

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ROB & BUD'S PIZZA, LLC

PLAINTIFF

V.

CASE NO. 5:15-CV-5090

PAPA MURPHY'S INTERNATIONAL, INC.; and
PAPA MURPHY'S INTERNATIONAL, LLC

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Currently before the Court are Defendants' Motion to Transfer Venue (Doc. 6) and Memorandum in Support (Doc. 7), Plaintiff's Response in Opposition (Doc. 11), Defendants' Reply (Doc. 13), and Plaintiff's Sur-Reply (Doc. 19). Also currently before the Court are Plaintiff's Motion to Disqualify Robert L. Zisk (Doc. 15) and Motion to Disqualify Michael R. Gray (Doc. 21), and Defendants' Response in Opposition (Doc. 24). The Court heard oral argument on these Motions during a case management hearing that was held on June 18, 2015. During that hearing, the Court **DENIED** Plaintiff's Motions as premature and took Defendants' Motion under advisement. The Court now rules that Defendants' Motion is also **DENIED**. This Opinion and Order explains the basis for these rulings. To the extent anything in this Order differs from what the Court stated from the bench, this Order will control.

I. BACKGROUND

Plaintiff Rob & Bud's Pizza ("R&B") is a franchisee with Defendants¹ (collectively, "Papa Murphy's"), and it owns and operates multiple Papa Murphy's Take 'n' Bake Pizza

¹ The Court recognizes that Defendants have raised the affirmative defense "that all claims against Defendant Papa Murphy's International, Inc. are invalid because [it] is no