

[Company Letterhead / Sender Address]

[Date]

[Recipient Name]

[Recipient Title]

[Organization Name]

[Address]

RE: Advisory Notice Regarding Post-Termination Non-Compete Enforceability

Dear [Name],

We are writing to formally advise you of several "red flags" identified regarding the enforceability of the post-termination non-compete covenants currently in place for [Employee Name/Group of Employees].

Upon review of the existing agreements and current legal standards, the following areas of concern have been identified:

- **Geographic Scope:** The restricted territory may be considered overly broad or not reasonably linked to the actual area of business operations.
- **Duration of Restraint:** The [Number]-month/year restriction period may exceed what is necessary to protect legitimate business interests.
- **Definition of Prohibited Activity:** The current language may be interpreted as an industry-wide ban rather than a specific protection against unfair competition.
- **Legitimate Business Interest:** There is a lack of documented evidence regarding specialized training or unique trade secrets that justify the current level of restraint.
- **Regulatory Shifts:** Recent changes in [State/Jurisdiction] law and federal agency guidelines (e.g., FTC/NLRB) significantly impact the validity of these clauses.

In light of these red flags, we recommend a formal review of these covenants to mitigate the risk of judicial blue-penciling or total invalidation. Continued reliance on the current language may lead to unsuccessful litigation and potential counterclaims.

Please contact [Department/Name] by [Date] to discuss the necessary amendments or strategy adjustments.

Sincerely,

[Your Signature]

[Your Printed Name]

[Your Title]