



## Michael Greco's "Twas the Night Before Christmas" Featured In Bank Of America's Small Business Community Newsletter

News

12.17.13

A poem by Michael Greco was featured on Bank Of America's Small Business Community newsletter and Vistage.com

Michael "Twas the Night Before Christmas" poem serves as a caution to business owners, according to Bank of America.

Michael drafted the piece to provide humor, but to subtly express the seriousness of the topic.

*Twas the night before Christmas, when all through the company*

*A disgruntled employee kept saying "please jump with me."*

*She was trying to line up a grand, mass departure;*

*Of which she was certain no one could outsmart her.*

*Her files had been copied, her clients all contacted;*

*She'd consulted a lawyer 'bout things she had contracted.*

*He said that her covenants were quite overbroad;*

*Of this she was certain, they'd all be deemed flawed.*

*She proceeded to upload the secrets she'd learned;*

*On to flash drives, and emails and discs she had burned.*

*With not one regret, she reamed out her boss;*

*Quite sure she'd not erred, it would soon be his loss.*

*With eyes all upon her, out the door she receded;*

*Two colleagues joined with her, at least that's what she tweeted.  
The office was stunned, and management surprised;*

*No one had foreseen that they'd soon be downsized.*

*"Let's call up the lawyers. What options have we?*

*We'll file a lawsuit, and then she will see!*

*Without our permission, our computers she hacked!*

*This must run afoul of the Computer Fraud & Abuse Act."*

*"We must stop her now, her acts are illicit.*

*Without an injunction, our clients she'll solicit.*

*And don't forget the others who joined her, you see;*

*Together they formed a civil conspiracy."*

*"Hold your horses," say the lawyers, "don't get carried away.*

*Let's pull out their contracts and see what they say.*

*But where are they kept? We've got piles and piles.*

*For sure they'll be found in personnel files."*

*"Let's draft the complaint, and seek an injunction.*

*The defendants, you see, acted without compunction."*

*The Court set a hearing, the plaintiff went first.*

*"Your Honor, it's horrible, obscene and the worst!!"*

*"She's taken our staff, our trade secrets, purloined;*

*She must be shut down, she must be enjoined!*

*In her contract she promised, she swore, she agreed.*

*The protections we seek are all guaranteed."*

*"She may not solicit It's in simple prose*

*One may not secret it in simple prose.*

*She may not take secrets, or use or disclose.*

*But even without the help of contract;*

*Her conduct defies the trade secrets act."*

*The lawyer sat down, feeling smart, feeling pleased;*

*The defense will be begging, they'll get down on their knees.*

*So the court turned to the left where defense counsel sat;*

*And asked, "My dear sir, what do you say to that?"*

*"Your Honor, you see, they've got it all wrong.*

*Just hear me out, this won't take too long.*

*The data at issue are far from trade secrets.*

*You'll find it in public, in brochures and on leaflets."*

*"The contract is void, it lacks consideration.*

*And the covenants purport to cover the nation.*

*My clients, they acted at all times with great reason.*

*In contrast, the plaintiffs use contracts adhesion."*

*Defense counsel sat, while the court thought about it;*

*Parsing through the arguments each party had spouted.*

*And finally the court was ready to rule;*

*To give its decision at this time of Yule.*

*"First let me address the non-compete clause;*

*Please wait 'til I'm finished; please hold your applause.*

*The non-compete is too onerous, it's unreasonable;*

*But I find that the covenants are quite severable "*

*But I find that the covenants are quite overbroad.*

*Defendants have breached the clause nondisclosure;*

*Confidential information – indecent exposure.*

*And let's not forget the non-solicitation;*

*That covenant is of reasonable duration.”*

*“So I’m going to issue a restraining order;*

*Please take this down, my dear court reporter;*

*A bond shall be posted at ten thousand dollars;*

*I say this to both parties and their legal scholars:*

*Explore resolution. Think how not to fight.*

*Merry Christmas to all, and to all a good night.”*

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