

And The Defense Wins

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DRI members [Constantine J. Themelis](#) and [Kamil Ismail](#) of Goodell, Devries, Leech & Dann, LLP, [Paul Rouhana](#) of the Law Offices of Seigel, Tully, Rouhana & Tully, LLC and [Michael Correnti](#) of McDonald Toole Wiggins, P.A., representing Cluck-U Corporation, a restaurant franchise headquartered in Maryland and owned by Jean-Pierre Haddad, prevailed on all claims related to a Franchise Agreement that it entered into with a North Port, Florida franchisee owned and operated by Anthony L. Tartaglia.

In *Cluck-U Chicken, Inc. v. Cluck-U Corporation, et al.*, pending before Magistrate Mark A. Pizzo in the Middle District of Florida, Tampa Division, the Florida franchisee asserted various claims against Cluck-U Corporation and Mr. Haddad for fraud, violations of Florida's Deceptive and Unfair Trade Practices Act, and breach of the Franchise Agreement. Cluck-U Corporation denied all claims in their entirety and asserted breach of contract claims against the Florida franchisee for closing the Cluck-U store in 2015 and opening a competing restaurant in the same location.

During the four-day jury trial, Cluck-U Corporation vigorously defended against the Florida franchisee's allegations. At the close of all evidence, and before closing arguments were made, the court granted Cluck-U Corporation's Rule 50 motion and entered judgment as a matter of law for all claims asserted by the Florida franchisee against Cluck-U Corporation and Mr. Haddad. More specifically, the court determined that the Florida franchisee had failed to come forward with any evidence to support their allegations against Cluck-U Corporation. As a result, the jury was instructed to disregard all of the Florida franchisee's claims, and the jury was asked to only deliberate on Cluck-U Corporation's claims for breach of contract against the Florida franchisee. After a short deliberation, the jury came back with a unanimous verdict in favor of Cluck-U Corporation. The jury found that the Florida franchisee had breached the Franchise Agreement and Cluck-U Corporation was awarded liquidated damages as a result of the Florida franchisee's breach.

Cluck-U Corporation, known as Cluck-U nationally and Clucksters internationally, currently has 16 stores throughout the United States and two international stores in Lebanon.

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