

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

PATRICK O'HARA AND WALLACE
SCHAEFER

NO. 2014 CW 1436

VERSUS

GLOBUS MEDICAL, INC. AND
VORTEX SPINE, LLC

NOVEMBER 3, 2014

In Re: Patrick O'Hara and Wallace Schaefer, applying for
supervisory writs, 19th Judicial District Court, Parish
of East Baton Rouge, No. 630148.

BEFORE: KUHN, PETTIGREW AND WELCH, JJ.

WRIT GRANTED IN PART; STAY GRANTED. The district court erred in determining that the validity of the no competition and non-disclosure agreements ("NCND agreements") executed by plaintiffs, Patrick O'Hara and Wes Schaefer, is governed by Pennsylvania law rather than Louisiana law. See La. Civ. Code art. 14 and La. R.S. 23:921(A)(2) and 23:921(C). We grant plaintiffs' writ application in part and remand this matter for the district court to determine the validity of these agreements pursuant to Louisiana law. While the district court's determination is pending, the following paragraphs of the "Agreement" section of the September 29, 2014 Amended Order of Preliminary Injunction are stayed: Paragraph 1 (addressing the terms of the No Competition Covenant contained in the NCND agreements), Paragraph 2 (addressing the terms of the No Solicitation Covenant contained in the NCND agreements), Paragraph 4 (enumerating doctors/entities that would not be solicited or contacted by plaintiffs), and Paragraph 6 (addressing the time period in which the consent preliminary injunction would remain in effect). In all other respects, the writ is denied.

**JEW
JEK
JTP**

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DEPUTY CLERK OF COURT
FOR THE COURT