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By CP Staff

## Spa Wars

A chic Uptown salon plays hardball with its ex-employees

By **Mike Mosedale** Wednesday, Oct 4 2000

Text Size: **A** **A** **A**

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Since September 1, when she opened her specialty skin-care shop, **Autumn Williams** has been busy tending to the little details. Appearances, after all, are important in the beauty racket. Her shop, the Refinery, is housed in a smallish warren of rooms in the second story of an old store in Dinkytown. It has a clean, spare feel. A fresh coat of yellow paint covers the walls. Tasteful, natural slate countertops have been installed. Brand-new linoleum flooring has been laid. The tools of the trade are on display as well: three brand-new massage tables, a \$1,000 facial steamer, and row after row of carefully arranged bottles of exfoliants, creams, and lotions. All told, the 29-year-old Williams figures she has invested some \$10,000 in start-up costs. And so far, she says, business has been reasonably good. "I can't complain. I covered the rent the first month, and that's a start," she says enthusiastically. "Of course, it takes awhile for word to get around."

But Williams's efforts to drum up more business (most of which, she says, has consisted of "waxing sorority girls from the U") have taken a back seat to a more pressing concern. For the past three months, Williams has been fighting off a legal assault from **Tom Schmidt's** Urban Retreat, the prestigious Minneapolis salon and day spa in the Uptown neighborhood, where Williams previously made a living. The David-and-Goliath courtroom wrangle, which is now bound for the **Minnesota Court of Appeals**, has



Chrysa Otto

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produced a blizzard of allegations from both sides, including accusations of broken contracts, stolen customer lists, defamation, and sexual harassment. In the latest twist, Urban Retreat is suing Williams and former Urban Retreat employee **Fiona Burr** for using their own names in a two-line advertisement. "Autumn and Fiona, now at the Refinery," read the classified ad, which ran in *City Pages* on August 30.

In the view of **Joanne Turner**, one of Urban Retreat's lawyers, the advertisement violated a court order that barred Williams from seeking out Urban Retreat's clientele. "Our position is that unless you dealt with Autumn Williams or Fiona Burr at Urban Retreat, the names Autumn and Fiona would mean nothing to you," explains Turner. "That ad was directly aimed at Urban Retreat customers." For her part, an exasperated Williams argues that this is just another legal ploy designed to run her out of business. "Now they're telling me I can't use my own name? It just doesn't make sense," she says.

The first salvo in the messy dispute was fired in late May, shortly after Williams announced her intention to leave Urban Retreat. She had worked as an esthetician (industry jargon for a skin-care specialist) at the chic Lake Street salon for three years, but had become increasingly unhappy with the job. Long hours without breaks, temperamental managers, and a "factory" atmosphere all contributed to her discontent, she says. Williams also contends she was not paid what her contract promised. After cobbling together the financing for the Refinery, Williams gave two weeks' notice on May 21.

Four days later she received a sternly worded letter from Urban Retreat lawyer **Michael Gray**. Gray, who had caught wind of Williams's business plans from his client, reminded her of the employment agreement she had signed when hired. According to the non-compete clause in the contract, Williams is prohibited from "engaging in competitive conduct" in a five-mile radius of Urban Retreat for a full year. Gray pointedly noted in the letter that Urban Retreat "takes compliance with its employment agreement very seriously" and "strongly" suggested Williams retain "competent legal counsel."

Williams was fully aware of the details of her contract. Before signing the Dinkytown lease, she drove her car from the new shop to Urban Retreat. According to her odometer the trip was just a hair over five miles. So she was surprised when, on June 28, Urban Retreat served her with notice that she was being sued for violating the radius restriction. The company's contention? Williams broke the non-compete because the Refinery is less than five miles from their salon "as the crow flies." **Ben Skjold**, Williams's lawyer, takes issue with that means of measurement, dryly noting that "customers do not travel to the plaintiff's storefront via helicopter." In their lawsuit, in which Urban Retreat also charged Williams with trying to steal customers, the plaintiffs asked for \$50,000 in damages and requested a court order barring Williams from opening in her chosen locale.

Having already signed a lease, Williams says she had no choice but to fight back. On July 20 she filed a counter claim charging Urban Retreat with fraud, breach of contract, defamation, and sexual harassment. After a flurry of memorandums and two hearings, Hennepin County District Court Judge Peter Lindberg issued a preliminary ruling on July 21. Citing the non-compete, the judge prohibited Williams from soliciting customers or employees of Urban Retreat. But **Lindberg** rejected Urban Retreat's request that Williams be barred from opening her Dinkytown shop because, he wrote, Urban Retreat's suit lacked merit. In addition, Lindberg questioned the "reasonableness" of Urban Retreat's five-mile restriction, along with the "compounding" factor that Williams was required to sign the contract as a condition of hiring. On September 1 Urban Retreat filed an appeal, which is still pending.

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