

Press Coverage | January 25, 2023

Will Noncompete Ban Pave Way for Similar Assault on NDAs?

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Stephen Piepgrass, leader of Troutman Pepper’s Regulatory Investigations, Strategy + Enforcement (RISE) Practice Group, was quoted in *Law.com*’s January 25, 2023 article, [“Will Noncompete Ban Pave Way for Similar Assault on NDAs?”](#)

“From a regulatory perspective it’s a logical extension of the restrictions ... that the federal government is enacting,” said Stephen Piepgrass, a partner at Troutman Pepper Hamilton Sanders.

“State attorneys general are the ones who tend to push the regulatory envelope and look for new legal theories to bring consumer protection claims. This is very much in line with that.”

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Piepgrass said that as such laws pass at the state and national level, regulators will naturally wonder whether they should restrict NDAs in other cases.

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Piepgrass said he sees that case as an example of the enthusiasm he’s seeing among attorneys general to be on the forefront of bringing novel consumer protection claims.

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Even if the pressure comes only from states, rather than the federal government, companies will need to take it seriously, Piepgrass said.

“Often, state agencies will be the ones to bring aggressive action, even more so than the FTC,” Piepgrass said. “Sometimes, they’ll take novel legal theories and run with them in their investigations.”

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