

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

GHOTRA BROTHERS, LLC  
D/B/A BIG DADDY'S PIZZA

PLAINTIFF

v.

GLENN WEINSTEIN  
D/B/A BIG DADDY'S FAMOUS PIZZA

DEFENDANT

22-2109 E  
VERIFIED COMPLAINT

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE

2022 SEP 13 P 12:20

SUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE

**NATURE OF THIS ACTION**

By this action, Plaintiff seeks injunctive relief against, and damages for, Defendant's infringing, misleading, and unfair use of the mark BIG DADDY'S FAMOUS PIZZA in connection with sales of pizza and subs offered through its website. This mark is confusingly similar to Plaintiff's well-known mark BIG DADDY's, which was in use prior to Defendant's date of first use. Plaintiff has used its mark for many years, and has registration for it.

**PARTIES**

1. The Plaintiff, Ghotra Brothers, LLC, d/b/a Big Daddy's Pizza, located at 436 Western Avenue, Brighton, County of Suffolk, Massachusetts.
2. The Defendant, Glenn Weinstein, is the owner of Big Daddy's Famous Pizza, located at 356 Chestnut Hill Avenue, County of Suffolk, Brighton, Massachusetts.

**THE FACTS**

3. In June, 2022, the Plaintiff purchased Big Daddy's Incorporated, which had owned and operated Big Daddy's Pizza in Brighton, Massachusetts since 1985, from Steven Weinstein, the brother of the Defendant.

4. Steven Weinstein purchased Big Daddy's Pizza in 1985, and eventually registered the words "Big Daddy", "Big Daddy Pizza", and "Big Daddy's Restaurant" with the Massachusetts Secretary of State's office in December, 2003.
5. Included in the sale to the Plaintiff were all trademarks and service marks of the business.
6. At the time of the sale, the Plaintiff understood from Steven Weinstein that the name, Big Daddy's could not be used in Massachusetts.
7. In a 2010 interview in *Wicked Local*, Steven Weinstein reported that his brother, Glenn Weinstein, eventually came to work for him and became his business advisor.
8. At the time of the sale of Big Daddy's Pizza in June, 2022, Glenn Weinstein was not involved in his brother's store, Big Daddy's Pizza.
9. The Defendant, operating independently of his brother, opened and operated a pizza and sub restaurant using the name Big Daddy's Famous Pizza in or around Brighton, Massachusetts prior to the sale of Big Daddy's Pizza to the Plaintiff.
10. Many customers of the Plaintiff have been misled to believe when searching on-line and ordering food for pick-up that they have been ordering from the restaurant located at 436 Western Avenue, Brighton, Massachusetts when in fact they have ordered from the restaurant located at 356 Chestnut Hill Avenue, Brighton, Massachusetts.
11. These customers have complained to the Plaintiff that they have ordered food on-line for pick-up and when the customers present themselves at the 436 Western Avenue, Brighton, Massachusetts location, they have been disappointed and confused to discover they are at the wrong restaurant.
12. Plaintiff's counsel mailed a cease-and-desist letter to Glenn Weinstein c/o Big Daddy's Famous Pizza at 356 Chestnut Hill Avenue, Brighton, Massachusetts without response.
13. The Plaintiff's customers are confused by the similarity in both the use of the Big Daddy's name and the goods and services offered.

14. The Plaintiff continues to lose revenue and customers that have been directed to the Defendant's website, because of the similarity in name and by the goods and services offered during routine searches for pizza in the Brighton, Massachusetts area.

**COUNT ONE**  
State Trademark Infringement

15. The Plaintiff repeats and re-alleges the allegations contained in paragraph 1-14 of this complaint.

16. Defendant's unauthorized use of BIG DADDY'S in connection with the sale of pizza and subs is likely to cause confusion, or to cause mistake, or to deceive consumers or potential consumers in violation of Massachusetts common law.

17. Upon information and belief, the actions of Defendant described above have at all times relevant to this action been willful.

18. Plaintiff has been, is now, and will be irreparably injured if Defendant is not enjoined from continuing its infringing use and advertising of BIG DADDY'S in connection with similar and competitive goods and services. Plaintiff lacks an adequate remedy at law for the damages caused thereby.

**COUNT TWO**  
Common Law Unfair Competition

19. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through 14 of this Complaint as though fully set forth herein.

20. Defendant's aforesaid conduct has created, and is likely to continue to create, confusion, mistake, and/or deception in the marketplace and industry.

21. Defendant's aforesaid conduct constitutes unfair competition at common law.

**COUNT THREE**  
Violations of G.L. C. 93A

22. The Plaintiff realleges and incorporates by reference its allegations in Paragraphs 1-14 above.

23. Defendant's acts complained of herein were committed primarily and substantially in Massachusetts.
24. Defendant's aforementioned conduct constitutes an unfair method of competition and an unfair and deceptive act or practice in the conduct of trade or commerce, all in violation of G.L. c. 93A, § § 2, 11.
25. Upon information and belief, the aforementioned violations of G.L. c. 93A were willful and knowing.
26. Plaintiff has been, is now, and will be irreparably injured if Defendant is not enjoined from continuing its unfair and deceptive use and advertising of BIG DADDY'S. Plaintiff lacks an adequate remedy at law for the damages caused thereby.

WHEREFORE, the Plaintiff prays this Honorable Court:

1. Issue its Summons and Order of Notice that Defendant answer this Verified Complaint and appear for a hearing on Plaintiff's Motion for a Preliminary Injunction and appoint a person specially to serve process.
2. After a hearing, issue a preliminary injunction enjoining and restraining Defendant from using the name BIG DADDY'S.
3. After trial, enter a permanent injunction restraining Defendant from using the name Big Daddy's.
4. Award the Plaintiff its damages, attorneys' fees, costs and interest pursuant to Counts I through III of the Complaint.
5. Award the Plaintiff such other relief as the Court may deem just and proper.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE**

Respectfully submitted,  
GHOTRA BROTHERS, LLC

By its Attorney,



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BBO No. 677736

Dated: September 12, 2022

**VERIFICATION**

I, NAVDEEP SINGH, hereby depose and state as follows:

1. I am the Manager of Ghotra Brothers, LLC., the Plaintiff in the above-captioned case.
2. I have read the Verified Complaint filed herein and, knowing the contents thereof, have found that the allegations of fact set forth therein are based on my own personal knowledge and are true, except as to those allegations based on information and belief which I believe to be true.

Signed under the penalties of perjury on this 12<sup>th</sup> day of September, 2022.



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