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Judge grants Quiznos franchisees injunction hearing

by Fred Minnick * • 20 Dec 2006

A judge has ordered Quiznos to halt the terminations of 10 operators and to resume sending food supplies to their stores.

The operators, who are board members of the Toasted Subs Franchisee Association (TSFA), lost their franchise agreements after the group published a suicide letter from Bhupinder Baber. Baber was a TSFA member and Quiznos franchisee, who blamed ongoing battles with the franchisor for his failing mental and physical health. Baber shot himself three times with a handgun on Nov. 27.

John L. Kane, a senior U.S. district judge in Colorado, set a preliminary injunction hearing for Dec. 22. Gregory R. Stross, the franchisees' attorney, said Quiznos attempted to delay the hearing.

"It appears they will try to fight at every turn and every minor procedural move of the court," Stross said. "This order makes it pretty clear that the court is not going to put up with that."

Stross said the court likely will issue a temporary restraining order that would reinstate the franchise agreements for 10 to 20 days.

This week's hearing only covers the agreement termination issue, Stross said, even though two of his clients are involved in separate class-action lawsuits with Quiznos.

Quiznos has not returned multiple calls for interviews.

In an internal letter to franchise owners, Quiznos said TSFA was promoting its own agenda by posting Baber's suicide note on the TSFA Web site, and that such actions ran counter to rules set out in the chain's Uniform Franchise Offering Circular. In the injunction filing, TSFA said Baber's letter was meant to serve as a memorial, not an attack on Quiznos.

"Quiznos has killed me. Destroyed my life. Destroyed my family life for the past seven years," Baber wrote in the note found on his personal computer after his suicide.