

## \$1.8 million awarded in suit

A federal court jury in Mobile awarded \$1,883,000 in damages Thursday to a Baldwin County family which charged that Arby's, Inc. had misrepresented the amount of business it could expect to do with an Arby's fast food franchise at Gulf Shores.

The six-member jury returned its verdict in favor of Kitchens Foods, Inc., Doyle Kitchens, his wife, Pauline Kitchens, and their sons, Blakey Kitchens and Morgan Kitchens. The judgment was against Arby's, Inc., and one of its representatives, Fred Bartliff.

The jury awarded \$300,000 in compensatory damages to Kitchens Foods and \$20,750 in compensatory damages each to Doyle, Pauline, Blakey and Morgan Kitchens. Punitive damages awarded totaled \$1.5 million.

An attorney for the plaintiffs told the jury that members of the Gulf Shores family were "induced to put their life's savings" into an Arby's franchise "which was doomed to fail."

The restaurant was built and was operated by the family in late 1985 and 1986. An attorney for the plaintiffs said the restaurant did not do nearly as much business as Bartliff represented that it would. The plaintiffs were unable to pay their rent on the restaurant and lost their franchise, the attorney said.

One of the attorneys representing Arby's said Arby's stated to the family in writing that it did not guarantee the franchise would be profitable. He said Arby's had no reason to sell a franchise that was doomed to failure.