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BLOGS

Jurisdiction and Procedure

Kentucky State Court Finds Franchisee Owner Lacks Standing to Sue, Holding that the Franchisee Entity was the Proper Plaintiff

The Court of Appeals of Kentucky affirmed the dismissal of a Jani-King franchisee owner's wage and hour, breach of contract, and fraud claims on the basis that the franchisee's individual owner lacked standing to sue. *Mouanda v. Jani-King*, 2021 WL 406317 (Ky. Ct. App. Feb. 5, 2021). The plaintiff, Constance Mouanda, was the sole owner of an entity, The Matsoumou's, LLC. That entity entered into a franchise agreement with Cardinal Franchising, Inc., a master franchisee for the Jani-King janitorial franchise system. In the instant suit, Mouanda alleged a variety of claims, including that she was fraudulently induced to enter into the franchise agreement, and that she was actually an employee of Jani-King and had been misclassified as a franchisee in violation of employment laws. The court held, however, that Mouanda was not the proper plaintiff because she was not the franchisee. On that basis, the court affirmed the lower court's dismissal of Mouanda's claims.

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