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BLOGS

Practice of Franchise Law

Court Holds That Franchisor Did Not Engage in Witness Tampering

In *I'mnaedaft, LTD v. The Intelligent Office System, LLC*, 2009 WL 1011200 (D. Colo. Apr. 15, 2009), the plaintiff, a former franchisee of Intelligent Office Systems ("IOS"), requested a court order preventing IOS from interfering with subpoenas that the plaintiff had issued to several of IOS' franchisees. As part of the request, the plaintiff also sought a "no contact" order preventing IOS from having any further contact with non-party franchisees.

The court denied the plaintiff's request and determined that IOS did not interfere with the subpoenas or tamper with any witnesses. The court held that the e-mails sent by IOS to the non-party franchisees after they received the subpoenas did not advocate non-compliance or suggest methods for delaying compliance with the subpoenas. Rather, the e-mails simply provided information that allowed the franchisees to make their own decision regarding whether to hire an attorney to respond to the subpoenas. Further, the court held that it would be inappropriate to issue a "no contact" order given the on-going business relationship between IOS and its franchisees and the possibility that several of the non-party franchisees may be witnesses in the case.