

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MEDIFAST FRANCHISE SYSTEMS, INC. *

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v.

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TEAM WELLNESS, INC., ET AL.

Civil No. – JFM-14-3668

MEMORANDUM

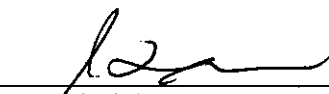
Defendant Neal Smith has filed a motion for summary judgment. The motion will be denied.

The motion does not contain any cites to the record. On that ground alone it does not comply with Fed. R. Civ. P. 56(c)(1)(A). In any event, the motion is without merit. Plaintiff's fraud in the inducement claim turns upon what was initially represented to it, including Neal Smith's 100% ownership of the franchisees in question. Moreover, it appears that plaintiffs were not advised of the fact that Chip Miles, who was under a non-compete agreement from a third party, was involved in the ownership of the franchisees.

The fact that after plaintiffs' termination, they negotiated with the then 50% owner of the franchisees, is of no moment. Self-evidently, it was in plaintiffs' interest to continue the business of the franchisees as best they could.

A separate order denying Neal Smith's motion for summary judgment is being entered herewith.

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2016 MAR -8 PM 4:03
U.S. DISTRICT COURT
DISTRICT OF MARYLAND



J. Frederick Motz
United States District Judge