

## INEVITABLE DISCLOSURE DOCTRINE CASE

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In the January 2000 issue of the *Employment Law Reporter*, we featured a California Appeals Court decision, *Electro Optical Industries, Inc. v. Stephen White*, 76 Cal.App.4th 653 (1999), that adopted the "inevitable disclosure doctrine" in California for the first time. The decision appeared to offer California employers more hope for protecting against the possible misuse of trade secrets by former employees.

Unfortunately, the California Supreme Court recently decertified the decision. (See, 2000 Daily Journal D.A.R. 3812, April 14, 2000) This means that the California Supreme Court has determined that the Electro decision should not be included in the case books and therefore cannot be cited as authority in a court of law.

California courts have traditionally ignored the inevitable disclosure doctrine, pointing out that "... it is not the law in California" even though it has been recognized by a number of other jurisdictions throughout the country. While the California Supreme Court's decision may be disappointing to California employers, it is probably not the end of the story. We will keep you advised of any further developments regarding this topic.

### PROFESSIONALS

Kelly O. Scott

### PRACTICE AREAS

Employment