

Are Noncompetes With Independent Contractors Enforceable?

An article on the website of **Fisher & Phillips** discusses the question: Will a noncompetition agreement be enforceable against the independent contractor?

The Eighth Circuit recently addressed this question in *Ag Spectrum Co. v. Elder*. In that case, Ag Spectrum contracted with Vaughn Elder to work as an independent contractor and entered into a three-year noncompete agreement.

“Elder argued that the agreement was unenforceable under Iowa law. He argued that because he was an independent contractor the noncompete was unenforceable per se. The district court granted Elder summary judgment on this basis, and Ag Spectrum appealed,” according to the article.

“The Eighth Circuit affirmed but on an alternative basis. The noncompete was not unenforceable per se but it was unreasonable under the circumstances.”

Read the article.

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