

Nexsen Pruet Highlighted in Media for Trade Secrets Case

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Nexsen Pruet employment attorneys Nikole Mergo, Jennie Cluverius, and Jimmy Byars were featured in *Law360* for their representation of Nephron Pharmaceuticals in a considerable trade secrets case.

The article, "Pharma Cos. Held in Contempt In Trade Secrets Case" details Nephron Pharmaceuticals Corp. et al. v. Hulseley et al., and the recent decision by a federal court to hold U.S. Compounding and its parent, Adamis Pharmaceuticals, in civil contempt for violating an injunction regarding trade secrets that Nephron Pharmaceuticals claims were misappropriated. Led by Columbia Office Managing Partner Nikole Mergo as lead trial counsel, Nexsen Pruet has represented Nephron Pharmaceuticals Corp, Nephron S.C. Inc., and Nephron Sterile Compounding Centers, LLC since the suit was filed in 2018. Local counsel is Mary Ruth Houston of Shutts & Bowen LLP in Orlando.

Excerpt

A Florida federal court has held U.S. Compounding Inc. and its parent, Adamis Pharmaceuticals Corp., in civil contempt for violating an injunction regarding trade secrets that Nephron Pharmaceuticals Corp. claims they misappropriated through two of its former employees, saying the injunction was clear and unambiguous and covers the alleged violations.

U.S. District Judge Gregory A. Presnell fully adopted a magistrate judge's report and recommendation in his Monday order and found the two companies in civil contempt for failing to abide by a preliminary consent injunction the parties agreed to at the outset of Nephron's lawsuit.

Judge Presnell awarded Nephron recovery of attorney fees and costs it incurred investigating and pursuing its contempt bid; ordered the defendants to comply with requirements to preserve Nephron trade

secrets in their possession and to bear the costs of any forensic investigation and preservation; and imposed a coercive daily fine until they prove they are in full compliance. The judge also set an April 6 evidentiary hearing to determine the amounts of the sanctions.

"As I stated at the hearing on this matter, this was a serious motion and it was filed in order to continue to protect Nephron's trade secrets and confidential business information, which goes to the heart of its business," Nephron's lead trial counsel, Nikole Setzler Mergo of Nexsen Pruet LLC, told Law360 on Wednesday. "We are very pleased that the court agreed with Nephron that U.S. Compounding and Adamis Pharmaceuticals violated the consent preliminary injunction and should be held in civil contempt for their actions."

To read a PDF of the full article, [click here](#).

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