

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

G SIX CONSULTING LLC,

Plaintiff,

v.

Stephen Mullett

Defendant.

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Case No: 1:25-cv-2166

JURY TRIAL DEMANDED

DEFENDANT STEPHEN MULLETT’S MOTION TO DISQUALIFY

TO THE HONORABLE COURT:

Defendant Stephen Mullett (“Mullett”) respectfully moves to disqualify Plaintiff’s Counsel, the law firm Zarco Einhorn Salkowski, P.A. (“Zarco”), from representing Plaintiff G Six Consulting, LLC (“Plaintiff” or “G Six”) in this case pursuant to Northern District of Illinois Local Rule 83.50, and would respectfully show as follows:

INTRODUCTION

Zarco should be disqualified as counsel in this matter for its intentional violations of Rules 4.2, 8.4 and 3.7 of the ABA Model Rules of Professional Conduct (the “Rules”).

This lawsuit is part of a coordinated effort spearheaded by Zarco to force Mullett’s former employer, Dickey’s Restaurants, Inc. (“Dickey’s”), into bankruptcy by (1) coordinating and funding baseless litigation of disgruntled Dickey’s franchisees; (2) driving negative publicity about Dickey’s and (3) directly and indirectly encouraging franchisees to violate their franchise agreements. As a part of this campaign, Zarco has induced at least two franchisees (including G Six) to file baseless claims against Dickey’s and its current or former employees in state and federal court, and in arbitration, and to drum up negative publicity about Dickey’s.

For example, by this lawsuit, Zarco sued Mullett personally (a resident of Rockwall, Texas)

for millions of dollars in Illinois, using largely copy-pasted pleadings from G Six’s existing arbitration against Dickey’s. And in its publicity campaign, Zarco has gone so far as to inject themselves (Zarco) into the various litigations as fact witnesses—in violation of Ethics Rule 3.7—through public statements in numerous articles, asserting, for example, that up to “80%” of Dickey’s locations “are shutting down” (a completely fabricated assertion).

In its most recent litigation tactic, Zarco abandoned the rules of ethics and solicited a direct call with Mullett (whom Zarco knows to be represented) in an apparent attempt to leverage this lawsuit to coerce favorable testimony from Mullett in corresponding arbitration proceedings.

On April 11, 2025, Zarco attorneys—including specifically Robert Einhorn—met with one of their Dickey’s-franchisee clients, Christopher Bruno and induced or otherwise encouraged him to call Mullett directly to discuss the facts of this case. Acting on their instruction and on their behalf, Bruno called Mullett, demanding that he (Mullett) call the Zarco law firm directly “to speak with them about the case.” Bruno (again acting at his lawyer’s encouragement) repeatedly instructed Mullett to contact Zarco directly and to “work with us” to “help us get through all this.”

When Mullett refused to discuss case specifics with Bruno or call the Zarco firm, Bruno *threatened* him, using this lawsuit as leverage: “I know you’re in a lot of hot water yourself. So if you don’t want to work with me, that’s fine. I’ll just, you know, report back to my lawyers that you’re not interested and we’ll just keep going.” He also said: “I know Dickey’s is representing you and everything like that, but if Dickey’s isn’t going to have a favorable outcome, what makes you think things are going to go okay with you? ***Dude, this is not going to go away.***”

To make matters worse, Mullett is a fact witness in two pending Zarco-led arbitrations against Dickey’s, including the arbitration brought by G Six and the arbitration brought by Bruno. The Zarco firm has already proven that they do not want Mullett’s *truthful* testimony, as they

subpoenaed him for the final hearing in the G Six arbitration, and then refused to call him to the stand when he appeared. Instead, they are attempting to coerce him into “work[ing] with [them]” in order to influence his testimony in those matters, by leveraging this multi-million-dollar, federal lawsuit in Illinois, hundreds of miles away from Mullett’s residence in Rockwall, Texas.

The call was in all respects a violation of Rules 4.2 and 8.4, and tantamount to witness tampering, and Zarco’s conduct is undoubtedly part its broader campaign against Dickey’s.

Zarco’s actions are plainly professional misconduct aimed at obtaining an unfair advantage in this proceeding and others. Zarco’s bullying and underhanded litigation tactic threatens the integrity of the adversarial process and taints the litigation with serious ethical violations. Given this misconduct, Zarco should be disqualified from serving as counsel in this matter.

BACKGROUND

A. Zarco violated Rules 4.2 and 8.4 by soliciting direct communication with Stephen Mullett, who Zarco knows to be represented by counsel in this lawsuit.

Zarco currently represents two former Dickey’s franchisees in arbitration proceedings against Dickey’s, including G Six¹ and Christopher Bruno,² a former franchisee who resides in New Jersey. In each of these arbitration proceedings, Dickey’s is represented by Lynn Pinker Hurst & Schwegmann (“LPHS”), which also represents Stephen Mullett in this lawsuit.

Stephen Mullett, defendant in this lawsuit, is the former Senior Director of Finance and Real Estate Development for Dickey’s. Mullett has been represented by Lynn Pinker Hurst & Schwegmann (“LPHS”) throughout this lawsuit. On March 28, 2025, LPHS signed the pending Motion to Dismiss this lawsuit, Dkt. No. 12, providing notice of LPHS’ representation of Mullett in this matter. Indeed, Zarco communicated with LPHS attorneys regarding this lawsuit on

¹ *G Six v. Dickey’s*, AAA Case No. 01-23-0004-5053 (filed October 13, 2023).

² *Bruno v. Dickey’s*, AAA Case No. 01-23-0004-5005 (filed October 13, 2023).

numerous occasions related to the Joint Status Report that was filed on May 14, 2025.

On April 11, 2025—two weeks *after* LPHS appeared as counsel for Mullett—Zarco solicited its client, Christopher Bruno, to call Mullett directly in order to induce Mullett to “work with” Zarco and “help us get through all this.” The call was a direct violation of Rules 4.2 and 8.4, and was tantamount to *witness tampering*.

Mullett recorded the phone call.³ According to the transcript, Bruno met with his counsel (Zarco), and called Mullett directly afterwards. During the call, Bruno stated as follows:

- “You know, I’m being represented by the Zarco Law Firm and I know you’re getting sued from the Gibsons and all.”⁴
- “I’m sure Dickey’s is representing you”⁵
- “So, I think it would be in everyone’s best interest if you just talk to my lawyers and help us get through all this.”⁶
- “[M]y lawyers told me, because they’re not allowed to call you, that I could try and give you a call to see if you would be willing to speak with them and talk with them.”⁷
- “[M]y lawyers can’t specifically reach out to you.”⁸
- “I can give you my lawyer’s number.”⁹
- “I can give you my lawyer’s direct number.”¹⁰
- “I would give you their contact information, so that way you can call them and get the specifics to speak with them about the case.”¹¹
- “I know you’re in a lot of hot water yourself.”¹²
- “This is not going to go away.”¹³
- “All right, well then, I’ll just go back and say you refuse to work with us, and we’ll just keep going on with our case.”¹⁴

³ An audio recording of the call is available at t9zbp2thgo5x.s3.us-east-1.amazonaws.com/audiofile1.m4a.

⁴ Ex. A-1, April 11, 2025 Phone Call Tr. 2:4-6.

⁵ Ex. A-1, April 11, 2025 Phone Call Tr. 4:6-7.

⁶ Ex. A-1, April 11, 2025 Phone Call Tr. 2:18-20.

⁷ Ex. A-1, April 11, 2025 Phone Call Tr. 9:6-9.

⁸ Ex. A-1, April 11, 2025 Phone Call Tr. 2:10-11.

⁹ Ex. A-1, April 11, 2025 Phone Call Tr. 4:5.

¹⁰ Ex. A-1, April 11, 2025 Phone Call Tr. 5:20-21.

¹¹ Ex. A-1, April 11, 2025 Phone Call Tr. 9:17-20.

¹² Ex. A-1, April 11, 2025 Phone Call Tr. 6:5-6.

¹³ Ex. A-1, April 11, 2025 Phone Call Tr. 10:2.

¹⁴ Ex. A-1, April 11, 2025 Phone Call Tr. 7:15-16.

B. Zarco's conduct is part of a larger, ongoing campaign against Dickey's.

In isolation, the call is a gross violation of ethical rules, with which Zarco is presumably familiar. Here, Zarco's ethical violations are magnified by its conduct outside of this lawsuit.

Zarco's conduct on April 11, 2025 is part of its ongoing campaign to push Dickey's into bankruptcy by (1) coordinating and funding baseless litigation of two disgruntled Dickey's franchisees; (2) driving negative publicity about Dickey's and (3) directly and indirectly encouraging franchisees to violate their franchise agreements.

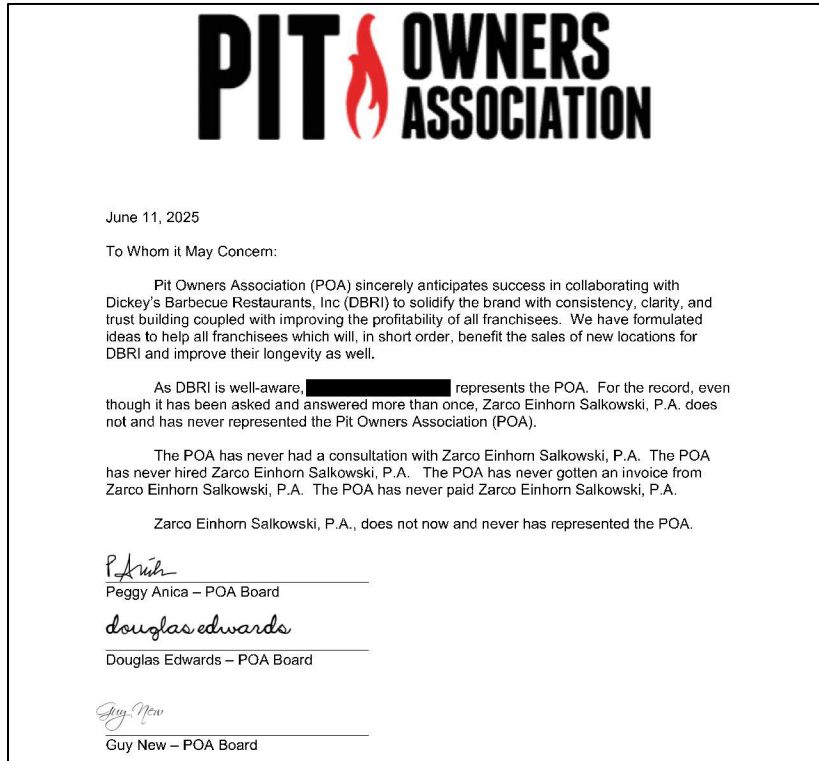
Consistent with these efforts, Zarco currently represents two franchisees in litigation against Dickey's in federal and state court, and in arbitration proceedings. In multiple of these arbitrations, Zarco has included as named respondents numerous current or former employees (including Mullett), in a transparent attempt to harass these individuals; all of which have since been dismissed from those proceedings. Zarco has also made an offer to take over representation for yet another claimant in a pending arbitration against Dickey's and to fund that arbitration. Mullett has been named by Zarco as a witness in multiple of these proceedings.

In December 2024, one of Zarco's named partners, Robert Zarco, was interviewed for and quoted in a *Restaurant Business* article titled "*Dickey's sales plunge, and franchisees pay the price*," by Jonathan Maze (published December 11, 2024).¹⁵ Mr. Zarco was quoted in the article as stating (with no factual basis): "Some locations are viable . . . , [b]ut very few. Seventy to 80% are shutting down." He went on to assert, "Franchisees are losing their investments[.] Stores have no equity once the investment is made. Buildouts are more expensive than what they portrayed. The whole business model is simply not working."¹⁶ This article falsely portrayed Zarco to be

¹⁵ Ex. C, Jonathan Maze, *Dickey's sales plunge, and franchisees pay the price*, RESTAURANT BUSINESS ONLINE (December 11, 2024), available at <https://www.restaurantbusinessonline.com/financing/dickeys-sales-plunge-franchisees-pay-price>.

¹⁶ *Id.*

legal counsel for the Pit Owners Association (“POA”) (an independent franchise association representing Dickey’s franchisees), including multiple occasions where Maze cites Zarco as the “attorney for Dickey’s franchise association” and “the attorney who represents the [Dickey’s] independent franchise association.” The POA has since clarified that “*even though it has been asked and answered more than once, [Zarco] does not and never has represented the [POA]*.”¹⁷



Zarco and its other attorneys have been quoted in multiple news articles published false and negative press about Dickey’s, including a recent Brett Anderson New York Times article in which Einhorn stated, “There are hundreds of people who have been wiped out by Dickey’s.”¹⁸ On information and belief, Zarco encouraged franchisees to collect funds to pay reporters (including Mr. Maze) to publish these defamatory articles, and even offered to contribute to such

¹⁷ Ex. D, June 11, 2025 Correspondence from Pit Owners Association (emphasis added).

¹⁸ Brett Anderson, *They Bet Their Future on Barbecue Dreams. Many Lost Everything*, NY Times (June 3, 2025), available at <https://www.nytimes.com/2025/06/03/dining/dickeys-barbecue-pit-franchise.html>.

funds by matching franchisee contributions.¹⁹ Zarco's continued misrepresentations in news articles and its campaign against Dickey's make it a fact witness in this dispute and others.

Further, on information and belief, Zarco (along with Brett Anderson) is directly involved with a private Facebook Group called "Bbq Into Bankruptcy Group," and galvanizes clients from the group to assert claims against Dickey's. Members of this group openly discuss alleged and unproven claims against Dickey's, going so far as to coordinate efforts to disrupt and harm Dickey's business operations including encouraging franchisees to cease operating their restaurants and to take other actions inconsistent with the terms of their Franchise Agreements, to influence or manipulate the media coverage of Dickey's, and to coordinate litigation/arbitration tactics regardless of viability of claims. This group includes Maria Gibson, owner of G Six, Bruno, and Danny Unsworth,²⁰ and—all of whom are plaintiffs in pending litigation against Dickey's.

The broader scale of Zarco's campaign against Dickey's adds color to Zarco's already-egregious conduct regarding the April 11, 2025 phone call to Mullett. It is clear that Zarco intends or attempted to use this lawsuit against Mullett as leverage to solicit favorable testimony from Mullett in Zarco's other proceedings against Dickey's. Zarco's conduct is unethical bullying at its core. These tactics—including the April 11, 2025 phone call and this lawsuit as a whole—point directly to Zarco's underlying motivation: to drive Mullett's former employer, Dickey's—and their current franchisees—out of business. Such conduct threatens the integrity of the adversarial process and prejudices Mullett and his counsel, as well as his former employer, Dickey's.

¹⁹ At best, Reporter Jonathan Maze failed to verify the truth of his statements; at worst he colluded with Zarco. Brett Anderson was also clearly involved with Zarco and/or Claimant's BBQ To Bankruptcy page.

²⁰ *Unsworth et al v. Dickey's Barbecue Restaurants, Inc. et al*, Case No. 5:24-cv-00975-JRA, pending in U.S.D.C. Northern District of Ohio.

LEGAL STANDARD

A Motion for Disqualification proceeds in two steps: the Court must determine (1) if an ethical violation occurred; and (2) whether disqualification is an appropriate remedy. *See Freeman Equip., Inc. v. Caterpillar, Inc.*, 262 F. Supp. 3d 631, 634 (N.D. Ill. 2017)).

“[I]t is well established that courts possess the inherent power to protect the orderly administration of justice and to preserve the dignity of the tribunal and that the inherent power of a court to manage its affairs necessarily includes the authority to impose reasonable and appropriate sanctions upon errant lawyers practicing before it.” *O’Malley v. Novoselsky*, No. 10 C 8200, 2011 WL 2470325, at *4 (N.D. Ill. June 14, 2011) (quotation omitted). “Such sanctions may include the award of attorneys’ fees and costs, disqualification of counsel, and the imposition of monetary penalties.” *Blanchard v. EdgeMark Fin. Corp.*, 175 F.R.D. 293, 303 (N.D. Ill. 1997).

Under Local Rule 83.50, the “Applicable disciplinary rules are the Model Rules adopted by the American Bar Association.” Zarco’s conduct is in violation of Rules 4.2, 8.4 and 3.7.

1. Rule 4.2: Communication with Person Represented by Counsel.

“In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.” Rule 4.2 (emphasis added); ILL. R. PROF. RESP. 4.2 (same). Further, “[a] lawyer may not make a communication prohibited by [Rule 4.2] through the acts of another.” Rule 4.2, cmt. 4.

2. Rule 8.4: Misconduct.

Under Rule 8.4, indirect violation of the Rules is equally prohibited. “It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.” Rule 8.4.

3. Rule 3.7: Lawyer as Witness.

Rule 3.7 provides: “A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness.” The advocate-witness rule “has deep roots in American law.” *U.S. v. Jones*, 600 F.3d 847, 861–62 (7th Cir. 2010). “Rules of professional conduct for attorneys have long recognized that having an attorney testify either for or against his client can put great stress on our system of justice.” *U.S. v. Turner*, 651 F.3d 743, 749 (7th Cir. 2011).

ARGUMENT AND AUTHORITIES

A. Zarco violated Rules 4.2 and 8.4.

The April 11, 2025 phone call is a clear violation of Rules 4.2 and 8.4. Zarco used its client, Bruno, to initiate a substantive communication with Mullett, a represented party. Rule 4.2 prohibits a lawyer’s direct *or indirect* communication (1) “about the subject of the representation” and (2) “with a person the lawyer knows to be represented by another lawyer in the matter.” Rule 4.2.

4. Zarco had actual knowledge Mullett was a represented party.

There is no question that on April 11, 2025, Zarco had actual knowledge that Mullett was represented by LPHS. Indeed, two weeks before, on April 2, Zarco initiated communications with LPHS, as counsel for Mullett, to schedule a Rule 26(f) conference consistent with the Federal Rules.²¹ Bruno also admits that he knew Mullett was represented by counsel: “I know you’re getting sued from the Gibsons and all” and “I know Dickey’s is representing you.”²²

5. Zarco induced Bruno to initiate the call.

The fact that Bruno—not Zarco directly—initiated the call is immaterial. Comments to Rule 4.2 speak to this exact instance: “*A lawyer may not make a communication prohibited by this Rule through the acts of another.*” Rule 4.2, cmt 4. And Rule 8.4 specifically makes it a

²¹ Ex. B, April 2, 2025 email from Zarco (Himanshu Patel) to LPHS (Daniela Holmes).

²² Ex. A-1, April 11, 2025 Phone Call Tr. 2:5 & 9:20-21. Dickey’s and Mullett share the same counsel (LPHS) in this lawsuit and others.

violation to “knowingly assist or induce another to [violate the Rules of Professional Conduct] or to do so through the acts of another.” Rule 8.2. Simply put, “[a] lawyer may not turn a blind eye to circumstances that make it clear that a person with whom a lawyer wishes to speak is a represented party.” *Scanlan v. Eisenberg*, 893 F. Supp. 2d 945, 949 (N.D. Ill. 2012).

Bruno admitted that he called Mullett at Zarco’s instruction: “[M]y lawyers told me, because they’re not allowed to call you, that I could try and give you a call to see if you would be willing to speak with them and talk with them.”²³ He told Mullett, “I had a meeting with [Zarco] this morning about my case and about the Gibsons case and the other cases. And *they told me* if it’s worth a shot *to give you a call*.”²⁴ Bruno further states, “I mean, my lawyers can’t specifically reach out to you.”²⁵ Moreover, the entirety of the call is replete with requests from Bruno for Mullett to reach out to Zarco directly.²⁶ *Cf.* Rule 4.2, cmt. 3 (“The Rule applies even though the represented person initiates or consents to the communication.”).

6. The call was a communication “about the subject of the representation.”

Bruno explicitly confirmed that the purpose for Zarco’s solicitation was to speak directly with Mullett “*about the case*.”²⁷ The conversation directly addresses Mullett and Dickey’s alleged wrongdoing: “I know you know that what Dickey’s was doing wasn’t right.”²⁸ Bruno also references Dickey’s purported fraudulent arrangement with Illumina Bank, saying, “I know the details between, you know, April Dravie and Illumina Bank and Financial Capital Solutions and,

²³ Ex. A-1, April 11, 2025 Phone Call Tr. 9:6–9. Bruno admits that his lawyers are “the Zarco Law Firm” and “Robert Einhorn.” *Id.* at 2:4–5 and 3:9.

²⁴ Ex. A-1, April 11, 2025 Phone Call Tr. 6:13–16.

²⁵ Ex. A-1, April 11, 2025 Phone Call Tr. 2:10–11.

²⁶ Ex. A-1, April 11, 2025 Phone Call Tr. 2:18–20 (“So, I think it would be in everyone’s best interest if you just talk to my lawyers and help us get through all this.”); *id.* at 2:10–11 (“[M]y lawyers can’t specifically reach out to you.”); *id.* at 4:5 (“I can give you my lawyer’s number.”); *id.* at 5:20–21 (“I can give you my lawyer’s direct number.”); *id.* at 9:17–20 (“I would give you their contact information, so that way you can call them and get the specifics to speak with them about the case.”).

²⁷ Ex. A-1, April 11, 2025 Phone Call Tr. 9:17–20 (emphasis added).

²⁸ Ex. A-1, April 11, 2025 Phone Call Tr. 3:21–22.

you know, Dickey's was making money on the back end of these deals."²⁹ Worse, when Mullett refused to "work with" Zarco, Bruno *threatened* him, using this litigation as leverage: "I know you're in a lot of hot water yourself,"³⁰ *"This is not going to go away,"*³¹ and *"I'll just go back and say you refuse to work with us, and we'll just keep going on with our case."*³²

Further, Bruno attempted to elicit admissions from Mullett: "You're a part of this whole scheme. You know you are."³³ He also attempted to persuade Mullett to distance himself from Dickey's and align with franchisees, including Bruno—"I know Dickey's is representing you and everything like that, but if Dickey's isn't going to have a favorable outcome, what makes you think things are going to go okay with you?"³⁴ and "I just think it's in everyone's best interest that you work with our lawyers."³⁵ The call demonstrates intent to influence Mullett's position in this litigation, and in others in which Mullett is a witness.

B. No exception applies.

Both Bruno and Zarco knew that the Rules prohibited communication between Zarco and Mullett. Bruno admits this directly: "My lawyers can't specifically reach out to you."³⁶ At no time did Zarco seek consent from Mullett's counsel to have this call; nor would the undersigned have given such consent. Rather, Zarco attempted to circumvent its ethical obligations by soliciting the call through its other client, Bruno. Mullett also intends to file a grievance with the Florida State Bar to address Zarco's ethical violations, including the April 11, 2025 phone call.

²⁹ Ex. A-1, April 11, 2025 Phone Call Tr. 5:13-16.

³⁰ Ex. A-1, April 11, 2025 Phone Call Tr. 6:5-6.

³¹ Ex. A-1, April 11, 2025 Phone Call Tr. 10:2 (emphasis added).

³² Ex. A-1, April 11, 2025 Phone Call Tr. 7:15-16 (emphasis added).

³³ Ex. A-1, April 11, 2025 Phone Call Tr. 10:5-6.

³⁴ Ex. A-1, April 11, 2025 Phone Call Tr. 9:20-10:2.

³⁵ Ex. A-1, April 11, 2025 Phone Call Tr. 4:10-12.

³⁶ Ex. A-1, April 11, 2025 Phone Call Tr. 2:10-11.

C. **Zarco violated Rule 3.7 and lied about representation of Dickey's franchise association.**

“The roles of attorney and witness usually are incompatible.” *Gusman v. Unisys Corp.*, 986 F.2d 1146, 1148 (7th Cir. 1993). “The most important consideration is that the attorney-witness may not be a fully objective witness, or may be perceived by the trier of fact as distorting the truth for the sake of his client.” *Jones v. City of Chicago*, 610 F. Supp. 350, 357 (N.D. Ill. 1984).

Through its involvement and quoted statements in the article published by Restaurant Business, Zarco (and specifically, Mr. Zarco) became a personal participant in the negative publicity campaign against Dickey's, and represented itself to have material information regarding the statements made in article, thereby making itself a fact witness. Further, Zarco's broader campaign against Dickey's is material to Mullett's defenses in this lawsuit, as it suggests improper motive for the filing of this lawsuit in the first place. As the leader and organizer of this campaign, Zarco has made itself a key witness in this dispute. When—and not if, as Mr. Zarco's testimony is necessary—Mr. Zarco testifies, he will have every incentive to “distort[] the truth for the sake of his client” and “vouch for his own credibility” on the witness stand, resulting in unfair prejudice to Mullett. *Id.* Rule 3.7 therefore mandates Zarco's disqualification as counsel for Plaintiff.

The policy behind Rule 3.7 “reflects the broader concern for public confidence in the administration of justice, that ‘justice must satisfy the appearance of justice.’” *Jones*, 610 F. Supp. at 357 (quoting *U.S. v. Johnson*, 690 F.2d 638 (7th Cir.1982)). The most important consideration is that the attorney-witness may not be a fully objective witness. *Id.* And such policy concerns are greater in cases, as this one, where a jury is the trier of fact. *Id.* An advocate-witness will be in a position to “vouch for his own credibility” to the jury, and creates a risk that the jury will place undue weight on the attorney's testimony, both of which create an unfair advantage. *See id.* at 357.

D. Disqualification is an appropriate remedy.

Disqualification rests with the Court’s “broad discretion.” *U.S. v. Hollnagel*, No. 10 CR 195, 2011 WL 3898033, at *4 (N.D. Ill. Sept. 6, 2011). Here, disqualification is warranted because Zarco engineered knowing violations of Rules 4.2, 8.4(a) and 3.7, and compromised the fairness and integrity of these proceedings and the profession, which the Rules are designed to uphold. “[E]ven the appearance of impropriety” may justify disqualification of counsel to preserve public confidence in the integrity of legal proceedings. *Wagner v. Lehman Bros. Kuhn Loeb Inc.*, 646 F. Supp. 643, 668 (N.D. Ill. 1986); *see also Schloetter v. Railoc of Ind., Inc.*, 546 F.2d 706, 711 (7th Cir. 1976) (district court “was well within the bounds of its discretion in disqualifying attorneys [] because of the appearance of impropriety which would result from their continued involvement”).

1. Disqualification is appropriate for Zarco’s violations of Rules 4.2 and 8.4.

“Disqualification may be ordered as a remedy for a violation of Rule 4.2.” *Weeks v. Indep. Sch. Dist. No. I-89 of Oklahoma Cnty., OK., Bd. of Educ.*, 230 F.3d 1201, 1211 (10th Cir. 2000). *See also Kuziel v. Kuziel*, No. 1–12–2612, 2013 WL 1296235, ¶ 23 (Ill. App. 2013) (“Courts have interests in protecting the attorney-client relationship, maintaining public confidence in the legal profession and ensuring the integrity of judicial proceedings and have the authority to disqualify an attorney from representing a particular client to protect those interests.”). Zarco’s egregious violation of Rules 4.2 and 8.4—even in isolation—warrant disqualification.

This Court and others have disqualified counsel in whole or in part for violating ethics rules against speaking with represented parties. *See Wagner*, 646 F. Supp. at 659 (“This Court has no doubt that [attorney] must be disqualified as counsel for plaintiff for his unethical conduct in violation of DR 7–109(C) and DR 7–104(A).”). *See also Kuziel*, 2013 WL 1296235, ¶ 23 (finding disqualification of counsel “was well within the circuit court’s discretion” where counsel violated Rule 4.2); *Weeks*, 230 F.3d at 1211 (“After a thorough examination of the record in this case, we

conclude that the district court did not abuse its discretion in disqualifying [attorney] for her violation of Rule 4.2.”); *MMR/Wallace Power & Indus., Inc. v. Thames Assocs.*, 764 F. Supp. 712, 718 (D. Conn. 1991) (disqualifying counsel for violation of Rule 4.2).

Bruno, acting on Zarco’s instruction, admitted that he and Zarco intended to seek disclosure of information about the ongoing litigation—precisely the conduct Rule 4.2 exists to prevent. Bruno told Mullet specifically: “I would give you [Zarco’s] contact information, so that way you can call them and get the specifics to speak with them about the case.”³⁷

Failure to disqualify Zarco, would condone its misconduct and incentivize future back-channel communications with represented witnesses—conduct designed to obtain an unfair advantage. Indeed, when confronted, Robert Einhorn (a named partner at Zarco) dismissed the misconduct as “innocuous,” insisting that the call was “nothing inappropriate” because “Mullett was unwilling to share any information with Bruno.”³⁸ But the fact that Zarco’s efforts failed does not change that Zarco engaged in a deliberate attempt to circumvent multiple Rules and interfere with Mullett’s attorney-client relationship.

2. Disqualification is appropriate for Zarco’s involvement as a necessary witness.

Disqualification is also warranted under Ethics Rule 3.7, as Zarco’s deliberate actions have made Robert Zarco and Zarco attorneys necessary fact witnesses. Given the statements made by Mr. Zarco, and Zarco’s campaign against Dickey’s driving this litigation, Zarco’s testimony is essential to this dispute, and cannot be obtained from any other source. *See Walton v. Diamond*, No. 12 C 4493, 2012 WL 6587723, at *2 (N.D. Ill. Dec. 14, 2012).

The primary purpose of Rule 3.7 is to avoid confusion at trial created by the dual role of

³⁷ Ex. A-1, April 11, 2025 Phone Call Tr. 9:17-20.

³⁸ Ex. E, April 14, 2025 email from Robert Einhorn to Mary Nix.

an attorney as advocate and witness. *Mills v. Hausmann-McNally*, S.C., 992 F. Supp. 2d 885, 895 (S.D. Ind. 2014). And an attorney representing a party whose testimony is necessary to the proceedings “militate[s] in favor of his disqualification.” *Jones*, 610 F. Supp. at 361. Moreover, “the same reasons which support disqualification of [Mr. Zarco] also support disqualification of [Mr. Zarco’s] entire firm.” *Id.* (“[T]he judicial process itself would be tainted by allowing the testifying lawyer’s firm to act as trial counsel under the circumstances of this case.”).

Under these circumstances, considering both Zarco’s violations of 4.2 and 8.4 and Zarco’s role as a necessary attorney-witness, disqualification is the *only* appropriate remedy. The district court bears the responsibility for the supervision of the members of its bar. *Hull v. Celanese Corp.*, 513 F.2d 568, 571 (2d Cir. 1975). Courts are charged with “[t]he preservation of public trust both in the scrupulous administration of justice and in the integrity of the bar[.]” *MMR/Wallace Power & Indus.*, 764 F. Supp. at 718. While courts may consider a litigant’s right to counsel of its choice, “[this] consideration must yield [] to considerations of ethics which run to the very integrity of our judicial process.” *Id.* “[A]ny doubt is to be resolved in favor of disqualification.” *Id.*

Here, where this case is in its earliest stages, G Six cannot reasonably claim hardship. *See In re Gibrick*, 562 B.R. 183, 190 (Bankr. N.D. Ill. 2017) (granting disqualification where discovery was ongoing and no trial date was set). And “courts have generally rejected arguments that a lawyer’s long-standing relationship with a client, involvement with the litigation from its inception or financial hardship to the client are sufficient reasons to invoke the ‘substantial hardship’ exception to the advocate-witness rule.” *Jones*, 610 F. Supp. at 361; *May’s Family Centers v. Goodman’s Inc.*, 590 F.Supp. 1163, 1165 (N.D. Ill. 1984).

CONCLUSION

Based on the foregoing, Defendant respectfully requests the Court grant this Motion for Disqualification, and award Defendant any other relief to which he may be entitled.

DATED: June 26, 2025

Respectfully submitted,

/s/ Michael K. Hurst _____
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record on June 26, 2025, via CM/ECF.

/s/ Jamie R. Drillette
Jamie R. Drillette

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

G SIX CONSULTING LLC,

Plaintiff,

v.

STEPHEN MULLETT

Defendant.

§
§
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§

Case No: 1:25-cv-2166

JURY TRIAL DEMANDED

DECLARATION OF STEPHEN MULLETT

Pursuant to 28 U.S.C. § 1746, I declare as follows

1. My name Stephen Mullett. I am over the age of 21, of sound mind, and capable of providing this declaration. I have not been convicted of a felony or a crime involving dishonesty. Unless otherwise indicated, the facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am a former employee of Dickey's Barbecue Restaurants, Inc. ("Dickey's"). My title when I was employed by Dickey's was Senior Director of Finance and Real Estate Development.

3. I am a named defendant in the above-captioned lawsuit. I reside in Rockwall, Texas.

4. I was subpoenaed as a witness at the final hearing in the arbitration between G Six Consulting LLC ("G Six") and Dickey's,¹ but when I appeared at the final hearing, my counsel was informed by the Zarco lawyers that my testimony would not be elicited.

5. On April 11, 2025, I received a call from Christopher Bruno, a former franchisee of Dickey's. I understand that Mr. Bruno is represented by the law firm of Zarco Einhorn Salkowski, P.A. ("Zarco"), and is currently engaged in an arbitration

¹ *G Six v. Dickey's*, AAA Case No. 01-23-0004-5053 (filed October 13, 2023).

against Dickey's.² I also understand that I may be subpoenaed as a fact witness in that proceeding.

6. On April 11, 2025, I received a phone call from Bruno in connection with this lawsuit. At that time, I was represented by the law firm of Lynn Pinker Hurst & Schwegmann ("LPHS") in connection with this lawsuit.

7. I recorded the phone call. Attached as Exhibit A-1 hereto is a true and correct copy of the transcript of the April 11, 2025 phone call.

8. According to Bruno, Bruno met with his counsel (Zarco) immediately prior to calling me.

9. During the call, Bruno stated as follows:

- "You know, I'm being represented by the Zarco Law Firm and I know you're getting sued from the Gibsons and all." ³
- "I'm sure Dickies is representing you"⁴
- "So, I think it would be in everyone's best interest if you just talk to my lawyers and help us get through all this."⁵
- "[M]y lawyers told me, because they're not allowed to call you, that I could try and give you a call to see if you would be willing to speak with them and talk with them."⁶
- "[M]y lawyers can't specifically reach out to you."⁷
- "I can give you my lawyer's number."⁸
- "I can give you my lawyer's direct number."⁹

² *Bruno v. Dickey's*, AAA Case No. 01-23-0004-5005 (filed October 13, 2023).

³ Ex. A-1, April 11, 2025 Phone Call Tr. 2:4-6.

⁴ Ex. A-1, April 11, 2025 Phone Call Tr. 4:6-7.

⁵ Ex. A-1, April 11, 2025 Phone Call Tr. 2:18-20.

⁶ Ex. A-1, April 11, 2025 Phone Call Tr. 9:6-9.

⁷ Ex. A-1, April 11, 2025 Phone Call Tr. 2:10-11.

⁸ Ex. A-1, April 11, 2025 Phone Call Tr. 4:5.

⁹ Ex. A-1, April 11, 2025 Phone Call Tr. 5:20-21.

- “I would give you their contact information, so that way you can call them and get the specifics to speak with them about the case.”¹⁰
- “I know you're in a lot of hot water yourself.”¹¹
- “This is not going to go away.”¹²
- “All right, well then, I'll just go back and say you refuse to work with us, and we'll just keep going on with our case.”¹³

10. Given this pending lawsuit (by which G Six, through their counsel, Zarco) has sued me personally for millions of dollars in a state hundreds of miles away from my residence, I understood from the call that Bruno and his attorneys wanted me to “work with [them]” (ie, testify favorably to Bruno in the Bruno arbitration).

11. When I refused to discuss case specifics or call the Zarco law firm directly, Bruno told me, “All right, well then, I'll just go back and say you refuse to work with us, and we'll just keep going on with our case.”¹⁴ I understood this as a veiled threat using this lawsuit as leverage.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, Texas, on June 3, 2025

Signature:

A handwritten signature in black ink, appearing to read "Stephen Mullett", written over a horizontal line.

Printed Name: Stephen Mullett

¹⁰ Ex. A-1, April 11, 2025 Phone Call Tr. 9:17-20.

¹¹ Ex. A-1, April 11, 2025 Phone Call Tr. 6:5-6.

¹² Ex. A-1, April 11, 2025 Phone Call Tr. 10:2.

¹³ Ex. A-1, April 11, 2025 Phone Call Tr. 7:15-16.

¹⁴ Ex. A-1, April 11, 2025 Phone Call Tr. 7:15-16.



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Transcript of Phone Call

Date: April 17, 2025
Case: Dickey's -v- Bruno

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In re:

DICKEY'S -V- BRUNO

RECORDED PHONE CALL

Friday, April 11, 2025

Job No.: 581216

Pages: 1 - 12

Transcribed by: Lauren Bishop

Transcript of Phone Call
Conducted on April 17, 2025

2

1 STEPHEN: Okay. I'm sorry. Go ahead.

2 MR. BRUNO: So, I know you no longer work
3 for Dickey's and everything, and I know there's a lot
4 of lawsuits going on, you know, I'm being represented
5 by the Zarko Law Firm, and I know you're getting sued
6 from the Gibson's and all, and the reason why I'm
7 calling you is because you were always straight up
8 with me. Like, when I needed help, I could go to go
9 to you for help. And I just think it would be in your
10 best interest to talk to my lawyers. My lawyers can't
11 specifically reach out to you, but Dickey's is not in
12 good shape with their lawyers or, you know, or --
13 we've got the best franchise lawyers in the whole
14 country. So, they just, you know, want to know where
15 the numbers came from with the bank, and the Lumina
16 Bank (phonetic) is trying to sue me. You know, I got
17 to sue them back. Like this has cost me so much
18 money. So, I think it would be everyone's best
19 interest if you just talk to my lawyers and help us
20 get through all this. I mean, I can give you the
21 information if you want, but I was just trying to
22 reach out to you to see if --

Transcript of Phone Call
Conducted on April 17, 2025

3

1 STEPHEN: And you're Christopher Bruno,
2 right?

3 MR. BRUNO: Yeah. I'm shocked you don't
4 remember me, man.

5 STEPHEN: I'm sorry, I dealt with a lot of
6 clients, but --

7 MR. BRUNO: I -- I know you have.

8 STEPHEN: Who's your attorney?

9 MR. BRUNO: Robert Einhorn.

10 STEPHEN: Okay. I don't -- I don't recall
11 that name at all. Yeah. I don't know what I could
12 tell them that would be any different than what you
13 already know. There's nothing nefarious that, you
14 know, that we did. I mean, all I did was projections
15 for your franchise.

16 MR. BRUNO: Yeah, I mean, there's --
17 there's a lot going on and there's a lot coming out
18 in discovery, and I know you're getting sued right
19 now and I know that you haven't been responsive and
20 been cooperative, but I think, you know, it's now to
21 stand up and do what's right. I know you know that
22 what Dickey's was doing wasn't right. I mean, there's

Transcript of Phone Call
Conducted on April 17, 2025

4

1 a reason you're not working there anymore, right? If
2 -- if this was working out, you would still be there,
3 but it's finally catching up to them, and a lot of us
4 have lost a lot of our lives because of this. So I
5 mean, I can give you my lawyer's number, and if you
6 want to talk to them, like, I'm sure Dickey's is
7 representing you and whatnot, but this isn't going in
8 Dickey's favor. You know, I'm not trying to threaten
9 you or scare you or anything. That's not the
10 intention of this phone call. I just think it's in
11 everyone's best interest if you work with all the
12 lawyers.

13 STEPHEN: Well, here's the thing, Chris.
14 I'm not going to work with anyone because I've not
15 done anything wrong. So I'm not going to side with
16 anyone in any particular way. So, again, they've also
17 gone off to me, and they've broken the veil of
18 corporate policy by going after me personally, which
19 does not work out for anyone's favor. So, with that
20 said, I really don't have anything to say with anyone
21 without any court order or anything like that. You
22 know, I'm trying to shoot straight with you as much

Transcript of Phone Call
Conducted on April 17, 2025

5

1 as I can, but at the same time, I got to protect my
2 interest, and I know what those are. And unless
3 there's a specific action or something that they say
4 is true or not true, I'll address it at that time.
5 But at this time, I don't have anything to say to
6 anyone.

7 MR. BRUNO: All right. Well, if that's the
8 case, then -- it's all coming out. So, I'll --

9 STEPHEN: I don't know what that means.
10 It's all coming out. It doesn't make any sense to me.
11 I mean, do you have anything specific?

12 MR. BRUNO: I'm not going to go into the
13 specifics, but I know the details between, you know,
14 April Bravey and Luminabank and Financial Capital
15 Solutions and, you know, Dickey's was making money on
16 the back end of these deals and also, I mean --

17 STEPHEN: That's probably -- that is not
18 true at all.

19 MR. BRUNO: If you want more specifics,
20 like, that's what I'm saying, like, I can give you my
21 lawyer's direct number.

22 STEPHEN: When you say making something off

Transcript of Phone Call
Conducted on April 17, 2025

6

1 the back end, what do you mean by that? Because I'm a
2 little confused.

3 MR. BRUNO: If you want the specific
4 details, I can give you my lawyer's phone number and
5 you can talk to him. And I know you're in a lot of
6 hot water yourself, so -- if you don't want to work
7 with me, that's fine. I'll just, you know, report
8 back to my lawyers that you're not interested and
9 we'll just keep going.

10 STEPHEN: Did they reach out to you to ask
11 you to call me?

12 MR. BRUNO: They didn't directly reach out
13 to me. I had a meeting with them this morning about
14 my case and about the Gibson's case and the other
15 cases and they told me to -- if it's worth a shot to
16 give you a call. And since I told them when I worked
17 with you, I thought you were a straight up guy. You
18 always helped me. So they said, give it a shot and
19 give you a call. And so I figured I would. And that's
20 where I'm at.

21 STEPHEN: Well, at this point, because I
22 don't know of any particular accusation or anything

Transcript of Phone Call
Conducted on April 17, 2025

7

1 that was said that hasn't been addressed. If there
2 were, I'd probably address it. But I don't know what
3 your attorneys would want to ask me or anything like
4 that. I don't answer vague questions.

5 MR. BRUNO: Yeah, I mean, I'm sorry. I'm
6 being vague, but I'm not a lawyer. You know, I don't
7 know how to specifically tell you what you want to
8 hear in order to get you to, you know, help us out
9 other than -- other than what information you're
10 looking for. My lawyers can handle that better.

11 STEPHEN: Okay. Yeah. And you know, unless
12 I know what that is, I really can't take it into
13 consideration.

14 MR. BRUNO: All right. Well, then I'll just
15 go back and say you refuse to work with us and we'll
16 just keep going on with our case.

17 STEPHEN: I don't know if refusal is the
18 right word, but, you know, but --

19 MR. BRUNO: I mean, it is. It's either you
20 do or you don't. And what you're telling me is you
21 don't feel the need.

22 STEPHEN: I can't -- Chris, I can't work

Transcript of Phone Call
Conducted on April 17, 2025

8

1 off assumptions.

2 MR. BRUNO: Well, okay. Well, there -- I
3 don't know. You -- I have an assumption, but there's
4 clear evidence that I don't have all the evidence. I
5 don't have all the answers, but we are going through
6 discovery right now and we are finding the evidence.
7 And, you know, Dickey's is trying to -- in the
8 contract, we're supposed to, you know, have these
9 cases in arbitration yet on the Gibson's case that's
10 supposed to happen at the end of this month. You
11 know, Dickey's sued the Arbitration Association,
12 tried taking the court to state court, got thrown
13 out. And now they're trying to take it to federal
14 court, but it's not going to work because arbitration
15 is at the end of the month. And, you know, the
16 Gibson's are probably going to have a favorable
17 outcome in this case and I know, you know, there's
18 other owners using another lawyer, suing Lumina Bank.
19 And, you know, working with, and Lumina Bank's
20 working with Dickey's on these lawsuits. So, I am not
21 a lawyer. I don't know how to speak to you legally
22 and professionally in that way, but I know there's

Transcript of Phone Call
Conducted on April 17, 2025

9

1 specific evidence out there. And, you know, I always
2 had a, you know, higher, like, all of you that, you
3 know, because when I have my issues, I'll always call
4 you and you'll always pick up and would help us out.
5 And so we were having our meeting today. Like I
6 mentioned that. And so my lawyers told me to, because
7 they're not allowed to call you that I could try and
8 give you a call to see if you would be willing to
9 speak with them and talk with them and if -- that's
10 all I'm doing, I'm just going to give you the number.

11 STEPHEN: And I understand that. And I
12 appreciate that very much. It's just, I can't answer
13 a question that I don't have a direct, you know,
14 they're not being very direct with me.

15 MR. BRUNO: That's why I'm telling you.

16 STEPHEN: Okay.

17 MR. BRUNO: If -- I'm giving you -- I would
18 give you their contact information so that way you
19 can call them and get the specifics to speak with
20 them about the case. And I know Dickie's is
21 representing you and everything like that, but if
22 Dickie's isn't going to have a favorable outcome,

Transcript of Phone Call
Conducted on April 17, 2025

10

1 what makes you think things are going to go okay with
2 you? This is not going to go away.

3 STEPHEN: Well, that's a Dickie's issue.
4 It's not a me issue.

5 MR. BRUNO: I get -- but you're -- you're a
6 part of this whole scheme.

7 STEPHEN: Okay.

8 MR. BRUNO: You know you are.

9 STEPHEN: I held no liability as far as
10 anything that transpired. I referred you to a third
11 party that you got financing through.

12 MR. BRUNO: I'm glad you see it that way.
13 And, you know, if you don't want to speak to my
14 lawyers, then that's that. And it will continue as it
15 always has and we'll see what the outcome is.

16 STEPHEN: That's fine. Again, I've not seen
17 anything alleged, but that I've done any wrongdoing.
18 It's just speculation and until --

19 MR. BRUNO: All right. Well --

20 STEPHEN: -- something is specifically
21 addressed, I can't really answer any questions.

22 MR. BRUNO: All right. Well, I hope that

Transcript of Phone Call
Conducted on April 17, 2025

11

1 you have good legal representation then.

2 STEPHEN: Well, thank you guys very much.

3 MR. BRUNO: All right, Stephen (phonetic).

4 Again, I wasn't calling you to threaten you or try
5 and scare you or anything like that. I just figured I
6 might man the man give you a call and see if you
7 wanted to do the right thing.

8 STEPHEN: Okay. I appreciate the call.
9 Thank you.

10 MR. BRUNO: Have a nice one.

11 (The recording was concluded.)

12

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Transcript of Phone Call
Conducted on April 17, 2025

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CERTIFICATE OF TRANSCRIBER

I, Lauren Bishop, do hereby certify that
the foregoing transcript is a true and correct record
of the recorded proceedings; that said proceedings
were transcribed to the best of my ability from the
audio recording and supporting information; and that
I am neither counsel for, related to, nor employed by
and of the parties to this case and have no interest,
financial or otherwise, in its outcome.

Lauren Bishop

LAUREN BISHOP

PLANET DEPOS, LLC

APRIL 29, 2025

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Conducted on April 17, 2025

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Transcript of Phone Call
Conducted on April 17, 2025

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From: [Himanshu Patel](#)
To: [Mary Nix](#)
Cc: [Jamie Drillette](#); [Daniela Vera Holmes](#); [Robert Einhorn](#); [Dorian Vergos](#); [F. Alaina Rodriguez](#); [Michael K. Hurst](#)
Subject: RE: G Six Consulting, LLC vs. Mullett
Date: Thursday, April 10, 2025 9:09:30 AM
Attachments: [image001.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)

Mary,

There are 4 lawyers from your Firm on this file, and only Daniela is authorized to practice law in Illinois. While it is hard to believe that all 4 lawyers are unavailable this week, I guess we have no choice but to schedule the Rule 26(f) conference for Tuesday, April 15 in the morning.

Daniela:

How does 11 am EST work for you on Tuesday, April 15?

HIMANSHU M. PATEL, ESQ,
Partner



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From: Mary Nix <mnix@lynnllp.com>

Sent: Thursday, April 10, 2025 12:13 AM

To: Himanshu Patel <HPatel@zarcolaw.com>

Cc: Jamie Drillette <jdrillette@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>; Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>

Subject: Re: G Six Consulting, LLC vs. Mullett

Himanshu,

Jamie advised you we are not available this week. We can discuss these issues next week. Jamie provided proposed dates.

Regards,
Mary

On Apr 9, 2025, at 9:28 PM, Himanshu Patel <HPatel@zarcolaw.com> wrote:

Daniela,

Please advise which day you are available this week for a Rule 26(f) conference. I will make myself available as early as 8 am or in the evening.

While Jamie refused to make herself available because of an “alleged” conflict, she also is not licensed to practice law in Illinois.

HIMANSHU M. PATEL, ESQ,
Partner
[<image001.png>](#)

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From: Jamie Drillette <jdrillette@lynnllp.com>

Sent: Wednesday, April 2, 2025 5:03 PM

To: Himanshu Patel <HPatel@zarcolaw.com>

Cc: Daniela Vera Holmes <dholmes@lynnllp.com>; Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>

Subject: Re: G Six Consulting, LLC vs. Mullett

I have provided our availability.

Happy to schedule the conference on the 16, 17, or 18 if that allays your concerns regarding arbitration deadlines. But we are not available on the dates you have proposed.

Jamie Drillette

Direct: (214) 292-3641

Mobile: (682) 622-6555

On Apr 2, 2025, at 3:54 PM, Himanshu Patel
<HPatel@zarcolaw.com> wrote:

I am available on April 3, 4, 7, 8, 9, 10 and 11. I will make myself available as early as 7 am CST on any of these days to have our Rule 26(f) conference. Given the number of days I have provided, I am confident Daniela can make herself available on one of these days. You are more than welcome to participate.

HIMANSHU M. PATEL, ESQ,
Partner
<image001.png>

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Fax: 305.374.5428
Email: hpatel@zarcolaw.com
Website: www.zarcolaw.com

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From: Jamie Drillette <jdrillette@lynnllp.com>
Sent: Wednesday, April 2, 2025 4:41 PM
To: Himanshu Patel <HPatel@zarcolaw.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

Daniela will not be handling the conference without my involvement.

As for the deadlines in the arbitration proceeding, your client filed this lawsuit knowing what deadlines were in place. I'm sure you can structure your commitments accordingly.

Jamie Drillette | Associate
LynnPinkerHurstSchwegmann
Direct 214 292 3641
Mobile 682 622 6555
jdrillette@lynnllp.com

From: Himanshu Patel <HPatel@zarcolaw.com>
Sent: Wednesday, April 2, 2025 3:27 PM
To: Jamie Drillette <jdrillette@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

You are not admitted to practice in law in Illinois. So while I appreciate you are not available next week (even for 30 minutes), is Daniela also not available?

I am not available on the 14th and 15 as we have deadlines in the Gibson arbitration that is scheduled for a final hearing commencing April 28.

HIMANSHU M. PATEL, ESQ,
Partner
<image001.png>

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may be imposed by the federal government or for promoting, marketing or recommending to another party any tax-related matters addressed herein.

From: Jamie Drillette <jdrillette@lynnllp.com>
Sent: Wednesday, April 2, 2025 4:22 PM
To: Himanshu Patel <HPatel@zarcolaw.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

The status report is due on May 5, 2025 – I'm confused as to why you believe two weeks is insufficient time to draft a Rule 26(f) report.

As I said before, I am not available next week, but am more than happy to find a time on 4/14 or 4/15 to confer.

Jamie Drillette | Associate
LynnPinkerHurstSchwegmann
Direct 214 292 3641
Mobile 682 622 6555
jdrillette@lynnllp.com

From: Himanshu Patel <HPatel@zarcolaw.com>
Sent: Wednesday, April 2, 2025 3:02 PM
To: Jamie Drillette <jdrillette@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

Jamie,

This call needs to occur next week so we have sufficient time to draft a Rule 26(f) report. I will make myself available either before hours or after hours, if necessary. More importantly, Daniela will need to be present on this call as she is the only one admitted to practice in Illinois.

Thank you.

HIMANSHU M. PATEL, ESQ,
Partner
<image001.png>

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From: Jamie Drillette <jdrillette@lynnllp.com>
Sent: Wednesday, April 2, 2025 3:34 PM
To: Himanshu Patel <HPatel@zarcolaw.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

Himanshu –

I am not available next week, but am available on 4/14 or 4/15 for the Rule 26(f) conference.

Best,

Jamie Drillette | Associate
LynnPinkerHurstSchwegmann
Direct 214 292 3641
Mobile 682 622 6555
jdrillette@lynnllp.com

From: Himanshu Patel <HPatel@zarcolaw.com>
Sent: Wednesday, April 2, 2025 12:47 PM
To: Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>; Jamie Drillette <jdrillette@lynnllp.com>
Subject: G Six Consulting, LLC vs. Mullett

Good afternoon Daniela,

Pursuant to the Federal Rules of Civil Procedure, please let me know your availability to conduct our Rule 26(f) conference. We need to conduct this conference either this week or the early part of next week so that we can then prepare our joint plan and circulate it to you for your review. Let me know your availability the rest of this week as well as the first half of next week. Thank you.

HIMANSHU M. PATEL, ESQ,
Partner
<image001.png>

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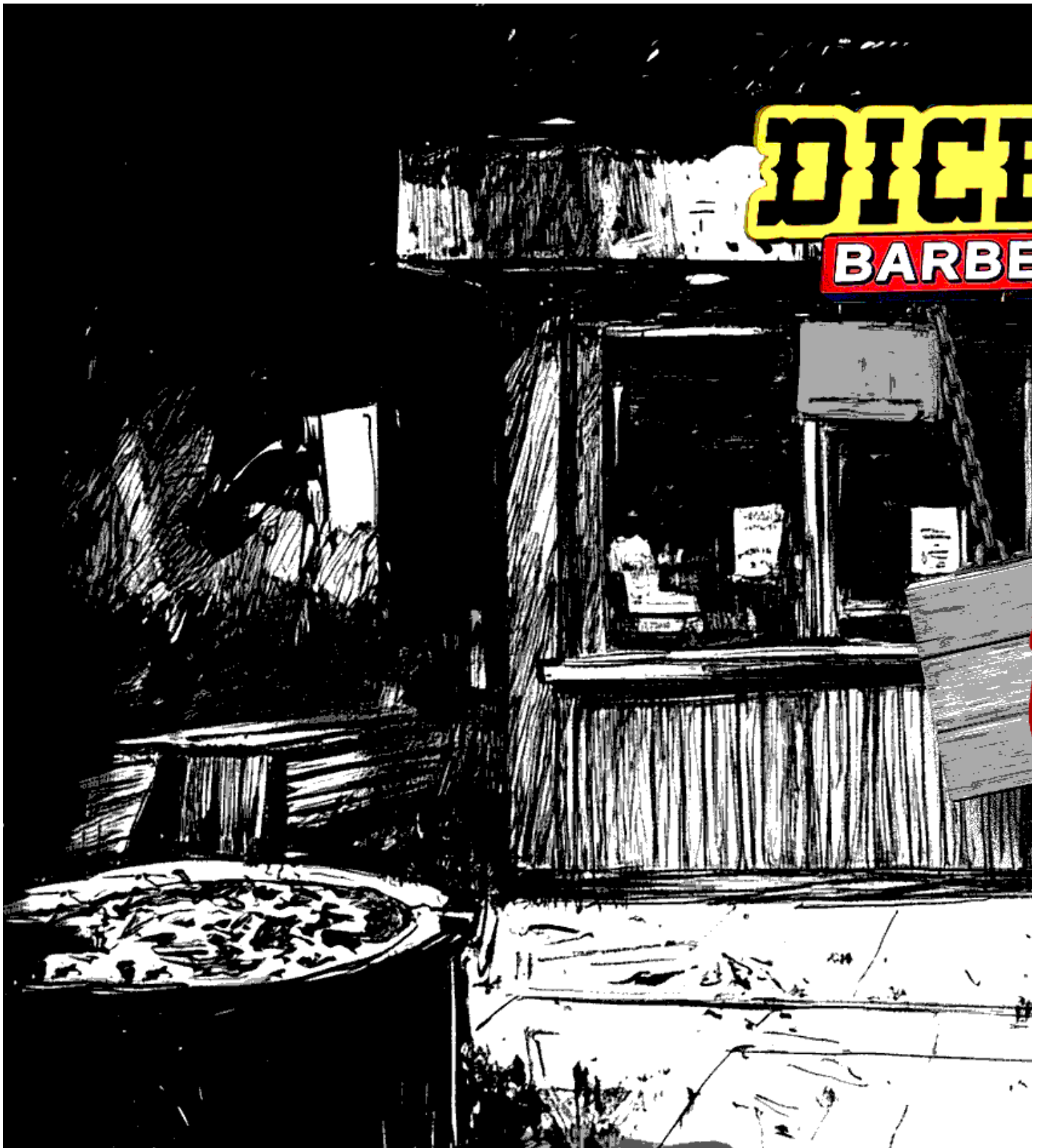
BUSINESS

FINANCING (/FINANCING)

Dickey's sales plunge, and franchisees pay the price

Operators of the fast-casual barbecue chain have been closing stores at a rapid rate after years of profitability challenges. The problems come during a brutal time for many restaurant chains. But some franchisees argue that the system isn't working.

By Jonathan Maze (/profile/jonathan-maze) on Dec. 11, 2024



Among his fellow Dickey's franchisees, Krage Fox was known as a "company man." He operated four locations. Those he said.

He's not as bullish these days. In September, Fox's company, Smokin' Dutchman, filed for bankruptcy, its revenues pl for driving the company into bankruptcy.

In some respects, Fox is one of the lucky ones, because his stores are still open. Franchisees of the barbecue chain close stores were sold from one operator to the other. That means 45% of the chain's stores changed hands or closed in just

According to franchisees, another 30-plus locations have closed in the months since then. That means as many as 289

The problems come during a brutal operating environment for much of the industry. Rising costs for food and labor, and legal filings with numerous restaurant chains, including several fast-casual chains that were once considered hot concepts.

Yet interviews with about a dozen Dickey's franchisees, details from legal filings and numerous comments submitted to the company with high numbers of store closures.

Operators complain that it's difficult to generate a profit in the Dickey's system. They complain about cost overruns on digital orders and pricing limits from the franchisor.

Add it all together and the result is a system in which franchisees are closing locations at a rapid rate.

"Some locations are viable," Robert Zarco, an attorney who represents a number of Dickey's franchisees and the independent

"The whole business model is simply not working."

Restaurant Business sent a detailed list of questions to Dickey's, which simply responded that everything we asked was

The attorney responded with a letter that blamed the issue on a "small, fringe circle of former and current franchisees accuses Restaurant Business of being "part of a larger scheme to continue to flame and embolden this group to harm the

In a subsequent meeting, the attorney again refused to answer any of our questions.

In the past, however, **the company has said it is working to improve sales** (<https://www.restaurantbusinessonline.com/financing/dickeys-sales-plunge-franchisees-pay-price>) and plans for a new menu.

Closures and lawsuits

Dickey's was founded in 1941, when Travis Dickey opened a barbecue restaurant in Dallas. The company started franchising

But its unit count soared as the brand took advantage of consumer affinity for fast-casual chains. It went from 115 locations

Members of the Dickey family remain heavily involved in the company. Roland Dickey, son of Travis, is the chairman. Capital Group. Cullen Dickey, another son, is a director. Roland Sr.'s wife, Maurine, is on the board. Roland Jr.'s wife,

Problems emerged before the pandemic. In 2018, **Dickey's closed 113 locations through a combination of term sheet** (<https://www.restaurantbusinessonline.com/financing/dickeys-sales-plunge-franchisees-pay-price>)

System sales declined 5.2% last year, according to Restaurant Business sister company Technomic. Between 2018 and 2019, restaurants franchisees said have closed since May.

Dickey's generated \$675,000 in average unit volumes last year, according to Technomic. That was the lowest average generated by Boston Market, which closed most of its restaurants that year.

Dickey's has faced several different lawsuits over the years, largely from franchisees over alleged violations of franchise agreements.

That includes a lawsuit filed in June against Dickey's and the lender Luminate Bank, which helped steer franchisees into the

Dickey's has faced several other legal issues with franchisees dating back to 2016, settling or paying out awards handed

In 2019, more than half of the chain's franchisees said their stores were not profitable in 2018, **according to a survey of franchisees** ([Franchisee-Satisfaction-Survey-Briefing-Copy.pdf](#)) an independent group of Dickey's operators. Eighty-four percent of the company doesn't purchase food and supplies with franchisee profitability as their top priority.

Another recent survey of franchisees, shared by a group of operators with Restaurant Business, illustrates some of the challenges. Most of those who answered the question said they were losing \$5,000 to \$10,000 per month, though two said they were

“Sometimes it is cheaper to stay open just to lose than to exceed the variable income that’s coming in.” —Restaurant Business association.

Falling sales, closing stores

As stores lose money, franchisees often face a difficult choice.

Many work furiously to keep things going, even when their store isn’t profitable, Zarco said, because it’s less of a problem. Let’s say a store generates \$40,000 in revenue per month. Its food and labor costs \$30,000. But fixed costs, including rent, are \$10,000 per month.

Closing the store might save those \$30,000 in food and labor costs, but those \$20,000 in fixed costs remain. So franchisees often stay open. “They’re losing less money than if they shut down and they pay fixed costs,” Zarco said. “Sometimes it is cheaper to stay open.” But that’s also where sales declines can make that brutal decision easier. Fox’s stores, which remain above average, saw a 10% decline in sales last year.

One franchisee showed us an accounting for sales on a Wednesday earlier this month. They made \$173,000 in sales.

The sales challenges are a major factor in the closures, franchisees said.

Last month, the operator of a Dickey’s in Downey, California, closed the restaurant’s doors and filed for Chapter 7 bankruptcy. The operator put up a personal guarantee, such as a home.

When SBA loans fail, franchisees can lose their homes. That’s what happened with Jeremy and Nicole Kolbach, who owned a Dickey’s. To be sure, Dickey’s is hardly alone in facing a high rate of closures this year. Sales declines have been common throughout the industry, hurting the profitability of many different brands.

The result has sent numerous restaurant chains into bankruptcy, including several fast-casual brands. And some companies have closed stores in all kinds of brands.

Nevertheless, the closures and sales declines appear to be affecting Dickey’s revenue.

The company’s corporate franchise revenue declined 12.5% last year and is down 24% over the past two years, according to the company. Though that has narrowed in each of the past two years.



Buildout costs

One of the policies franchisees complain the most might be the company's franchising strategy itself. Operating a barbeque restaurant is a capital-intensive business. "It was overbuilt and didn't have the structure to support it," said one multi-unit franchisee. "And a lot of these owner Dickey's.

One of the biggest issues is the cost of building a new location. Several franchisees, through legal documents, in FTC c Dickey's franchise disclosure documents.

The lawsuit against Dickey's and Luminate Bank, by the Kolbachs and former Ohio franchisee Danny Unsworth, spell

Yet many franchisees we've spoken with have paid a lot more than that. The June lawsuit, which also mentions the SE

That is backed by several franchisees who said in interviews that they paid more than they expected to open their rest **(<https://www.regulations.gov/comment/FTC-2023-0026-2035>)** have **echoed similar complaints (<http://www.restaurantbusinessonline.com/financing/dickeys-closed-85-locations-last-year>)** in a pri

Dickey's has yet to file a response to the lawsuit, though it is asking the court to send the case to mediation or arbitrat **(<https://www.restaurantbusinessonline.com/financing/dickeys-closed-85-locations-last-year>)** in a pri

Luminate, meanwhile, is requesting a dismissal, saying that the franchisees' arguments "all fail as a matter of law."

"Plaintiffs are unhappy with the performance of their barbecue restaurants, so they are now trying to walk away from its motion.

The cost of buildout is key because it can determine the profitability of a location and an excessive buildout cost can d

One franchisee we spoke with, whose store was among the system's better performers, said they couldn't make a profi

"This upfront underfunding puts many franchisees so far under the water they can never recover," the Pit Owners Ass

**"If you're an operator that knows what you're do
overspend on the build." —A multi-unit Dickey's :**

Projections and costs

Dickey's has also worked aggressively to get new operators into stores that are put up for sale. The Kolbachs' store was market.

Sometimes the franchisee doesn't even know. Last year, **Restaurant Business told you the story of Gwen Bass surprised**), whose Napa, California, store was put on the market for \$200,000 without her permission, and then low

Yet even operators who buy their stores for relatively low prices sometimes end up failing. One franchisee we spoke with Not everybody we spoke with is struggling to generate a profit. Some do say the system can work so long as franchisee "If you're an operator that knows what you're doing, you can make it work," one multi-unit franchisee said. "As long as Still, many operators cite Dickey's costs, fees and other issues for the difficult profitability.

Many of the vendors franchisees do business with are in fact subsidiaries of the company itself, according to the company Franchisees, for instance, pay a monthly fee for a point-of-sale system called Spark that they are required to use.

Spark is a Dickey's subsidiary. Dickey's generated \$2.6 million from franchisees for those fees in the company's last fiscal

Dickey's has two subsidiaries that sell different food and paper products to operators, including Wycliff Douglas Food sales to franchisees, according to the Dickey's FDD.

Add it all together, plus another \$3.6 million in credits and payments from vendors, and Dickey's in the last fiscal year By contrast, Dickey's took in \$28.3 million in revenue from franchise royalties, fees and ad fund contributions, meaning FDD.

Still, much like the royalty revenue, the funds generated by those subsidiaries is also down, having declined 9% during Dickey's tried operating another subsidiary, called Stanford Sonoma, which sold wood pellets and interior furnishings steps to garnish its bank account, according to court documents.

Some franchisees argue that Dickey's company-run supply chain led to excessive food costs. Some operators said they Many say they can source Dickey's own products cheaper at Walmart or Sam's Club. At Walmart, a bottle of Dickey's 1 bottle. Other franchisees we spoke with agreed with that estimate.

The Pit Owners Association noted in its comment that Wycliff will ship some common items via FedEx to operators on



Discounts, royalties and fees

Last year, meanwhile, Dickey's capped menu prices, which the company said was legal. Several owners said that made caps to adjust prices.

Dickey's sometimes runs discounts for digital deals, a common strategy employed by fast-food chains, particularly in : Third-party delivery services will also run promotions, and Dickey's requires operators to use the services and to pay 1 Sometimes these discounts can undercut in-store prices, operators say.

In some cases, franchisees shared that they would be required to pay royalties on the full price before the discount, even Jan Jeczen, a former Dickey's franchisee in Michigan, said that on a delivery order for a one-meat plate priced at \$19. order. "I had many, many negative tickets," she said. "I had to pay DoorDash to deliver my food that I made nothing c There's also the case of the 39-cent "recycling/renewal fee" that appeared on customers' charges late last year.

The same fee was charged to each customer, regardless of how much they spent. Customers paid the same 39 cents if about the charge.

That fee, however, is not for recycling or renewal, but to subsidize the cost of replacing signs, new uniforms or other c that is being returned or helping the franchisees," the association said.

"They make a massive sales effort to get franchise success." —Robert Zarco.

'Simply not working'

Zarco, who represents numerous franchisee groups, argues that Dickey's business model simply doesn't work, at least "Franchisees are losing their investments," he said. "Stores have no equity once the investment is made. Buildouts are "They make a massive sales effort to get franchisees," he added, "but not enough execution on facilitating their succes Jan Jeczen last summer seemingly was a successful Dickey's franchisee in Michigan. She took advantage of the compa up restaurants at local hospitals or factories and serve food for two to three hours.

In July of last year, she added one of Dickey's virtual brands, Wing Boss, to that effort and sales exploded. She genera service.

Even then, she said, it was difficult to make money because of fees, discounts and other charges from Dickey's. And then a dispute with the company last summer led her to leave the system entirely. The company terminated Jecze Ultimately, her son-in-law helped her remove Dickey's name from the restaurant one night in October 2023. The stor The store hasn't done nearly as well without the Dickey's name or its association with ezCater, the catering company, "I'm just taking it day-by-day," she added. "That's it. That's all I can look forward to. I refuse to let them beat me. I'm *Members help make our journalism possible. Become a Restaurant Business member today and unlock exclusive be utm_source=website&utm_medium=RBO-content&utm_campaign=membership).*

[NEWS \(/ARTICLE/RESTAURANT-BUSINESS\)](/article/restaurant-business)

[FRANCHISING \(/ARTICLE/FRANCHISING\)](/article/franchising)

[FAST_CASUAL \(/ARTICLE/F](/article/fast-casual)

[\(/profile/jonathan-maze\)](/profile/jonathan-maze)

Restaurant Business Editor-in-Chief Jonathan Maze is a longtime industry journalist who v on quick-service restaurants.

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MULTIMEDIA

Cannabis drinks make a splash at the National Restaurant Show

(/food/cannabis-drinks-make-splash-national-restaurant-show)

Innovation rules at 2025 MenuMasters

(/food/innovation-rules-2025-menumasters)

The power of ube

(/food/power-ube)

Limited-time offers roll out at warp speed

(/food/limited-time-offers-roll-out-warp-speed)

THE LATEST

FINANCING (/FINANCING)

Restaurant chains are pushing more value

(/financing/restaurant-chains-are-pushing-more-value)

PREMIUM (/exclusive-content)

FINANCING (/FINANCING)

With one report, Red Robin (almost) erases a tough year

(/financing/one-report-red-robin-almost-erases-tough-year)

FINANCING (/FINANCING)

Burger King makes some progress with a key constituent: Families

(/financing/burger-king-makes-some-progress-key-constituent-families)

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<div>FINANCING (/FINANCING)</div> <div>Restaurant chains are pushing more value</div> <div>(/financing/restaurant-chains-are-pushing-more-value)</div>	<div>(/financing/re</div> <div>chains-are-</div> <div>pushing-</div> <div>more-value)</div>
<div>PREMIUM (/exclusive-content)</div> <div>FINANCING (/FINANCING)</div> <div>With one report, Red Robin (almost) erases a tough year</div> <div>(/financing/one-report-red-robin-almost-erases-tough-year)</div>	<div>(/financing/or</div> <div>report-red-</div> <div>robin-almost-</div> <div>erases-tough-</div> <div>year)</div>
<div>FINANCING (/FINANCING)</div> <div>Burger King makes some progress with a key constituent: Families</div> <div>(/financing/burger-king-makes-some-progress-key-constituent-families)</div>	<div>(/financing/bu</div> <div>king-makes-</div> <div>some-</div> <div>progress-key-</div> <div>constituent-</div>
<div>FINANCING (/FINANCING)</div> <div>Red Robin's profits soar, and so does its stock</div> <div>(/financing/red-robins-profits-soar-so-does-its-stock)</div>	<div>(/financing/re</div> <div>robins-</div> <div>profits-soar-</div> <div>so-does-its-</div> <div>stock)</div>
<div>FINANCING (/FINANCING)</div> <div>Taco Bell-owner Yum Brands is open to more acquisitions</div> <div>(/financing/taco-bell-owner-yum-brands-open-more-acquisitions)</div>	<div>(/financing/ta</div> <div>bell-owner-</div> <div>yum-brands-</div> <div>open-more-</div> <div>acquisitions)</div>
<div>PREMIUM (/exclusive-content)</div> <div>FINANCING (/FINANCING)</div> <div>Some interesting restaurant chains dropped off the Top 500 this year</div> <div>(/financing/some-interesting-restaurant-chains-dropped-top-500-year)</div>	<div>(/financing/so</div> <div>interesting-</div> <div>restaurant-</div> <div>chains-</div> <div>dropped-top-</div>

EXCLUSIVE CONTENT

(/financing/one-report-red-robin-almost-erases-tough-year)

PREMIUM (/exclusive-content)
FINANCING (/FINANCING)

With one report, Red Robin (almost) erases a tough year

(/financing/one-report-red-robin-almost-erases-tough-year)

The Bottom Line: The casual-dining restaurant chain's stock had lost more than 40% of its value this year as its CEO left. And then the company reported surprise profitability.

(/financing/some-interesting-restaurant-chains-dropped-top-500-year)

PREMIUM (/exclusive-content)
FINANCING (/FINANCING)

Some interesting restaurant chains dropped off the Top 500 this year

(/financing/some-interesting-restaurant-chains-dropped-top-500-year)

Some struggling and bankrupt brands, like Au Bon Pain, Macaroni Grill and Fuddruckers are among the most notable concepts that fell off the ranking of the largest restaurant chains in the U.S.

(/food/fast-casual-rooted-healthy-eating-lies-streamlining-both-menu-packaging)

PREMIUM (/exclusive-content)
FOOD (/FOOD)

For fast-casual Rooted, healthy eating lies in streamlining both the menu and packaging

(/food/fast-casual-rooted-healthy-eating-lies-streamlining-both-menu-packaging)

Behind the Menu: Culinary entrepreneur Lily Rivkin keeps her ingredient list below 50 to curate simple, build-your-own meal boxes with unique flavor profiles.

TRENDING

(/financing/restaurant-chains-are-pushing-more-value)

FINANCING (/FINANCING)
Restaurant chains are pushing more value
(/financing/restaurant-chains-are-pushing-more-value)

(/financing/one-report-red-robin-almost-erases-tough-year)

PREMIUM (/exclusive-content)
FINANCING (/FINANCING)
With one report, Red Robin (almost) erases a tough year
(/financing/one-report-red-robin-almost-erases-tough-year)

(/financing/burger-king-makes-some-progress-key-constituent-families)

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Burger King makes some progress with a key constituent: Families
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MORE FROM OUR PARTNERS

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(/technology/transformative-move-black-box-intelligence-	A Transformative Move: Black Box Intelligence Acquires Yumpingo (/technology/transformative-move-black-box-intelligence-acquires-yumpingo)
(/food/drive-dessert-sales-branded-inclusions)	Drive Dessert Sales with Branded Inclusions (/food/drive-dessert-sales-branded-inclusions)
(/operations/why-free-pickup-shelf-can-cost-operators-	Why that “free” pickup shelf can cost operators more than expected (/operations/why-free-pickup-shelf-can-cost-operators-more-expected)
(/recirc/strengthening-customer-loyalty-payments-	Strengthening Customer Loyalty: The Payments-Loyalty Connection (/recirc/strengthening-customer-loyalty-payments-loyalty-connection)

CONFIDENTIAL



June 11, 2025

To Whom it May Concern:

Pit Owners Association (POA) sincerely anticipates success in collaborating with Dickey's Barbecue Restaurants, Inc (DBRI) to solidify the brand with consistency, clarity, and trust building coupled with improving the profitability of all franchisees. We have formulated ideas to help all franchisees which will, in short order, benefit the sales of new locations for DBRI and improve their longevity as well.

As DBRI is well-aware, [REDACTED] represents the POA. For the record, even though it has been asked and answered more than once, Zarco Einhorn Salkowski, P.A. does not and has never represented the Pit Owners Association (POA).

The POA has never had a consultation with Zarco Einhorn Salkowski, P.A. The POA has never hired Zarco Einhorn Salkowski, P.A. The POA has never gotten an invoice from Zarco Einhorn Salkowski, P.A. The POA has never paid Zarco Einhorn Salkowski, P.A.

Zarco Einhorn Salkowski, P.A., does not now and never has represented the POA.

A handwritten signature in black ink, appearing to read "P. Anica".

Peggy Anica – POA Board

A handwritten signature in black ink, appearing to read "douglas edwards" in a cursive style.

Douglas Edwards – POA Board

A handwritten signature in black ink, appearing to read "Guy New" in a cursive style.

Guy New – POA Board

From: [Robert Einhorn](#)
To: [Mary Nix](#); [Himanshu Patel](#)
Cc: [Jamie Drillette](#); [Dorian Vergos](#); [F. Alaina Rodriguez](#); [Michael K. Hurst](#); [Daniela Vera Holmes](#); [Amanda Alexander](#); [Tonia Ashworth](#); [Gina Flores](#); [Victoria Kropp](#); [Julie Archuleta](#); [Bryan Lara-Soto](#)
Subject: RE: G Six Consulting, LLC vs. Mullett - 2nd REQUEST
Date: Friday, April 11, 2025 2:20:24 PM
Attachments: [image001.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)

Ms. Nix,

We have confirmed that Mr. Bruno did call Mr. Mullett today. There was nothing inappropriate about the call and your second-hand recitation of what was said during the call is disputed by Mr. Bruno. Any disqualification motion based on this innocuous phone call would be frivolous and wasteful. One thing that is clear from even your own second-hand recitation of the call is that Mr. Mullett was unwilling to share any information with Mr. Bruno about the pre-sale projections that Mr. Mullett provided to Mr. Bruno.

Robert

ROBERT M. EINHORN

ZARCO EINHORN SALKOWSKI, P.A.

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Office: 305.374.5418

Fax: 305.374.5428

Email: reinhorn@zarcolaw.com

Website: www.zarcolaw.com

From: Mary Nix <mnix@lynnllp.com>

Sent: Friday, April 11, 2025 12:39 PM

To: Himanshu Patel <HPatel@zarcolaw.com>; Robert Einhorn <REinhorn@zarcolaw.com>

Cc: Jamie Drillette <jdrillette@lynnllp.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>; Amanda Alexander <AAlexander@lynnllp.com>; Tonia Ashworth <TAshworth@lynnllp.com>; Gina Flores <gflores@lynnllp.com>; Victoria Kropp <vkropp@lynnllp.com>; Julie Archuleta <jarchuleta@lynnllp.com>; Bryan Lara-Soto <Bryan@zarcolaw.com>; Mary Nix <mnix@lynnllp.com>

Subject: Re: G Six Consulting, LLC vs. Mullett - 2nd REQUEST

Mr. Patel and Mr. Einhorn,

I just received a call from my client, Mr. Mullett. Mr. Bruno called him this morning directly after meeting with you.

Here is a summary of what Mr. Bruno said to Mr. Mullett:

Mr. Bruno told Mr. Mullett that he knows the Gibsons sued Mr. Mullett and that Mr. Mullett "has not been responsive or cooperative."

Mr. Bruno told Mr. Mullett that his (Mr. Bruno's) lawyers cannot reach out to Mr. Mullett but that they (your firm) wants Mr. Mullett to call them (your firm). He specifically named Mr. Einhorn.

He also told Mr. Mullett that Dickey's is not in good shape with their lawyers. And even said that his firm are great lawyers - "the best" - and yours are not.

Mr. Bruno also then threatened Mr. Mullett. He said it would be in everyone's best interest if Mr. Mullett would concede to talking to Mr. Einhorn and "help us get through all of this." When Mr. Mullett asked him what he meant by that, Mr. Bruno said that there is a lot coming out in discovery. That Dickey's is making money on back end of deals. When Mr. Mullett told him that is not true, and asked what he was referring to, Mr. Mullett told him that if he wanted specific details, then he would have to call Mr. Einhorn.

He then said "I'm not trying to threaten or scare you but it's in your best interest to work with my lawyers." He said that if Mr. Mullett would not agree to call or work with Mr. Einhorn then Mr. Bruno would "report back to my lawyers because I know you are in a lot of trouble."

He also specifically told Mr. Mullett that he had a meeting with your firm this morning and that your firm told him (Mr. Bruno) to give Mr. Mullett a call and try to coerce Mr. Mullett to call the lawyers. He said that his lawyers told him to do it and that it was "worth a shot."

Mr. Bruno also told Mr. Mullett that he was going to have to go back and tell you that Mr. Mullett refused to work with "us" and threatened him that "we'll" keep going on with our case. He specifically said the words "us" and "we." I did not realize that Mr. Bruno is involved in the lawsuit against Mr. Mullett.

We will be filing a motion for protective order and sharing this information with the

court.

Further, we are going to file a motion to disqualify your firm from representing G Six in this matter based on this conduct.

I assume you oppose both of the above motions, but please let me know today.

We are reviewing other legal options for Mr. Mullett.

He reserves all rights and waives none.

Regards,
Mary

MARY GOODRICH NIX | Partner

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Texas Board of Legal Specialization

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"500 Leading Civil Rights & Plaintiff Employment Lawyers" in U.S.A. - Lawdragon

"500 Leading Commercial Litigators" in U.S.A. - Lawdragon

From: Himanshu Patel

Sent: Friday, April 11, 2025 10:49 AM

To: Mary Nix; Daniela Vera Holmes

Cc: Jamie Drillette; Robert Einhorn; Dorian Vergos; F. Alaina Rodriguez; Michael K. Hurst; Himanshu Patel

Subject: RE: G Six Consulting, LLC vs. Mullett - 2nd REQUEST

Daniela,

Please see e-mail below and advise. Thank you.

HIMANSHU M. PATEL, ESQ,

Partner



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CIRCULAR 230 DISCLOSURE: To ensure compliance with recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including any attachments, is not intended or written by us to be used, and cannot be used, by anyone for the purpose of avoiding federal tax penalties that may be imposed by the federal government or for promoting, marketing or recommending to another party any tax-related matters addressed herein.

From: Himanshu Patel

Sent: Thursday, April 10, 2025 10:09 AM

To: Mary Nix <mnix@lynnllp.com>

Cc: Jamie Drillette <jdrillette@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>; Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>

Subject: RE: G Six Consulting, LLC vs. Mullett

Mary,

There are 4 lawyers from your Firm on this file, and only Daniela is authorized to practice law in Illinois. While it is hard to believe that all 4 lawyers are unavailable this week, I guess we have no choice but to schedule the Rule 26(f) conference for Tuesday, April 15 in the morning.

Daniela:

How does 11 am EST work for you on Tuesday, April 15?

HIMANSHU M. PATEL, ESQ,

Partner



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CIRCULAR 230 DISCLOSURE: To ensure compliance with recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including any attachments, is not intended or written by us to be used, and cannot be used, by anyone for the purpose of avoiding federal tax penalties that may be imposed by the federal government or for promoting, marketing or recommending to another party any tax-related matters addressed herein.

From: Mary Nix <mnix@lynnllp.com>

Sent: Thursday, April 10, 2025 12:13 AM

To: Himanshu Patel <HPatel@zarcolaw.com>

Cc: Jamie Drillette <jdrillette@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>; Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>

Subject: Re: G Six Consulting, LLC vs. Mullett

Himanshu,

Jamie advised you we are not available this week. We can discuss these issues next week.
Jamie provided proposed dates.

Regards,

Mary

On Apr 9, 2025, at 9:28 PM, Himanshu Patel <HPatel@zarcolaw.com> wrote:

Daniela,

Please advise which day you are available this week for a Rule 26(f) conference.
I will make myself available as early as 8 am or in the evening.

While Jamie refused to make herself available because of an “alleged” conflict,
she also is not licensed to practice law in Illinois.

HIMANSHU M. PATEL, ESQ,

Partner

<image001.png>

Zarco Einhorn Salkowski, P.A.

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Website: www.zarcolaw.com

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From: Jamie Drillette <jdrillette@lynnllp.com>
Sent: Wednesday, April 2, 2025 5:03 PM
To: Himanshu Patel <HPatel@zarcolaw.com>
Cc: Daniela Vera Holmes <dholmes@lynnllp.com>; Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: Re: G Six Consulting, LLC vs. Mullett

I have provided our availability.

Happy to schedule the conference on the 16, 17, or 18 if that allays your concerns regarding arbitration deadlines. But we are not available on the dates you have proposed.

Jamie Drillette

Direct: (214) 292-3641

Mobile: (682) 622-6555

On Apr 2, 2025, at 3:54 PM, Himanshu Patel
<HPatel@zarcolaw.com> wrote:

I am available on April 3, 4, 7, 8, 9, 10 and 11. I will make myself available as early as 7 am CST on any of these days to have our Rule 26(f) conference. Given the number of days I have provided, I am confident Daniela can make herself available on one of these days. You are more than welcome to participate.

HIMANSHU M. PATEL, ESQ,

Partner

<image001.png>

Zarco Einhorn Salkowski, P.A.

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Miami, FL 33131

Office: 305.374.5418

Fax: 305.374.5428

Email: hpatel@zarcolaw.com

Website: www.zarcolaw.com

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From: Jamie Drillette <jdrillette@lynnllp.com>
Sent: Wednesday, April 2, 2025 4:41 PM
To: Himanshu Patel <HPatel@zarcolaw.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

Daniela will not be handling the conference without my involvement.

As for the deadlines in the arbitration proceeding, your client filed this lawsuit knowing what deadlines were in place. I'm sure you can structure your commitments accordingly.

Jamie Drillette | Associate

LynnPinkerHurstSchwegmann

Direct 214 292 3641

Mobile 682 622 6555

jdrillette@lynnllp.com

From: Himanshu Patel <HPatel@zarcolaw.com>
Sent: Wednesday, April 2, 2025 3:27 PM
To: Jamie Drillette <jdrillette@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

You are not admitted to practice in law in Illinois. So while I appreciate you are not available next week (even for 30 minutes), is Daniela also not available?

I am not available on the 14th and 15 as we have deadlines in the Gibson arbitration that is scheduled for a final hearing commencing April 28.

HIMANSHU M. PATEL, ESQ,

Partner

<image001.png>

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From: Jamie Drillette <jdrillette@lynnllp.com>
Sent: Wednesday, April 2, 2025 4:22 PM
To: Himanshu Patel <HPatel@zarcolaw.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

The status report is due on May 5, 2025 – I'm confused as to why you believe two weeks is insufficient time to draft a Rule 26(f) report.

As I said before, I am not available next week, but am more than happy to find a time on 4/14 or 4/15 to confer.

Jamie Drillette | Associate

LynnPinkerHurstSchwegmann

Direct 214 292 3641

Mobile 682 622 6555

jdrillette@lynnllp.com

From: Himanshu Patel <HPatel@zarcolaw.com>
Sent: Wednesday, April 2, 2025 3:02 PM
To: Jamie Drillette <jdrillette@lynnllp.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

Jamie,

This call needs to occur next week so we have sufficient time to draft a Rule 26(f) report. I will make myself available either before hours or after hours, if necessary. More importantly, Daniela will need to be present on this call as she is the only one admitted to practice in Illinois.

Thank you.

HIMANSHU M. PATEL, ESQ,

Partner

<image001.png>

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From: Jamie Drillette <jdrillette@lynnllp.com>
Sent: Wednesday, April 2, 2025 3:34 PM
To: Himanshu Patel <HPatel@zarcolaw.com>; Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>
Subject: RE: G Six Consulting, LLC vs. Mullett

Himanshu –

I am not available next week, but am available on 4/14 or 4/15 for the Rule 26(f) conference.

Best,

Jamie Drillette | Associate

LynnPinkerHurstSchwegmann

Direct 214 292 3641

Mobile 682 622 6555

jdrillette@lynnllp.com

From: Himanshu Patel <HPatel@zarcolaw.com>
Sent: Wednesday, April 2, 2025 12:47 PM
To: Daniela Vera Holmes <dholmes@lynnllp.com>
Cc: Robert Einhorn <REinhorn@zarcolaw.com>; Dorian Vergos <dvergos@zarcolaw.com>; F. Alaina Rodriguez <farodriguez@zarcolaw.com>; Michael K. Hurst <MHurst@lynnllp.com>; Mary Nix <mnix@lynnllp.com>; Jamie Drillette <jdrillette@lynnllp.com>
Subject: G Six Consulting, LLC vs. Mullett

Good afternoon Daniela,

Pursuant to the Federal Rules of Civil Procedure, please let me know your availability to conduct our Rule 26(f) conference. We need to conduct this conference either this week or the early part of next week so that we can then prepare our joint plan and circulate it to you for your review. Let me know your availability the rest of this week as well as the first half of next week. Thank you.

HIMANSHU M. PATEL, ESQ,

Partner

<image001.png>

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