


**Service of Process  
Transmittal**

06/02/2011

CT Log Number 518612338

**TO:** Tammy Rhoades  
Buffets, Inc.  
405 Lancaster Ave.  
Greer, SC 29650

**RE:** Process Served in Michigan

**FOR:** Buffets, Inc. (Domestic State: MN)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Robert Craig, Pltf. vs. Buffets, Inc., Dft.

**DOCUMENT(S) SERVED:** Summons, Proof of Service Form, Copy of Complaint, Demand for Pre-Trial Conference, Jury Demand

**COURT/AGENCY:** 10th Circuit Court, Saginaw County, MI  
Case # 110012886CZ4

**NATURE OF ACTION:** Employee Litigation - Discrimination - On the basis of age

**ON WHOM PROCESS WAS SERVED:** The Corporation Company, Bingham Farms, MI

**DATE AND HOUR OF SERVICE:** By Certified Mail on 06/02/2011 postmarked on 05/31/2011

**JURISDICTION SERVED :** Michigan

**APPEARANCE OR ANSWER DUE:** Within 28 days

**ATTORNEY(S) / SENDER(S):** Victor J. Mastromarco, Jr.  
The Mastromarco Firm  
1024 N. Michigan Ave.  
Saginaw, MI 48602  
989-752-1414

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/02/2011, Expected Purge Date: 06/07/2011  
Image SOP  
Email Notification, Tammy Rhoades tammy.rhoades@buffetsinc.com  
Email Notification, Paul Holovnia paul.holovnia@buffetsinc.com

**SIGNED:** The Corporation Company  
**PER:** Stephanie Hendrickson  
**ADDRESS:** 30600 Telegraph Road  
Suite 2345  
Bingham Farms, MI 48025-5720  
**TELEPHONE:** 248-646-9033

Page 1 of 1 / AD

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

Approved, SCAO

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 10th JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	CASE NO. 11- -CZ <b>11-012886-CZ-4</b>
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Court address: 111 S. Michigan Ave., Saginaw, MI 48602  
 Court telephone no. (989) 790-5540

Plaintiff name(s), address(es), and telephone no(s).  
 ROBERT CRAIG

Defendant name(s), address(es), and telephone no(s).  
 BUFFETS, INC.

Plaintiff attorney, bar no., address, and telephone no.  
 VICTOR J. MASTROMARCO, JR. P34564  
 THE MASTROMARCO FIRM  
 1024 N. MICHIGAN AVE.  
 SAGINAW, MI 48602  
 (989) 752-1414

Resident Agent:  
 C.T. Corporation System  
 30600 Telegraph Road, Ste. 2345  
 Bingham Farms, MI 48025

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:  
 1. You are being sued.  
 2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).  
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued <b>5/25/11</b>	This summons expires <b>8/25/11</b>	Court clerk <i>[Signature]</i>
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\*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.  
 An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.  
 The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/  
 A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.  
 The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village) SAGINAW COUNTY, MICHIGAN	Defendant(s) residence (include city, township, or village) SOUTH CAROLINA
Place where action arose or business conducted SAGINAW COUNTY, MICHIGAN	

05/24/2011

Date

*[Signature]*  
 Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

**PROOF OF SERVICE**

**SUMMONS AND COMPLAINT**  
Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE**

<input type="checkbox"/> <b>OFFICER CERTIFICATE</b> I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)	OR	<input type="checkbox"/> <b>AFFIDAVIT OF PROCESS SERVER</b> Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
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- I served personally a copy of the summons and complaint,  
 I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_  
List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- I have personally attempted to serve the summons and complaint, together with any attachments on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_  
 Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_ Date \_\_\_\_\_ County, Michigan.

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Signature: \_\_\_\_\_ Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on \_\_\_\_\_ Day, date, time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW

ROBERT CRAIG,

Plaintiff,

FILE NO.: 11-012886-CZ-4

vs.

HONORABLE

JAMES T. BORCHARD P27015

BUFFETS, INC.

Defendant.

**A TRUE COPY**  
Susan Kattenbach, Clerk

THE MASTROMARCO FIRM  
VICTOR J. MASTROMARCO, JR. (P34564)  
MANDA L. DANIELESKI (P62597)  
Attorneys for Plaintiff  
1024 North Michigan Ave.  
Saginaw, Michigan 48602  
(989) 752-1414  
[vmastromar@aol.com](mailto:vmastromar@aol.com)  
[westervm@gmail.com](mailto:westervm@gmail.com)

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

**COMPLAINT, DEMAND FOR JURY TRIAL  
AND PRE-TRIAL CONFERENCE**

NOW COMES the Plaintiff, ROBERT CRAIG, by and through his attorneys, THE MASTROMARCO FIRM, and hereby complains against the Defendant by stating more fully as following:

COMMON ALLEGATIONS

1.

That at all times material hereto, Plaintiff, ROBERT CRAIG, is a resident of the County of Saginaw, State of Michigan.

2.

That at all times material hereto, the Defendant, BUFFETS, INC., is a corporation with its headquarters and principal place of business located in South Carolina.

3.

That the amount in controversy exceeds the sum of \$75,000.00 (SEVENTY FIVE THOUSAND DOLLARS), exclusive of costs, interest and attorney fees.

4.

That at all times material hereto, Defendant is guilty of discrimination based on Plaintiff's age in violation of State law.

5.

That Plaintiff alleges violations of the Elliot Larsen Civil Rights Act otherwise found at MCL 37.2101, et seq.

6.

That at all times material hereto, Defendant was the employer of the Plaintiff.

7.

That Defendant did employ the Plaintiff beginning in 1990 as a "Manager" and during such time, Plaintiff continued in uninterrupted employment, and prior to his



termination, the Plaintiff performed in satisfactory or above-satisfactory manner and met all of the standard performance standards of the Defendant.

8.

That at the time of his wrongful termination, Plaintiff was employed as an “Area Director.”

9.

That Plaintiff in fact received his annual performance review in late-November or early-December, prior to his March, 2011 discharge, and at that time, received a satisfactory performance review.

10.

That subsequent to his performance review, and in December of 2010, Plaintiff did receive a merit increase for good performance.

11.

That in fact, Defendant did terminate the Plaintiff based on his age, and replaced him with a younger, less qualified individual who was in his mid-30's, and had only worked as an “Area Director” for approximately a year and a half.

12.

That in contrast, Plaintiff had worked as an “Area Director” for 19 years.

13.

That the reasons given for Plaintiff's termination were “pretextual” and in fact the Defendant turned over the Plaintiff's business area to the younger, less-qualified employee, Nick Kagay.

- 3 -

14.

That furthermore, Plaintiff's employment was governed by Policy and Procedure Manuals, rules and requirements, which he was required to follow as per Policy of the Defendant.

15.

That likewise, the Defendant was required to enforce said policies and procedures and follow them in the event of a termination as it would relate to the Plaintiff.

16.

That Defendants did violate their policies and procedures when they terminated the Plaintiff.

17.

That specifically Defendant's employment policies and certain written agreements signed by the Defendant indicated that the Plaintiff would be provided equal treatment as to all employees, and would enjoy the benefits of his employment without regard to his age.

18.

That under Michigan Common Law, Defendants are required to follow their policies and procedures then and there in effect at the time of Plaintiff's termination.

19.

That as a result of Defendant's unlawful acts in violation of the Michigan Statute says they relate to age discrimination and the Defendant's own policies as they would

relate to Plaintiff's employment separation and/or discrimination, the Plaintiff has been severely damaged.

20.

That as a result of Defendant's unlawful acts, Plaintiff has suffered economic damages including lost wages, back pay, future pay, future raises and all other benefits provided and further Plaintiff was forced to suffer a loss of health benefits, vacation pay, holiday pay and all other fringe benefits, and also suffered non-economic damages including mental anguish, nervousness as well as humiliation and embarrassment.

#### COUNT I - AGE DISCRIMINATION

21.

The Plaintiff hereby incorporates, by reference hereto, paragraphs 1 through 20 of his common allegations, word for word, and paragraph by paragraph as if restated herein.

22.

That as indicated above, Plaintiff is a member of a protected class by virtue of his age, with is date of birth being March 17, 1952.

23.

That during the course of Plaintiff's employment, Plaintiff was targeted because of his age, and was in fact terminated and replaced by a younger employee.

24.

That at all times material hereto, Plaintiff was qualified for the position that he held, and had just previously been evaluated as performing satisfactorily.

- 5 -



25.

That similarly situated individuals, outside of Plaintiff's protected class were treated more favorably than the Plaintiff.

26.

That Defendants actions did affect a term, condition and privilege of the Plaintiff's employment because of his age and has resulted in Plaintiff's suffering from economic loss in the form of back pay, future pay, overtime pay, bonuses, sick pay, vacation pay and all other fringe benefits together with all interest on all monies outstanding along with mental anguish, nervousness as well as humiliation and embarrassment damages.

27.

That pursuant to the Michigan Elliot Larsen Civil Rights Act, otherwise found at MCL 37.2101, et seq., the Plaintiff requests an award of his attorney fees and costs against the Defendant.

#### COUNT II – BREACH OF POLICY

28.

The Plaintiff hereby incorporates, by reference hereto, paragraphs 1 through 20 of his common allegations and paragraphs 21 through 27 of Count I, word for word, and paragraph by paragraph as if restated herein.

29.

That during the course of Plaintiff's employment with the Defendant, there were specific rules, regulations, handbooks and other documents that formed not only

- 6 -

agreements, but also policies and procedures that would be followed during the course of Plaintiff's employment.

30.

That Plaintiff was required to follow said procedures or policies or rules and regulations or agreements as more specifically set forth in the immediately preceding paragraph as a condition of his employment.

31.

That as such, Plaintiff had a right to rely under Michigan Law that said policies, procedures, regulations, rules and agreements would be followed.

32.

That there were certain rules and regulations that Plaintiff would be treated fairly and that he would not be discriminated against or singled out because of his age.

33.

That Defendant did violate said procedures and policies as outlined and referred to generically above.

34.

That Defendants actions have resulted in Plaintiff suffering from economic loss and non-economic loss as more fully set forth in Count I and the Common Allegations.

WHEREFORE, the Plaintiff, ROBERT CRAIG, hereby requests that this Honorable Court grant him an award of an amount in excess of SEVENTY FIVE THOUSAND and NO/100 DOLLARS (\$75,000.00) to fully compensate him for all his economic and non-economic damages, which he has sustained as a direct and proximate

- 7 -

result of Defendant's wrongful actions. That Plaintiff likewise seeks recovery for his actual attorney fees and costs. The Plaintiff likewise seeks whatever equitable relief the Court deems just.

Respectfully submitted,

THE MASTROMARCO FIRM

Dated: 5-24-11

  
VICTOR J. MASTROMARCO, JR. (P34564)  
Attorneys for Plaintiff  
1024 N. Michigan Ave.  
Saginaw, Michigan 48602  
(989) 752-1414  
[vmastromar@aol.com](mailto:vmastromar@aol.com)

DEMAND FOR PRE-TRIAL CONFERENCE

NOW COMES the Plaintiff, ROBERT CRAIG, by and through his attorneys,  
THE MASTROMARCO FIRM, and hereby demands a Pre-Trial Conference.

Respectfully submitted,

THE MASTROMARCO FIRM

Dated: 5.24.11

  
VICTOR J. MASTROMARCO, JR. (P34564)  
Attorneys for Plaintiff  
1024 N. Michigan Ave.  
Saginaw, Michigan 48602  
(989) 752-1414  
[vmastromar@aol.com](mailto:vmastromar@aol.com)

DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff, ROBERT CRAIG, by and through his attorneys, THE MASTROMARCO FIRM, and hereby demands a trial by jury of all issues in this cause of action unless expressly waived.

Respectfully submitted,

THE MASTROMARCO FIRM

  
VICTOR J. MASTROMARCO, JR. (P34564)

Attorneys for Plaintiff  
1024 N. Michigan Ave.  
Saginaw, Michigan 48602  
(989) 752-1414  
[vmastromar@aol.com](mailto:vmastromar@aol.com)

Dated: 5-24-11



