

IN THE CIRCUIT COURT FOR THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

MARLINS STADIUM OPERATOR, LLC

Plaintiff,

CASE NO.: 15-020790-CA-11

vs.

CIVIL DIVISION

SIR PIZZA OF SOUTH FLORIDA, LLC,
SIR PIZZA OF SOUTH FLORIDA
COOP ADVERTISEMENT, LLC.,
SIR PIZZA FRANCHISING, INC.,
SIR PIZZA INTERNATIONAL, INC.,
SIR PIZZA SOUTH FLORIDA COOP,
and RENE PRATS,

Defendants.

**SIR PIZZA INTERNATIONAL'S RESPONSES TO
PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS**

Defendant, Sir Pizza International, Inc., ("SPI") responds to Plaintiff, Marlins Stadium Operator, LLC;s ("MSO") First Set of Request for Admissions as follows:

REQUEST NO. 1: Admit that SPI entered into a contract or contracts, written or verbal, with Sir Pizza Franchising, Inc..

RESPONSE: Admitted.

REQUEST NO. 2: Admit that SPI entered into a license and/or franchise agreement with Sir Pizza Franchising, Inc..

RESPONSE: Admitted.

REQUEST NO. 3: Admit that Sir Pizza Franchising, Inc. is located and operates in

Florida.

RESPONSE: Admitted.

REQUEST NO. 4: Admit that, as a result of SPI and Sir Pizza Franchising, Inc.'s license/franchise agreement, Sir Pizza Franchising, Inc. uses "Sir Pizza" marks and/or logos in Florida.

RESPONSE: Admitted.

REQUEST NO. 5: Admit that SPI has the right to enforce its quality standards in connection with Sir Pizza Franchising, Inc.'s performance of the parties licensing/franchise agreement.

RESPONSE: Denied as phrased. SPI and SPF are parties to a license agreement which speaks for itself with respect to the rights of SPI.

REQUEST NO. 6: Admit that Sir Pizza Franchising, Inc.'s license for the use of "Sir Pizza" marks and logos is limited to its sales activities in the State of Florida.

RESPONSE: Denied.

REQUEST NO. 7: Admit that Sir Pizza Franchising, Inc. does not have a license to utilize "Sir Pizza" marks and logos outside of the State of Florida.

RESPONSE: Denied.

REQUEST NO. 8: Admit that Sir Pizza Franchising Inc. is the only entity or individual with a license to utilize "Sir Pizza" marks and logos in the State of Florida.

RESPONSE: Denied.

REQUEST NO. 9: Admit that SPI has the right to control Sir Pizza Franchising, Inc.'s activities in connection with its use of "Sir Pizza" marks and logos.

RESPONSE: Denied.

REQUEST NO. 10: Admit that SPI distributes policies and/or manuals regarding Sir Pizza Franchising, Inc.'s operations to Sir Pizza Franchising, Inc.

RESPONSE: Denied.

REQUEST NO. 11: Admit that SPI monitored the use of "Sir Pizza" marks and logos by Sir Pizza Franchising, Inc.

RESPONSE: Denied.

REQUEST NO. 12: Admit that SPI was aware of the sub-franchise agreement between MSO and Sir Pizza of South Florida, LLC.

RESPONSE: Denied.

REQUEST NO. 13: Admit that SPI had the right to terminate, reject, or amend the sub-franchise agreement between MSO and Sir Pizza of South Florida, LLC.

RESPONSE: Denied.

REQUEST NO. 14: Admit that Sir Pizza Franchising, Inc. sublicensed "Sir Pizza" trademarks pursuant to its January 12, 2009 license agreement with SPI.

RESPONSE: Without knowledge, therefore denied.

REQUEST NO. 15: Admit that SPI has a business relationship of any kind with one or more "Sir Pizza" franchises in Florida.

RESPONSE: Denied.

REQUEST NO. 16: Admit that, from April 2011 to the present date, SPI received revenue as a result of its affiliation with one or more "Sir Pizza" franchises in South Florida.

RESPONSE: Denied.

REQUEST NO. 17: Admit that, from April 2011 to the present date, SPI had the exclusive

right to operate “Sir Pizza” franchises in South Florida.

RESPONSE: Denied.

REQUEST NO. 18: Admit that, from April 2011 to the present date, SPI conducted business or had a business relationship with Sir Pizza of South Florida, LLC.

RESPONSE: Denied.

REQUEST NO. 19: Admit that, from April 2011 to the present date, Rene Prats, through any entity associated with Rene Prats, conducted business with or was affiliated with SPI.

RESPONSE: Denied.

REQUEST NO. 20: Admit that from April 2011 to the present date, Rene Prats was an officer of SPI.

RESPONSE: Denied.

REQUEST NO. 21: Admit that, from April 2011 to the present date, Rene Prats was an owner of SPI.

RESPONSE: Denied.

REQUEST NO. 22: Admit that, from April 2011 to the present date, SPI did not regularly hold annual board meetings.

RESPONSE: SPI objects to this request for the reasons set forth in its’ Motion for Protective Order filed simultaneously herewith.

REQUEST NO. 23: Admit that, from April 2011 to the present date, SPI did not regularly hold annual shareholder meetings.

RESPONSE: SPI objects to this request for the reasons set forth in its’ Motion for Protective Order filed simultaneously herewith.

REQUEST NO. 24: Admit that SPI has no operating agreement.

RESPONSE: SPI objects to this request for the reasons set forth in its' Motion for Protective Order filed simultaneously herewith.

REQUEST NO. 25: Admit that SPI has no by laws

RESPONSE: SPI objects to this request for the reasons set forth in its' Motion for Protective Order filed simultaneously herewith.

REQUEST NO. 26: Admit that, from April 2011 to the present date, Rene Prats was, at times, responsible for making decisions on behalf of or related to SPI.

RESPONSE: Denied.

REQUEST NO. 27: Admit that, from April 2011 to the present date, SPI received payments from Rene Prats or any company associated with or affiliated with Rene Prats.

RESPONSE: Denied.

REQUEST NO. 28: Admit that, fom April 2011 to the present date, SPI shared a bank account with or intermingled funds with Sir Pizza International, Inc.

RESPONSE: SPI objects to this request as it is unintelligible.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via eservice@myflcourtagency.com to: Kenneth E. Chase, Shook, Hardy & Bacon, LLP, 1155 F Street NW, Suite 200, Washington, DC 20004 kchase@shb.com and kbrannan@shb.com and Alexander Bach Lagos, Shook, Hardy & Bacon, LLP,, Miami Center, Suite 3200, 201 S. Biscayne Blvd., Miami, FL 33131 alagos@shb.com this 17th day of February, 2016.

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By: /s/Andrew S. Berman
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