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California-Specific Protections That Surprise Out-of-State Counsel

Grand Park Law Group · 2026



A. **Lab. Code § 925 — Forum and Choice-of-Law Voidance**

California Labor Code section 925 prohibits an employer from requiring a California-resident employee, as a condition of employment, to agree to (1) a non-California forum for California-arising disputes or (2) application of non-California law. Cal. Lab. Code § 925(a). Violating provisions are voidable at the employee's election; if voided, the dispute proceeds in California under California law and the employee is entitled to attorney's fees. *Id.* § 925(b)–(c).

Section 925 carves out agreements where the employee was "individually represented by legal counsel in negotiating the terms." *Id.* § 925(e). Entertainment deals frequently rely on this carve-out — but the burden is on the employer to establish counsel representation in fact.

B. **Bus. & Prof. Code § 16600 — Restraint-of-Trade Prohibition**

California Business and Professions Code section 16600 voids "every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind," subject to narrow exceptions for sales of business goodwill and dissolution of partnerships or LLCs. Cal. Bus. & Prof. Code § 16600. The 2024 amendments (AB 1076, SB 699) reinforced and expanded the prohibition, requiring employer notice to current and former employees who had been bound by void non-competes and creating a private right of action for violations.

In the entertainment context, § 16600 voids non-competes in talent agreements, manager agreements, and producer-services agreements. It does not void reasonable confidentiality covenants, trade-secret protections, or non-solicitation-of-trade-secret provisions. The line between an unen-

forceable non-compete and an enforceable trade-secret protection is often the principal drafting battleground.

c. The Anti-SLAPP Statute (CCP § 425.16) in Industry Disputes

California Code of Civil Procedure section 425.16 — the anti-SLAPP statute — provides a special motion to strike claims arising from "any act … in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue." Cal. Code Civ. Proc. § 425.16(b)(1). The statute applies to four categories of protected activity, including statements made "in a public forum in connection with an issue of public interest" and "any other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest." *Id.* § 425.16(e).

In entertainment disputes, the statute is invoked in (1) right-of-publicity cases against expressive works; (2) defamation cases arising from talk-show or podcast statements; and (3) contract and tort cases touching on creative expression. The two-step analysis: the defendant shows the claim arises from protected activity; the plaintiff must then establish a probability of prevailing. *Id.* § 425.16(b)(1). The prevailing defendant is entitled to mandatory attorney's fees. *Id.* § 425.16(c). Anti-SLAPP motions front-load summary-judgment-grade scrutiny to the pleadings, with discovery stayed. *Id.* § 425.16(g).

Practice	Entertainment & Talent
Topics	Section 925 · Non-Compete · Anti-SLAPP
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