," Missouri Lawyers Weekly (2012)
- W. Oliver Rasch Award Recipient for Outstanding Bar Journal Article from The Missouri Bar Foundation
- The Missouri Bar, "2011 Pro Bono Wall of Fame"
- The Missouri Bar's Technology & Computer Law Committee (Chair, 2011-2015)
- Theodore McMillian Inns of Court (Barrister member, 2013-2015, 2017-2019)

EXPERIENCE

Data Privacy, Antitrust and HIPAA Breach

Investigated and resolved matters involving violations of the Health Insurance Portability and Accountability Act (HIPAA), protected health information data breaches, and Office for Civil Rights (OCR) reporting and investigations, including the inadvertent misdirection of more than 1,500 patients' protected health information and the intentional disclosure by an employee of protected health information.

TRO Secured for Financial Client

Obtained a temporary restraining order for a wealth management firm against a former employee regarding the violation of a nonsolicitation agreement. The employee, who had provided services to approximately 300 households representing about \$50 million in assets, had signed a confidentiality and nonsolicitation agreement stating he would not directly or indirectly do business with or attempt to take away any of his employer's clients.

Acquisition of Franchise Restaurants

Represented a private investment firm in its acquisition of franchise restaurant outlets across multiple states. Handled the acquisition agreement and other operative documents, due diligence, franchise documentation and licensing.

Resolved Multinational Shareholder Dispute

Resolved a high-stakes dispute among the owners of a multinational group of companies that design, manufacture and distribute industrial equipment. The dispute involved the exercise of multiple, conflicting cross purchase provisions within governing corporate documentation as well as disputes over ownership of intellectual property and customer/vendor relationships.

Successfully Defended Packaging Company in Breach of Contract Case Following Acquisition

Successfully defended a packaging company against the alleged breach of a supply agreement entered into following the acquisition of a plastics manufacturing business from the plaintiff. Following the sale, the plaintiff continued to sell a specialty product, which would be manufactured by our client, and sought return of certain equipment used for its production. The suit was filed in state court in North Carolina, removed to federal court in North Carolina, then further transferred to U.S. District Court for the Eastern District of Missouri. Our client filed counterclaims and third-party claims for fraud in connection with the supply agreement. Our client filed a separate action for fraud in connection with the sale of the plastics manufacturing business against the plaintiff and its principals in U.S. District Court for the District of Delaware. All claims were resolved after mediation for a nominal payment and non-monetary terms.

Successfully Defended Pet Food Brand in Misappropriation of Trade Secrets Case

Successfully defended a pet food company against misappropriation of trade secrets claims. Two of the plaintiff's employees were terminated by the plaintiff and went on to work for a competitor after developing a new type of packaging to supply to our client. At the same time, the competitor was in the process of developing replacement packaging to supply to our client. Our client moved its business to the competitor and the plaintiff filed suit in U.S. District Court for the Western District of Missouri against

our client, the two former employees and the competitor. Armstrong Teasdale defended the lawsuit by, among other things, challenging the plaintiff's characterization of the allegedly misappropriated information as trade secrets. At mediation, the plaintiff agreed to settlement by dropping its claims and requesting a nominal payment from our client pursuant to a raw materials agreement for materials not used by the plaintiff before the relationship was terminated.

\$35 Million Sale of Industrial Site

Represented the seller in the complex sale of a 1,300-acre industrial property for \$35 million. The firm also represented the client in its purchase of the site three years earlier, which included handling several lawsuits inherited in the purchase.

Defense against Computer Tampering Claims

Defended client against alleged violation of computer tampering statute, and coordinated interaction with investigative agency and prosecutor's office. As a result, all charges against the client were dropped.

Dismissal of \$1 Billion Class Action Claim

Successfully defended the operator of a commercial website against a putative class action involving alleged interception of an online customer's personal information, including credit card information, and disclosure of that information to third parties without the customer's consent. The plaintiff argued that this information, which was stored in a browser file before being sent to the website, was not yet a communication to website and that the interception and transmission of that information via JavaScript commands was illegal under the Wiretap Act. The court agreed with the website operator's arguments and dismissed the action. Plaintiff's counsel was seeking over \$1 billion in damages, making this a significant victory.

Resolution in Corporate Control Dispute Involving LLC

Successfully compelled defendant to resolve a corporate control dispute concerning a limited liability corporation (LLC). We filed suit on behalf of our client to invalidate a sweetheart lease and undo other self-dealing transactions by the manager of the LLC, as well as dissolve the LLC. Following a year of litigation, the manager purchased the client's interest in the LLC on very good terms for the client.

Successful Defense of Client in Trade Secret Claim

Successfully defended a construction industry client in a trade secret claim wherein the Federal Court in Washington transferred the case on a venue motion to a Federal Court in California. The parties settled the case soon after transfer.

Successfully Defended Business Executive in \$33 Million Fraud Action

Successfully defended a business executive in a fraud action seeking more than \$33 million. This was an important and hard-fought dispute in which the executive's ex-spouse sued the executive and two of the ex-spouse's former lawyers for allegedly defrauding the ex-spouse out of significant assets. After obtaining key admissions during deposition, moved for summary judgment. The Court agreed with all arguments and issued an order granting summary judgment on the entirety of the ex-spouse's claims.

Summary Judgment for Services Contractor in Breach of Contract Case

Obtained summary judgment for services contractor in a significant breach of contract case. The resolution allowed the client to negotiate a favorable resolution with its business counterpart.

Won Preliminary Injunction for Wine and Spirits Industry Supplier in Trade Secret, Noncompete Case

Won a preliminary injunction following a three-day federal bench trial for a large supplier of materials used in wine and spirits industry. Protected trade secrets and enforced noncompete, and recovered fees for client.

Defense of Officers, Directors in Securities Investigations

Participated in the defense of former officers and directors of publicly held government support manufacturer in securities investigations by federal and state authorities.

Won TRO in Federal Court for Aviation Business

Won a temporary restraining order (TRO) in federal court on behalf of an aviation business in a trade secret case against a former high-level executive.