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BLOGS

Employment

Court Grants Summary Judgment to Franchisor on Claim by Franchisee's Employee

In *Howell v. Papa John's Int'l.*, 2011 U.S. Dist. LEXIS 90972 (N.D. Ohio Aug. 16, 2011), the plaintiff alleged that his employment with a Papa John's franchisee was terminated improperly in violation of the Americans with Disabilities Act. The plaintiff sued Papa John's, claiming it was responsible for its franchisee's employment decision. Papa John's moved for summary judgment on the grounds that it had never employed the plaintiff and was not responsible for its franchisee's conduct. The court agreed, finding that the plaintiff had failed to present any evidence to suggest that Papa John's and its franchisee were anything other than wholly distinct entities. Papa John's did not own the premises at which the plaintiff was employed and did not exercise any day-to-day control over its franchisee's business operations. The court also noted that Papa John's played no role in the hiring, discipline, or discharge of the franchisee's employees. Because of that lack of control, the court granted summary judgment to Papa John's.