

CLOSED,[JURY](#)

**U.S. District Court
Southern District of Ohio (Columbus)
CIVIL DOCKET FOR CASE #: 2:08-cv-00246-GCS-MRA**

Burda et al v. Wendy's International, Inc. et al
Assigned to: Judge George C Smith
Referred to: Magistrate Judge Mark R. Abel
Cause: 15:1 Antitrust Litigation

Date Filed: 03/13/2008
Date Terminated: 08/06/2013
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff**Robert Burda**

represented by **Dennis E Murray , Jr**
Murray & Murray
PO Box 19
111 E Shoreline Drive
Sandusky, OH 44871-0019
419-624-3000
Email: dmj@murrayandmurray.com
TERMINATED: 05/20/2010
LEAD ATTORNEY

Robert Thomas Burda
6475 Perimeter Drive #113
Dublin, OH 43016
614-905-8795
Fax: 614-789-9600
Email: rtblawllc@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph F Murray
Murray Murphy Moul & Basil - 2
1533 Lake Shore Drive
Columbus, OH 43204
614-488-0400
Fax: 614.488.0401
Email: murray@mmmb.com
TERMINATED: 05/20/2010

Plaintiff**XCL Enterprises, LLC**

represented by **Robert Thomas Burda**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis E Murray , Jr
(See above for address)
TERMINATED: 05/20/2010

Joseph F Murray
(See above for address)
TERMINATED: 05/20/2010

Plaintiff

Burda Enterprises, LLC

represented by **Robert Thomas Burda**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis E Murray , Jr
(See above for address)
TERMINATED: 05/20/2010

Joseph F Murray
(See above for address)
TERMINATED: 05/20/2010

Plaintiff

Sondocatt Investments, LLC

represented by **Robert Thomas Burda**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis E Murray , Jr
(See above for address)
TERMINATED: 05/20/2010

Joseph F Murray
(See above for address)
TERMINATED: 05/20/2010

V.

Defendant

Wendy's International, Inc.

represented by **Michael Gary Long**
Vorys Sater Seymour & Pease - 2
PO Box 1008
52 E Gay Street
Columbus, OH 43216-1008
614-464-6400
Fax: 614-464-6297
Email: mglong@vssp.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth J Rubin

Vorys Sater Seymour & Pease
52 East Gay Street
Columbus, OH 43215
614-464-5692

Email: kjrubin@vorys.com

ATTORNEY TO BE NOTICED

William Andrew Sieck

Vorys Sater Seymour & Pease - 2
PO Box 1008
52 E Gay Street
Columbus, OH 43216-1008
614-464-6400

Fax: 614-464-6350

Email: [wasieck@vorys.com](mailto:wasioek@vorys.com)

ATTORNEY TO BE NOTICED

Defendant

**Wendy's Old Fashioned Hamburgers
of New York, Inc.**

represented by **Michael Gary Long**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth J Rubin

(See above for address)

ATTORNEY TO BE NOTICED

William Andrew Sieck

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

The New Bakery Co. of Ohio, Inc.

represented by **Michael Gary Long**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth J Rubin

(See above for address)

ATTORNEY TO BE NOTICED

William Andrew Sieck

(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

**Wendy's Old Fashioned Hamburgers
of New York, Inc.**

represented by **Michael Gary Long**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth J Rubin
(See above for address)
ATTORNEY TO BE NOTICED

William Andrew Sieck
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

The New Bakery Co. of Ohio, Inc.

represented by **Michael Gary Long**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth J Rubin
(See above for address)
ATTORNEY TO BE NOTICED

William Andrew Sieck
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Wendy's International, Inc.

represented by **Michael Gary Long**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth J Rubin
(See above for address)
ATTORNEY TO BE NOTICED

William Andrew Sieck
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Robert Burda

represented by **Dennis E Murray , Jr**
(See above for address)
TERMINATED: 05/20/2010

Joseph F Murray
 (See above for address)
TERMINATED: 05/20/2010

Counter Defendant

Burda Enterprises, LLC

represented by **Dennis E Murray , Jr**
 (See above for address)
TERMINATED: 05/20/2010

Joseph F Murray
 (See above for address)
TERMINATED: 05/20/2010

Counter Defendant

Sondocatt Investments, LLC

represented by **Dennis E Murray , Jr**
 (See above for address)
TERMINATED: 05/20/2010

Joseph F Murray
 (See above for address)
TERMINATED: 05/20/2010

Counter Defendant

XCL Enterprises, LLC

represented by **Dennis E Murray , Jr**
 (See above for address)
TERMINATED: 05/20/2010

Joseph F Murray
 (See above for address)
TERMINATED: 05/20/2010

Date Filed	#	Docket Text
03/13/2008	<u>1</u>	Civil Cover Sheet. (jcw) (Entered: 03/13/2008)
03/13/2008	<u>2</u>	COMPLAINT with JURY DEMAND filed by Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC. and against Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc. (jcw) (Entered: 03/13/2008)
03/13/2008	<u>3</u>	Corporate Disclosure Statement by Plaintiff Sondocatt Investments, LLC. (jcw) (Entered: 03/13/2008)
03/13/2008		Filing fee: \$ 350.00, receipt number 2128. (jcw) (Entered: 03/13/2008)
03/14/2008	<u>4</u>	Corporate Disclosure Statement by Plaintiff XCL Enterprises, LLC. (jcw) (Entered: 03/14/2008)
03/14/2008	<u>5</u>	Corporate Disclosure Statement by Plaintiff Burda Enterprises, LLC. (jcw) (Entered: 03/14/2008)

04/17/2008	6	WAIVER OF SERVICE Returned Executed by Plaintiffs Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC, Defendant The New Bakery Co. of Ohio, Inc.. The New Bakery Co. of Ohio, Inc. waiver sent on 3/20/2008, answer due 5/19/2008. (Murray, Joseph) (Entered: 04/17/2008)
04/17/2008	7	WAIVER OF SERVICE Returned Executed by Plaintiffs Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC, Defendant Wendy's International, Inc.. Wendy's International, Inc. waiver sent on 3/20/2008, answer due 5/19/2008. (Murray, Joseph) (Entered: 04/17/2008)
04/17/2008	8	WAIVER OF SERVICE Returned Executed by Plaintiffs Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC, Defendant Wendy's Old Fashioned Hamburgers of New York, Inc.. Wendy's Old Fashioned Hamburgers of New York, Inc. waiver sent on 3/20/2008, answer due 5/19/2008. (Murray, Joseph) (Entered: 04/17/2008)
05/19/2008	9	NOTICE of Appearance by William Andrew Sieck Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc. (Sieck, William) (Entered: 05/19/2008)
05/19/2008	10	STIPULATION re 2 Complaint, <i>Extension of Time for Defendants to Move or Plead</i> by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc.. (Sieck, William) (Entered: 05/19/2008)
05/19/2008	11	Corporate Disclosure Statement by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc. identifying Corporate Parent Wendy's International, Inc. for The New Bakery Co. of Ohio, Inc... (Sieck, William) (Entered: 05/19/2008)
05/19/2008	12	Corporate Disclosure Statement by Defendants Wendy's Old Fashioned Hamburgers of New York, Inc., Wendy's International, Inc. identifying Corporate Parent Wendy's International, Inc. for Wendy's Old Fashioned Hamburgers of New York, Inc... (Sieck, William) (Entered: 05/19/2008)
05/19/2008	13	Corporate Disclosure Statement by Defendant Wendy's International, Inc.. (Sieck, William) (Entered: 05/19/2008)
05/19/2008		Set/Reset Deadlines: Wendy's International, Inc. answer due 6/9/2008; Wendy's Old Fashioned Hamburgers of New York, Inc. answer due 6/9/2008; The New Bakery Co. of Ohio, Inc. answer due 6/9/2008 per # 10 . (sr) (Entered: 05/21/2008)
06/09/2008	14	MOTION to Dismiss by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc.. Responses due by 7/3/2008 (Attachments: # 1 Exhibit A (pages 1-20), # 2 Exhibit A (pages 21-46)) (Sieck, William) (Entered: 06/09/2008)
06/10/2008		Notice of Correction: Former docket # 14 (Motion To Dismiss) filed by William Sieck was deleted by Clerk office. Attorney for Defendant will re-file documents with s/signatures of attorneys. (sr) (Entered: 06/10/2008)
06/11/2008	15	

		MOTION to Dismiss <i>Plaintiffs' Complaint</i> by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc.. Responses due by 7/7/2008 (Attachments: # 1 Exhibit, # 2 Exhibit) (Sieck, William) (Entered: 06/11/2008)
06/18/2008	16	MOTION for Extension of Time New date requested 8/4/2008. by Plaintiffs Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC. (Murray, Dennis) (Entered: 06/18/2008)
06/18/2008	17	NOTICE of Hearing: Preliminary Pretrial Conference set for 7/3/2008 @ 11:00 AM before Mark R. Abel. Conf of the parties due by 6/27/08; Rule 26f report of the parties due 7/2/08. (sh1,) (Entered: 06/18/2008)
06/19/2008	18	ORDER granting 16 Motion for Extension of Time. Plaintiffs' have until 08/04/2008 to file their response in opposition to Defendants' motion to dismiss. Signed by Mark R. Abel on 06/19/2008. (sr) (Entered: 06/19/2008)
07/01/2008	19	NOTICE of Hearing: Preliminary Pretrial Conference RESCHEDULED for 7/31/2008 @ 9:00 AM before Mark R. Abel. (sh1,) (Entered: 07/01/2008)
07/30/2008	20	RULE 26(f) REPORT by Plaintiffs Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC, Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc.. (Murray, Joseph) (Entered: 07/30/2008)
07/31/2008	21	PRELIMINARY PRETRIAL ORDER: Motions to Amend due by 8/1/2008. Expert disclosures due no later than 60 days from discovery deadline line. Responsive disclosures due no later than 30 days from discovery deadline. Discovery due no later than 6 months after ruling on motion to dismiss. Case dispositive motion due no later than 30 days after discovery deadline. Plaintiff will make settlement demand no later than 9/12/08. Defendants will respond to that demand no later than 10/10/08. No later than 21 days after Court's ruling on that motion to dismiss Counsel must call Magistrate Judge Abel's chamber to set up a telephone conference. Signed by Mark R. Abel on 7/31/08. (jcw) (Entered: 07/31/2008)
07/31/2008		Minute Entry for proceedings held before Mark R. Abel: Initial Pretrial Conference held on 7/31/2008. (mra2,) (Entered: 08/04/2008)
08/01/2008	22	AMENDED COMPLAINT against all defendants, filed by all plaintiffs. (Murray, Dennis) (Entered: 08/01/2008)
09/02/2008	23	MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc.. Responses due by 9/26/2008 (Sieck, William) (Entered: 09/02/2008)
09/03/2008	24	NOTICE by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc. re 23 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint of Filing of Exhibit 1 to Motion to Dismiss (Docket #23)</i> (Attachments: # 1 Exhibit 1 - part 2) (Rubin, Kenneth) (Entered: 09/03/2008)
09/22/2008	25	

		RESPONSE to Motion re 23 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> filed by Plaintiffs Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC. (Murray, Dennis) (Entered: 09/22/2008)
09/22/2008	26	RESPONSE in Opposition re 23 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> filed by Plaintiffs Robert Burda, XCL Enterprises, LLC, Burda Enterprises, LLC, Sondocatt Investments, LLC. (sr) (Entered: 09/23/2008)
09/23/2008		Notice of Correction: Former docket # 25 (Response To Motion) filed by Dennis Murray was deleted by Clerk's office and re-filed as current docket # 26 (Response In Opposition To Motion) in order to correct ECF filing event. (sr) (Entered: 09/23/2008)
10/03/2008	27	Unopposed MOTION for Extension of Time to File Response/Reply as to 26 Response in Opposition to Motion, 25 Response to Motion New date requested 10/10/2008. by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc.. (Sieck, William) (Entered: 10/03/2008)
10/06/2008	28	ORDER granting 27 Motion for Extension of Time to File Response/Reply re 23 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> . Replies due by 10/10/2008. Signed by Mark R. Abel on 10/6/07. (kch1) (Entered: 10/06/2008)
10/10/2008	29	REPLY to Response to Motion re 23 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint</i> filed by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc.. (Sieck, William) (Entered: 10/10/2008)
10/22/2008	30	ORDER finding as moot 15 Motion to Dismiss. Signed by George C Smith on 10/22/08. (lvw1,) (Entered: 10/23/2008)
11/21/2008	31	NOTICE by Defendants Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., The New Bakery Co. of Ohio, Inc. re 23 MOTION to Dismiss <i>Plaintiffs' First Amended Complaint of Additional Authority in Support of the Motion to Dismiss</i> (Rubin, Kenneth) (Entered: 11/21/2008)
09/21/2009	32	ORDER denying 23 Motion to Dismiss. Signed by Judge George C Smith on 9-21-09. (ga) (Entered: 09/21/2009)
09/30/2009	33	Consent MOTION for Extension of Time New date requested 10/30/2009. <i>to Move or Plead</i> by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc.. (Attachments: # 1 Text of Proposed Order Exhibit A) (Sieck, William) (Entered: 09/30/2009)
09/30/2009	34	Consent MOTION for Protective Order by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc.. (Attachments: # 1 Text of Proposed Order Exhibit A (Stipulated Protective Order) (Sieck, William) (Entered: 09/30/2009)
10/05/2009	35	

		ORDER granting 33 Motion for Extension of Time - Answer to 22 Amended Complaint due by 10/30/2009. Signed by Magistrate Judge Mark R. Abel on 10/5/2009. (pes1) (Entered: 10/05/2009)
10/05/2009		Reset Deadlines: The New Bakery Co. of Ohio, Inc. answer due 10/30/2009; Wendy's International, Inc. answer due 10/30/2009; Wendy's Old Fashioned Hamburgers of New York, Inc. answer due 10/30/2009. (pes1) (Entered: 10/05/2009)
10/06/2009	36	STIPULATED PROTECTIVE ORDER. Signed by Magistrate Judge Mark R. Abel on 10/6/2009. (pes1) (Entered: 10/06/2009)
10/14/2009	37	STATUS CONFERENCE ORDER : Order in reference to Status Conference held on 10/14/09. Counsel are DIRECTED to call chambers on or before December 18, 2009 to set up another status and scheduling conference. Signed by Magistrate Judge Mark R. Abel on 10/14/09. (rew) (Entered: 10/14/2009)
10/14/2009		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 10/14/2009. (mra5,) (Entered: 10/16/2009)
10/30/2009	38	ANSWER to 22 Amended Complaint, COUNTERCLAIM against Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC by Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6) (Sieck, William) (Entered: 10/30/2009)
11/18/2009	39	First MOTION for Extension of Time to File Answer New date requested 12/4/2009. by Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC. (Murray, Dennis) (Entered: 11/18/2009)
11/19/2009	40	ORDER granting 39 Motion for Extension of Time to move or plead in response to Defendants counterclaim. Robert Burda answer due 12/4/2009; Burda Enterprises, LLC answer due 12/4/2009; Sondocatt Investments, LLC answer due 12/4/2009; XCL Enterprises, LLC answer due 12/4/2009. Signed by Magistrate Judge Mark R. Abel on 11/19/09. (rew) (Entered: 11/19/2009)
12/04/2009	41	<i>PLAINTIFFS/COUNTERCLAIM DEFENDANTS ANSWER to 38 Answer to Amended Complaint, Counterclaim, by Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC, Counter Defendants Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC. (Murray, Dennis) (Entered: 12/04/2009)</i>
02/02/2010		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 2/2/2010. (Rubey, Rachel) (Entered: 02/22/2010)
02/03/2010	42	STATUS CONFERENCE ORDER : Counsel are DIRECTED to chambers on or before March 12, 2010 to schedule another telephone status conference. Signed by Magistrate Judge Mark R. Abel on 2/3/10. (rew) (Entered: 02/03/2010)
05/20/2010	43	MOTION to Withdraw as Attorney by Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC.

		(Attachments: # 1 Text of Proposed Order) (Murray, Joseph) (Entered: 05/20/2010)
05/20/2010	44	ORDER granting 43 Motion to Withdraw as Attorney. Attorney Dennis E Murray, Jr, Joseph F Murray & James S Timmerberg are terminated. Plaintiff are ordered to retain new counsel within two weeks & all counsel are directed to call chambers by 6/18/2010 to establish a scheduling conference. Signed by Magistrate Judge Mark R. Abel on 5/20/2010. (kjm1) (Entered: 05/20/2010)
05/20/2010		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 5/20/2010. (Rubey, Rachel) (Entered: 05/27/2010)
06/16/2010	45	MOTION to Dismiss 22 <i>Plaintiffs' Amended Complaint</i> by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc. & Wendy's Old Fashioned Hamburgers of New York, Inc. Responses due by 7/12/2010 (Sieck, William) Modified on 6/17/2010 to add document link (kk2). (Entered: 06/16/2010)
07/01/2010		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 7/1/2010. (Rubey, Rachel) (Entered: 07/13/2010)
07/07/2010	46	NOTICE of Appearance by Robert Thomas Burda for Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC & XCL Enterprises, LLC (Burda, Robert) (Entered: 07/07/2010)
07/08/2010	47	RESPONSE in Opposition re 45 MOTION to Dismiss 22 <i>Plaintiffs' Amended Complaint</i> filed by Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC & XCL Enterprises, LLC. (Burda, Robert) (Entered: 07/08/2010)
07/09/2010	48	Status Conference Order. On or before 07/09/2010, Wendy's will send a letter to Burda setting out the search terms it proposes. On or before 07/23/2010, Plaintiffs will respond. Counsel are DIRECTED to call chambers at (614) 719-3370 on or before 07/30/2010 to schedule another telephone scheduling conference. Signed by Magistrate Judge Mark R. Abel on 07/09/2010. (sr) (Entered: 07/09/2010)
08/09/2010	49	STATUS CONFERENCE ORDER. It is ORDERED that on or before 10/11/2010 the parties either reach agreement as to the scope of the search of Wendys ESI regarding the breach of contract claim or submit the dispute to the Court for resolution. Primary Expert due by 5/29/2011. Rebuttal Expert due by 7/10/2011. Non-Expert Discovery due by 4/17/2011. Signed by Magistrate Judge Mark R. Abel on 8/9/2010. (pes1) (Entered: 08/09/2010)
08/09/2010	50	Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 8/9/2010. (Rubey, Rachel) (Entered: 08/09/2010)
10/25/2010	51	ORDER denying 45 Motion to Dismiss. Signed by Judge George C Smith on 10-25-10. (ga) (Entered: 10/25/2010)
04/12/2011	52	MOTION for Order to <i>Compel Discovery and for a Scheduling Conference to Reset Discovery Deadlines</i> by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York,

		Inc.. (Attachments: # 1 Exhibit Certification of William A. Sieck in Support) (Sieck, William) (Entered: 04/12/2011)
04/12/2011	53	MOTION for Protective Order <i>and for a Scheduling Conference to Reset Discovery Deadlines</i> by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc.. (Attachments: # 1 Exhibit Certification of William A. Sieck in Support) (Sieck, William) (Entered: 04/12/2011)
05/03/2011	54	ORDER: Status Conference set for 5/27/2011 9:30 AM before Magistrate Judge Mark R. Abel. Counsel should call Magistrate Judge Abel's chambers at (614) 719-3370 to participate in the conference. Signed by Magistrate Judge Mark R. Abel on 05/03/2011. (sr) (Entered: 05/03/2011)
05/27/2011	55	Discovery and Scheduling Conference Order granting 52 Motion for Order to Compel Discovery and for a Scheduling Conference to Reset Discovery Deadlines; granting 53 Motion for Protective Order and for a Scheduling Conference to Reset Discovery Deadlines. Plaintiffs are ORDERED to serve full and complete responses to defendants' 08/2010 written discovery requests on or before 06/03/2011. Defendants may respond to plaintiffs' discovery requests as outlined in their 04/12/2011 motion for protective order. Parties will call Magistrate Judge Abels' chambers (614) 719-3370 on 06/08/2011 at 2:00 p.m. for a scheduling conference. Signed by Magistrate Judge Mark R. Abel on 05/27/2011. (sr) (Entered: 05/27/2011)
05/27/2011		Set/Reset Hearings: Scheduling Conference set for 6/8/2011 02:00 PM in chambers before Magistrate Judge Mark R. Abel. (sr) (Entered: 05/27/2011)
05/27/2011		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 5/27/2011. (Rubey, Rachel) (Entered: 05/31/2011)
06/08/2011		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 6/8/2011. (Rubey, Rachel) (Entered: 06/08/2011)
06/09/2011	56	Scheduling Conference Order: It is ORDERED that on or before 06/30/2011 plaintiffs' counsel write to defendants' counsel and advise them which documents have not yet been produced. All non-expert discovery due by 01/27/2012. Primary experts disclosures due by 02/24/2012. Responsive experts disclosures due by 04/06/2012. Expert discovery due by 04/30/2012. Case-dispositive motions due by 05/07/2012. Signed by Magistrate Judge Mark R. Abel on 06/09/2011. (sr) (Entered: 06/09/2011)
06/09/2011		Set/Reset Columbus PPTO Deadlines: Primary Expert due by 2/24/2012. Rebuttal Expert due by 4/6/2012. Discovery due by 1/27/2012. Dispositive motions due by 5/7/2012. (sr) (Entered: 06/09/2011)
01/09/2012		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 1/9/2012. (Rubey, Rachel) (Entered: 01/10/2012)
01/11/2012	57	SCHEDULING CONFERENCE ORDER: January 9, 2012, counsel participated in a scheduling conference with Magistrate Judge; Discovery due by 1/27/2012.

		Signed by Magistrate Judge Mark R. Abel on 1/11/12. (sh1) (Entered: 01/11/2012)
05/03/2012	58	MOTION for Extension of Time to File New date requested 6/6/2012. <i>Motion to Extend Motion Deadline from May 7, 2012</i> by Counter Claimants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc.. (Attachments: # 1 Exhibit A -- Proposed Order) (Rubin, Kenneth) (Entered: 05/03/2012)
05/03/2012	59	ORDER granting 58 Motion for Extension of Time to File. Signed by Magistrate Judge Mark R. Abel on 5/3/12. (sh1) (Entered: 05/03/2012)
05/04/2012		Set/Reset Columbus PPTO Deadlines: Dispositive motions due by 6/6/2012. (pes1) (Entered: 05/04/2012)
06/06/2012	60	Notice of Manual Filing of Motion for Summary Judgment under seal by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc. (Sieck, William) Modified text and termed motion event for doc 60 on 6/6/2012 (er1). (Entered: 06/06/2012)
06/06/2012	61	First MOTION for Summary Judgment by Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC. Responses due by 7/2/2012 (Attachments: # 1 Affidavit Christo Gouzounis) (Burda, Robert) (Entered: 06/06/2012)
06/06/2012	62	**SEALED** Motion For Summary Judgment filed by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc. (Attachments: # 1 Deposition, # 2 Exhibit 001A, # 3 Exhibit 001C, # 4 Exhibit 002A, # 5 Exhibit 006A, # 6 Exhibit 006C, # 7 Exhibit 007A, # 8 Exhibit 007C, # 9 Exhibit 008A, # 10 Exhibit 008C, # 11 Exhibit 009A, # 12 Exhibit 009C, # 13 Exhibit 010A, # 14 Exhibit 010C, # 15 Exhibit 011A, # 16 Exhibit 011C, # 17 Exhibit 012A, # 18 Exhibit 012C, # 19 Exhibit 14, # 20 Exhibit 17, # 21 Exhibit 18) (sr1) (Entered: 06/06/2012)
06/06/2012	63	**SEALED** Exhibit B To Defendants' 62 Motion For Summary Judgment. (Attachments: # 1 Deposition, # 2 Exhibit 24, # 3 Exhibit 25, # 4 Exhibit 37, # 5 Exhibit 42, # 6 Exhibit 47, # 7 Exhibit 69, # 8 Exhibit 71, # 9 Exhibit 72, # 10 Exhibit 75, # 11 Exhibit 77, # 12 Exhibit 82) (sr1) (Entered: 06/06/2012)
06/06/2012	64	**SEALED** Exhibits C-J To Defendants' Motion 62 For Summary Judgment. (Attachments: # 1 Deposition, # 2 Exhibit 88, # 3 Exhibit 90-1, # 4 Exhibit 90-2, # 5 Exhibit 90-3, # 6 Exhibit 94, # 7 Exhibit D, # 8 Exhibit E, # 9 Exhibit F, # 10 Exhibit G, # 11 Exhibit H, # 12 Exhibit I, # 13 Exhibit J) (sr1) (Entered: 06/07/2012)
07/02/2012		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 7/2/2012. (Rubey, Rachel) (Entered: 07/02/2012)
07/03/2012	65	ORDER re 61 First MOTION for Summary Judgment; 62 SEALED MOTION; Plt's & Dft's granted ext of time to 7/20/12 to respond to pending motions for

		sum judge. Signed by Magistrate Judge Mark R. Abel on 7/2/12. (sh1) (Entered: 07/03/2012)
07/20/2012	66	**SEALED** Defendant's Opposition To Plaintiff's # 61 First Motion For Summary Judgment and Exhibits A-C. (Attachments: # 1 Exhibit A - C) (sr1) (Additional attachment(s) added on 4/15/2013: # 2 Introduction) (sr1). (Entered: 07/20/2012)
07/20/2012	67	NOTICE by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc. re 66 Sealed Document of <i>Manual Filing of Opposition to Plaintiffs' First Motion for Summary Judgment</i> (Sieck, William) (Entered: 07/20/2012)
07/20/2012	68	RESPONSE in Opposition re 62 SEALED MOTION <i>In Opposition to Defendants' Motion for Summary Judgment</i> filed by Plaintiffs Robert Burda, Burda Enterprises, LLC, Sondocatt Investments, LLC, XCL Enterprises, LLC. (Burda, Robert) (Entered: 07/20/2012)
08/06/2012	69	NOTICE by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc. re 66 Sealed Document of <i>Manual Filing of Reply Memorandum in Support of Motion for Summary Judgment</i> (Sieck, William) (Entered: 08/06/2012)
08/06/2012	70	SEALED REPLY IN SUPPORT of 62 Motion For Summary Judgment filed by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc. (jew1) (Entered: 08/07/2012)
10/09/2012	71	ORDER denying 61 Motion for Summary Judgment; granting 62 Sealed Motion. Signed by Judge George C Smith on 10-9-2012. (ga) (Entered: 10/09/2012)
10/16/2012	72	Consent MOTION for Extension of Time New date requested 11/13/2012. <i>to File Notice Whether Defendants Will Prosecute Their Counterclaims</i> by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc.. (Sieck, William) (Entered: 10/16/2012)
10/17/2012	73	ORDER granting 72 Motion for Extension of Time. Signed by Judge George C Smith on 10-17-12. (ga) (Entered: 10/17/2012)
11/13/2012	74	NOTICE by Counter Claimants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc., Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc. <i>of Intention to Prosecute Counterclaims</i> (Sieck, William) (Entered: 11/13/2012)
01/03/2013	75	STATUS ORDER: counsel "DIRECTED" to call Magistrate Judge Abel office on January 24, 2013 at 2:00 PM for a status conference. Signed by Magistrate Judge Mark R. Abel on 1/2/13. (sh1) (Entered: 01/03/2013)
04/18/2013	76	ORDER: Status Conference set for 4/29/2013 at 10:30 AM before Magistrate Judge Mark R. Abel.. Signed by Magistrate Judge Mark R. Abel on 4/18/13. (sh1) (Entered: 04/18/2013)

04/29/2013	77	STATUS CONFERENCE ORDER: counsel participated in a status conf w/ the Magistrate Judge in 4/29/13; Status report due 7/31/13. Signed by Magistrate Judge Mark R. Abel on 4/29/13. (sh1) (Entered: 04/29/2013)
04/29/2013		Minute Entry for proceedings held before Magistrate Judge Mark R. Abel: Telephone Conference held on 4/29/2013. (Rubey, Rachel) (Entered: 05/03/2013)
05/29/2013	78	ORDER. Signed by Judge George C Smith on 5-29-13. (ga) (Entered: 05/29/2013)
06/18/2013	79	CLERK'S JUDGMENT. Signed by the Clerk of Court on 6/18/13. (lvw1) (Entered: 06/18/2013)
07/31/2013	80	MOTION to Dismiss <i>Counterclaim Voluntarily and Proposed Order</i> by Defendants The New Bakery Co. of Ohio, Inc., Wendy's International, Inc., Wendy's Old Fashioned Hamburgers of New York, Inc.. Responses due by 8/26/2013 (Sieck, William) (Entered: 07/31/2013)
08/06/2013	81	ORDER granting 80 Motion to Dismiss Counterclaim. Signed by Judge George C Smith on 8/6/13. (lvw1) (Entered: 08/06/2013)
08/06/2013	82	CLERK'S JUDGMENT. Signed by the Clerk of Court on 8/6/13. (lvw1) (Entered: 08/06/2013)
