



COURT OF CHANCERY
OF THE
STATE OF DELAWARE

J. TRAVIS LASTER
VICE CHANCELLOR

New Castle County Courthouse
500 N. King Street, Suite 11400
Wilmington, Delaware 19801-3734

September 19, 2011

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RE: *Geovesi Holdings, Ltd. v. Bisson, et al.*, C.A. No. 6780-VCL

Dear Counsel:

Plaintiff Geovesi Holdings, Ltd. (“Geovesi”) purchased certain assets of Earthwater Global, LLC (“EW Global”) as part of a court-ordered liquidation. The purchased assets include “all employment, non-disclosure agreements and confidentiality agreements entered into by [EW Global].” Geovesi has moved for a preliminary injunction to enforce the non-compete and no solicitation provisions in an employment agreement between EW Global and defendant Robert Bisson (the “Employment Agreement”). Having carefully considered Geovesi’s application, I have concluded that the record does not provide adequate grounds to grant the requested relief.

Two issues give me pause. Bisson has alleged in pending litigation in Virginia and in a demand for arbitration that Geovesi competes with Bisson and one of his entities. Geovesi relies exclusively on these allegations to establish competition in violation of the Employment Agreement. Although these generalized allegations are admissible evidence of competition, they do not provide a sufficient evidentiary foundation, standing alone, to support injunctive relief. On this issue, Geovesi has not carried its burden.

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Geovesi similarly has not carried its burden regarding Bisson's alleged solicitation of protected employees. Geovesi refers to names mentioned on Bisson's website and makes a generalized allegation about other solicitation efforts. Bisson responded with an affidavit explaining the names listed on his website and denying any prohibited solicitations. On the present record, I cannot predict with any degree of confidence how this issue would be resolved at trial, making it inappropriate to issue injunctive relief.

The parties have raised a potpourri of other factual and legal issues. Because I cannot grant the requested injunction on the present record, I do not reach any of the other questions presented. Geovesi's motion is denied.

Sincerely yours,

/s/ J. Travis Laster

J. Travis Laster
Vice Chancellor

JTL/krw