

Supreme Court of the State of New York

Appellate Division, First Judicial Department

Present – Hon. Dianne T. Renwick,  
David Friedman  
Lizbeth González  
Martin Shulman  
Bahaati E. Pitt,

Justice Presiding,  
  
  
  
  
Justices.

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Excel Sports Management, LLC,  
Plaintiff-Appellant,

Motion No. 2022-01718  
Index No. 651043/2022  
Case No. 2022-01640

-against-

Sealed

Eric Eways and Klutch Sports Group, LLC,  
Defendants-Respondent.

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An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 13, 2022, which, among other things, denied plaintiff’s motion for a preliminary injunction seeking to enforce defendant Eways’ employment agreement,

And plaintiff-appellant having moved for a preliminary appellate injunction enjoining defendant-respondent Eways from working at defendant-respondent Klutch Sports Group, LLC in accordance with Eways’ employment agreement with plaintiff, dated January 25, 2018, for a period of eight (8) months from the date of this order, pending the hearing and determination of the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent that a preliminary appellate injunction is granted prohibiting defendant Eways from working for defendant Klutch Sports Group LLC, and defendant Klutch Sports Group, LLC from employing defendant Eways, and prohibiting Eways, Klutch Sports Group, LLC and their employees, officers, agents, subsidiaries or affiliates from disclosing, using, referencing or relying on any confidential, proprietary or trade secret information misappropriated from plaintiff, pending the hearing and determination of the appeal or October 15, 2022 (eight months from the date of Eways' February 15, 2022 resignation), whichever occurs first, on condition the appeal is perfected for the September 2022 Term.

ENTERED: May 26, 2022

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas  
Clerk of the Court