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ATTORNEY FOR PLAINTIFF(S):
CENTRAL JERSEY CML, LLC

File No.: 996.81058

CENTRAL JERSEY, CML,

Plaintiff,

v.

KAUSHIK PATEL, ASHWIN
CHAUDHARY, DIPEN PATEL, YOGESH
PATEL, VIPUL PATEL, GULU PURI,
NILESH PATEL, DANNY SAPARIA,
SURESH PATEL, ATUL PATEL; XYZ,
CORP. 1-5, ABC, LLC 1-5, JOHN
DOES 1-10; AND JANE DOES 1-10,

Defendants.

IN THE UNITED STATES DISTRICT
COURT OF NEW JERSEY
TRENTON VICINAGE

DOCKET NO.

CIVIL ACTION

COMPLAINT

**COMPLAINT
(Jury Trial Demanded)**

Plaintiff, Central Jersey CML, LLC ("CJ CML"), by and through its undersigned counsel, hereby files this Complaint against defendants, Kaushik Patel, Ashwin Chaudhary, Dipen Patel, Yogesh Patel, Vipul Patel, Gulu Puri, Nilesh Patel, Danny Saparia, Suresh Patel, Atul Patel; XYZ, Corp. 1-5, ABC, LLC 1-5, John Does 1-10; and Jane Does 1-10 (collectively "Defendants"); and in support thereof, aver as follows:

JURISDICTION AND VENUE

1. This is a complaint for treble damages and under the antitrust laws of the United States, 15 U.S.C. § 1 et seq.
2. This court has jurisdiction over the action under 15 U.S.C. § 15, 22, 26 due to the result of defendants' violations of the Sherman Act (15 U.S.C. § 1, 2), and the Clayton Act (15 U.S.C. § 14).

PARTIES

3. The plaintiff, CJ CML, is a limited liability company organized and operating under the laws of the State of New Jersey, and organized for the purposes of operating a Central Manufacturing Location in the Trenton area (the location for the facility having been vetted and the sales process commenced to acquire the real property on which it would be situated - but terminated prior to closing due to the anti-competitive actions of the defendants).
4. The plaintiff is in the business of management and operations of a baking facility which distributes product to various local Dunkin Donuts stores.
5. Defendants, Kaushik Patel, Ashwin Chaudhary, Dipen Patel, Yogesh Patel, Vipul Patel, Gulu Puri, Nilesh Patel, Danny Saparia, Suresh Patel, Atul Patel are individuals and members possessing ownership interests in the SJ CML.

6. XYZ Corp. 1-5 were, upon information and belief, business entities that conducted business with plaintiff, CJ CML and/or defendants.
7. ABC, LLC 1-5 were, upon information and belief, business entities that conducted business with plaintiff, CJ CML and/or defendants.
8. John Does 1-10 were, upon information and belief, individuals, and/or, the officers, directors, shareholders, employees, agents and/or assigns of the corporation(s) and/or limited liability companies that conducted business with plaintiff, CJ CML and/or defendants.
9. Jane Does 1-10 were, upon information and belief, individuals, and/or, the officers, directors, shareholders, employees, agents and/or assigns of the corporation(s) and/or limited liability companies that conducted business with plaintiff, CJ CML and/or defendants.

FACTUAL BACKGROUND

Initial Startup of South Jersey CML, Relevant Market, Market Share and Power of the CJ CML Members

10. The South Jersey CML, LLC ("SJ CML"), is a limited liability company organized and operating under the laws of the State of New Jersey, with its principal place of business located at 130 Benigno Blvd, Bellmahr, NJ 08031.
11. The SJ CML is in the business of management and operations of a baking facility which distributes product to various

Dunkin Donuts located in the general Bellmar, New Jersey area.

12. The SJ, CML is a 53,000 square food bakery manufacturing plant that produces donuts and other bakery products for Dunkin Donuts stores.
13. Although the SJ, CML exclusively deliver to Dunkin Donuts, Dunkin Brands has no ownership interest in the facility. Instead the members of the SJ CML are franchisees of Dunkin Brands.
14. The South Jersey CML, LLC operates under an Approved Bakery Manufacturing Agreement, (ABMA) with Dunkin Brands. The ABMA is a third party manufacturing agreement with Dunkin Brands and is not a franchise agreement between both parties.
15. Alexander McCourt, the principal of plaintiff, CJ CML, was hired by Dunkin Brands in July 2011 to be a Manufacturing Operations Manager with his markets covering from Northern Virginia up through the Lehigh Valley, PA and the Southern New Jersey Region up through Freehold, NJ.
16. During his time of employment with Dunkin Brands, Mr. McCourt became acquainted with Saliesh Patel ("Sam") and Paresh Patel ("Paresh"), two members of the SJ CML who solicited Mr. McCourt's assistance in 2011 in helping them build a larger Central Manufacturing Location: the South Jersey CML.

17. The purpose of the formation of the SJ CML was to service the 10 Dunkin Donut stores of Sam and Paresh and an additional 72 stores owed by other franchisees in the South Jersey market.
18. Over the next several years, Mr. McCourt helped guide the newly formed SJ CML and its' franchisees with 82 stores through the project development and approval process with Dunkin Brand.
19. The SJ CML facility opened in July of 2014 with the first group of 27 stores that were receiving supply of product on the first day of operation.
20. Throughout the following several months, the facility struggled to bring the remaining 55 stores on board.
21. As the SJ CML continued to struggle, the SJ CML board of directors decided to recruit Mr. McCourt to take over the enterprise as it was operating at a loss of several hundred thousand dollars monthly.
22. Mr. McCourt resigned his position with Dunkin Brands and assumed the role of Plant Manager/Company Business Manager at the SJ CML in the first week of November 2014, and over the next eighteen (18) months was able to add an additional 100 stores bringing the supplied store total to over 185.
23. Through his efforts, Mr. McCourt contributed to the success of the SJ CML by taking it from operating at a net loss to generating in excess of \$200,000.00 per month in positive

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