

Kevin Goldstein Discusses the Block on FTC Noncompete Ban with *The New York Times*

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Winston & Strawn partner Kevin Goldstein spoke with The New York Times to discuss a federal judge's decision to uphold a challenge to the Federal Trade Commission's (FTC) ban on noncompete agreements, blocking it from taking effect nationwide in September as scheduled. Judge Ada Brown of U.S. District Court for the Northern District of Texas ruled that the agency lacked authority to issue substantive rules related to unfair methods of competition, and that the noncompete rule was arbitrary and capricious because it would have prohibited entering or enforcing virtually all noncompetes nationwide, instead of targeting specific harmful noncompetes.

Following the FTC's vote to adopt the noncompete ban in April 2024, a tax firm and multiple business groups sued to block the rule, asserting that the FTC lacks constitutional and statutory authority to adopt the rule and argued that the ban would limit their ability to protect trade secrets and confidential information.

"Many businesses will welcome the reprieve, but the uncertainty continues as the fight now moves to the appellate courts," Kevin said.

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