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Navigating Restrictive Covenants in Private Equity

PE Pathways

SPEAKERS

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PE Pathways, hosted by attorneys from our Private Equity practice, is a podcast series where experienced dealmakers share their thoughts on current private equity and M&A trends and developments. Stay informed about the latest market trends, regulatory changes, and innovative investment strategies that are shaping the future of private equity. Tune in to listen as our discussions delve into the intricacies of the private equity industry, with topics around deal sourcing and due diligence; portfolio company management; fund formation and compliance; tax and employment issues; and exit strategies among others.

In this episode of *PE Pathways*, Nick Stawasz and Tracey Diamond discuss restrictive covenant agreements (RCAs) in private equity transactions. Key points of discussion include the impact of the injunction of the FTC's proposed rule on non-competes, variations in state laws regarding RCAs, the reasonableness of non-competes in business transactions, alternative protections like non-solicitation and confidentiality agreements, the importance of protecting trade secrets, and the need for private equity firms to tailor and update restrictive covenants for each acquisition. In addition to appearing on this episode, Tracey also co-hosts the firm's labor and employment-focused podcast, "[Hiring to Firing](#)," where she explores pressing labor and employment law issues and offers unique perspectives inspired by pop culture, hit shows, and movies.

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