

Franchisees Must Set Forth Alleged Statements With Particularity Before Requiring Franchisor to Produce Deponent

In *Brunet v. Quizno's Franchise Company LLC*, 2008 WL 5378140 (D. Colo. Dec. 23, 2008), a United States Magistrate Judge for the District of Colorado issued a discovery ruling notable for its requirement that the plaintiff-franchisees create a detailed list of particular statements they claim were made by the defendant-franchisor before the franchisor would be required to produce a corporate representative to testify regarding the statements. The franchisees had demanded that the franchisor produce the corporate representative(s) most knowledgeable regarding "all representations made to Franchise Owners in the United States by the Franchisor relating to its efforts to lower the costs of food, supplies, equipment, and services in operating a Quiznos restaurant" for the past ten years. The court agreed with the franchisor that this request was too unspecific. As part of the court's order that the franchisees prepare a list of the statements they claim were made, the franchisees were directed to: (1) identify the speaker who allegedly made the statement; (2) the date of the statement; (3) the place of the statement; (4) the event at which it took place; and (5) the paraphrased content of the statement. Only then would the franchisor be required to produce a corporate representative to testify about the statements.