

FTC Fails 1st Test Of Rulemaking Push In Noncompetes Loss

In the News

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In the Law360 article, “FTC Fails 1st Test Of Rulemaking Push In Noncompetes Loss,” partner Tom Muccifori, chair of Archer’s Trade Secret Protection & Restrictive Covenants, commented on the Federal Trade Commission suffering its first definitive loss in the push to ban employment noncompete agreements. U.S. District Judge Ada E. Brown’s ruling means that the ban won’t go into effect Sept. 4 as planned, the decision gives the U.S. Chamber of Commerce a clear win on its bid to stop the FTC in its tracks on efforts to expand rulemaking beyond its normal consumer protection realm.

In the article, Tom is quoted as saying that while the FTC faces a tough appeal, it has little choice but to challenge its loss, pointing to the agency’s mandate to tackle noncompetes under a sweeping executive order from President Joe Biden. “This was their attempt to come out and extend the FTC’s reach beyond their traditional consumer protection hat, and they lost.”

In a separate article from Axios.com, “The future of the noncompete ban isn’t totally bleak,” Tom refers to U.S. District Judge Ada E. Brown’s ruling saying after that decision there’s “no way the FTC ban survives.”

See below for links to both articles. A subscription may be needed to view.

[FTC Fails 1st Test Of Rulemaking Push In Noncompetes Loss](#)

[The future of the noncompete ban isn’t totally bleak](#)

Related People



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