

Press Release

Freeborn Secures New Victory for Brown & Brown Insurance over Competitor's Restrictive Covenants Violations

CHICAGO – Jan. 19, 2017 – [Freeborn & Peters LLP](#) is pleased to announce the latest in a string of victories for its client Brown & Brown, Inc. (NYSE: BRO), an independent insurance intermediary, against AssuredPartners Inc. (AP) in a lawsuit over violations of the restrictive covenants of former Brown & Brown employees hired by AP.

On Tuesday, Judge Christopher France of the Seventh Judicial Circuit in Volusia County, Fla., issued an order granting Brown & Brown's motion for issuance of an order for the defendants to show cause why they should not be held in contempt for their repeated violations of the Court's temporary injunction issued against AP on Oct. 24, 2016. The hearing for the defendants to demonstrate why they should not be held in contempt of Court is set for March 2.

"This new Court order is a significant next step in ensuring that Brown & Brown's restrictive covenants continue to be valid and enforceable for protecting Brown & Brown's legitimate business interests in those covenants," Mr. Kelly said. "We have provided the Court with evidence of the defendants' blatant disregard for its order and continuing violations of the restrictive covenants. The Court has acknowledged that evidence, and now the defendants must appear before the Court and show cause and present evidence on why the Court should not hold them in contempt for their repeated violations."

The Court ruled in October that there is sufficient evidence that AP, and certain former Brown & Brown employees hired by AP, violated the valid and enforceable restrictive covenants in Brown & Brown's employee contracts and that Brown & Brown has a substantial likelihood of prevailing on the merits of its case against AP and its employees.

The Court's October ruling also prohibited AP from accepting Agent of Record (AOR) letters on any Brown & Brown accounts while the injunction is in place and directed AP to divest itself of accounts already procured and subject to this case. However, according to [Michael J. Kelly](#), a Freeborn partner and counsel for Brown & Brown in this case, since the October ruling and following a November hearing on alleged violations of the temporary injunction, the defendants have continued to violate Brown & Brown's restrictive covenants, as well as the Court's order not to solicit or service former customers of Brown & Brown. Mr. Kelly said the defendants also have not followed the Court's order to divest themselves of the accounts they procured that are subject to this case.

Brown & Brown has alleged that AP, along with its senior executives Jim W. Henderson (CEO) and Thomas E. Riley (COO), hired away top sales and support staff from Brown & Brown to join AP and assisted the former Brown & Brown employees in violating the restrictive covenants set out in their employment agreements, resulting in the loss of Brown & Brown customers, goodwill and advantageous business relationships to AP. The former Brown & Brown employees are Brian E. Lindahl, Phillip L. Masi,

Negar Sharifi, Michael A. Randall, Richard T. Schwarz, II, Kathryn E. Bloodwell, Jennica A. Mandarano and Danielle Mattson.

In its October ruling, the Court specifically found that Lindahl, Randall, Schwarz, Masi, Sharifi and Mandarano serviced or are working with former customers of Brown & Brown while employed at AP, in violation of the restrictive covenants contained in their employment agreements, and that AP, Henderson and Riley assisted the violations and therefore entered the temporary injunction as to AP, Henderson, Riley, Lindahl, Masi and Sharifi.

Freeborn partner [Katheleen A. Ehrhart](#) also represents Brown & Brown in this case, along with Thomas Leek and Kelly Parsons Kwiatek of the Daytona Beach law firm of Cobb Cole.

ABOUT FREEBORN & PETERS

Freeborn & Peters LLP is a full-service law firm, headquartered in Chicago, with international capabilities. Freeborn is always looking ahead and seeking to find better ways to serve its clients. It takes a proactive approach to ensure its clients are more informed, prepared and able to achieve greater success – not just now, but also in the future. While the firm serves clients across a very broad range of sectors, it has also pioneered an interdisciplinary approach that serves the specific needs of targeted industries, including food, healthcare, transportation, private equity and venture capital, and insurance and reinsurance.

Freeborn is a firm that genuinely lives up to its core values of integrity, effectiveness, teamwork, caring, and commitment, and embodies them through high standards of client service and responsive action. Its lawyers build close and lasting relationships with clients and are driven to help them achieve their legal and business objectives.

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