

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
Southern Division – Detroit**

LITTLE CAESAR ENTERPRISES,
INC.,

a Michigan corporation, and

LC TRADEMARKS, INC.,

a Michigan corporation,

Plaintiffs,

v.

BIG PAPA’S DOUGH COMPANY,
LLC,

a Missouri limited liability company,

TIMOTHY GLORE,

a Missouri citizen,

JAMIE GLORE,

a Missouri citizen, and

CONNIE INMAN,

a Missouri citizen,

Defendants.

Case No. 2:21-cv-12531

COMPLAINT

Plaintiffs Little Caesar Enterprises, Inc. and LC Trademarks, Inc. (collectively, “Little Caesar”) bring this action for breach of contract, trademark infringement, unfair competition, and trade dress infringement. Little Caesar has terminated its Franchise Agreement with Defendants based on Defendants’ breach of that Agreement by failing to provide multiple financial statements to Little Caesar. Despite the termination, Defendants continue to hold themselves out as

LITTLE CAESARS franchisees.

Defendants' continued, unauthorized use and enjoyment of Little Caesar's confidential business system and the LITTLE CAESARS trademarks, trade name, and trade dress breaches the Franchise Agreement and violates the Lanham Act, 15 U.S.C. §§ 1114, *et seq.* Little Caesar seeks injunctive, monetary, and other relief against Defendants for the reasons set forth below.

THE PARTIES

1. Plaintiff Little Caesar Enterprises, Inc. is a Michigan corporation with its principal place of business in Detroit, Michigan. It is engaged in the business of franchising independent businesspersons to operate LITTLE CAESARS restaurants throughout the United States. Little Caesar's franchisees are licensed to use the LITTLE CAESARS trade name, trademarks, and service marks and to operate under the LITTLE CAESARS System, which involves the production, merchandising, and sale of pizza, chicken wings, and related products utilizing special equipment, equipment layouts, interior and exterior accessories, identification schemes, products, management programs, standards, specifications, proprietary marks, and information.

2. Plaintiff LC Trademarks, Inc. is a Michigan corporation with its principal place of business in Detroit, Michigan. LC Trademarks, Inc. is the owner of the trademark, service mark, and trade name "LITTLE CAESARS," and related

marks. It licenses these marks to Plaintiff Little Caesar Enterprises, Inc., which in turn licenses them to LITTLE CAESARS franchisees.

3. Defendant Big Papa's Dough Company, LLC is a Missouri limited liability company with a principal place of business in Potosi, Missouri. Big Papa's owned and operated one LITTLE CAESARS franchise located in Potosi (Store No. 3301-0001), pursuant to a Franchise Agreement with Little Caesar. The members of Big Papa's are Defendants Timothy Glore, Jamie Glore, and Connie Inman, each a citizen and resident of Missouri. No member of Big Papa's is a citizen of Michigan.

4. Defendant Timothy Glore is a natural person and a citizen and resident of the State of Missouri. He is an owner of Big Papa's and personally guaranteed its obligations under its Franchise Agreement with Little Caesar pursuant to an executed personal guarantee.

5. Defendant Jamie Glore is a natural person and a citizen and resident of the State of Missouri. She is an owner of Big Papa's and personally guaranteed its obligations under its Franchise Agreement with Little Caesar pursuant to an executed personal guarantee.

6. Defendant Connie Inman is a natural person and a citizen and resident of the State of Missouri. She is an owner of Big Papa's and personally guaranteed its obligations under its Franchise Agreement with Little Caesar pursuant to an executed personal guarantee.

7. Defendants Big Papa's Dough Company, LLC, Timothy Glore, Jamie Glore, and Connie Inman are collectively referred to as "Big Papa's."

JURISDICTION AND VENUE

8. This Court has jurisdiction pursuant to §§ 34(a) and 39 of the Lanham Act, 15 U.S.C. §§ 1116 & 1121; and 28 U.S.C. §§ 1331, 1332, 1338, & 1367(a). The amount in controversy exceeds \$75,000, exclusive of interest and costs, and no defendant shares a state of citizenship with any plaintiff.

9. This Court has *in personam* jurisdiction over Defendants because they conduct business in this district and the events giving rise to Little Caesar's claims occurred in this district.

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and the venue provision contained in the parties' Franchise Agreement.

BACKGROUND FACTS

Little Caesar

11. Plaintiff Little Caesar Enterprises, Inc. is the franchisor of the LITTLE CAESARS System.

12. Plaintiff LC Trademarks, Inc. owns numerous federal registrations for the mark "LITTLE CAESARS" and related marks. Among those registrations are Registration Nos. 2036763, 2028607, 2259637, 3904450, 3925216, and others. Each of these registrations is in full force and effect.

13. Plaintiff Little Caesar Enterprises, Inc. has the exclusive license to use and to license others to use the LITTLE CAESARS marks and trade name and has used them at all times relevant to this action to identify its restaurants and the pizza and other products associated with those restaurants.

14. The trade dress of LITTLE CAESARS restaurants includes the signage, lettering style, color scheme, exterior appearance, floor plans, and décor (including, without limitation, menu boards, display racks, and servers' uniforms) that are featured at the restaurants operated by LITTLE CAESARS franchisees.

15. The LITTLE CAESARS trade dress consists of arbitrary embellishments primarily adopted for the purpose of identification and individuality, and is nonfunctional.

16. The LITTLE CAESARS trademarks and trade dress are utilized in interstate commerce.

The Parties' Rights And Obligations Under The Franchise Agreement

17. Big Papa's was formerly licensed to use the LITTLE CAESARS trademarks, trade name, trade dress, and business system in accordance with the terms of its Franchise Agreement with Little Caesar.

18. Among those terms was the obligation to comply with Little Caesar's recordkeeping and reporting requirements, including but not limited to the obligations to:

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