



MARKS & KLEIN, LLP

GERALD A. MARKS
jerry@marksklein.com
Admitted New Jersey, New York &
United States Supreme Court

63 Riverside Avenue
Red Bank, NJ 07701
T: (732) 747-7100
F: (732) 219-0625
www.marksklein.com

May 6, 2014

VIA ELECTRONIC FILING
AND REGULAR MAIL

Honorable Joel Schneider
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101

Re: 7-Eleven, Inc. v. Karamjeet Sodhi, et al.
Docket No.: 13-cv-4578-RMB-JS

Dear Judge Schneider:

As Your Honor is aware, this firm represents Defendants Karamjeet Sodhi, Karamjit Singh and Majinder Singh (collectively, "Defendants") in the above-referenced matter.

I am writing to advise the Court of 7-Eleven's failure unwillingness to act in good faith with regard to their discovery obligations under the Federal Rules of Civil Procedure and the Local Rules, despite Your Honor's clear and unambiguous directions to the contrary.

By way of brief background, 7-Eleven brought this action against Defendants based on allegations of fraud, payroll improprieties and violations of certain immigration laws. Despite counsel's representation that 7-Eleven conducted a pre-termination investigation (hereinafter, the "Sodhi Investigation"), 7-Eleven has now taken the position that communications relating to *that very investigation* are irrelevant, burdensome or otherwise protected. 7-Eleven's position is **factually inaccurate** and such misrepresentations beg the question as to what other falsehoods 7-Eleven has previously represented to this Court as "fact."

During the exchange of custodians and search terms, Defendants requested that 7-Eleven conduct a search for electronically stored information ("ESI") including, but not limited to, the following individual custodians: (i) Mark Stinde, Vice President, Asset Protection; (ii) Darren Rebelez, Executive Vice President and Chief Operating Officer; (iii) Joseph DePinto, President and Chief Executive Officer and Bob Cozens, Senior Vice President, Merchandising.¹

¹ Upon information and belief, Mr. Cozens was not involved in the Sodhi Investigation; rather, Mr. Cozens and Mr. Sodhi had a long-standing relationship, and Defendants believe there are emails between Mr. Cozens and unknown individuals regarding the allegations contained in the Amended Complaint and/or Counterclaim.

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By way of email, dated April 29, 2014, counsel for 7-Eleven responded as follows:

[...] 7-Eleven objects to producing ESI from the following custodians: (1) Mark Stinde, (2) Darren Rebelez, (3) Joseph DePinto, (4) Bob Cuzon (presumably Bob Cozens) because each is a high ranking executive at 7-Eleven who does not have personal knowledge of the underlying facts and were not involved in the day-to-day activities involving Sodhi's stores.

See attached Exhibit 1, April 29, 2014 e-mail.

As 7-Eleven's Counsel is aware, **all of the executives requested as custodians were intimately involved in the investigation of Mr. Sodhi's stores.**

Specifically, Defendants are aware that 7-Eleven Corporate Investigations Manager, Kevin Hale, had weekly meetings with Mark Stinde, Brad Jenkins and Darren Rebelez to discuss the work that the Centralized Intelligence Team ("CIT")² had been conducting on payroll and immigration investigations as indicated in the attached Certification of Kurt McCord, former 7-Eleven Corporate Investigations Supervisor. See attached Exhibit 2 ("McCord Certification"), ¶ 143.

Your Honor's attention is respectfully directed to paragraphs 144, and 153 through 157 of the McCord Certification as to the weekly meetings of the individuals listed above for whom discovery is being sought and withheld.

These payroll investigations included the Sodhi Investigation, whom 7-Eleven representatives routinely referred to as "Public Enemy #2." See Exh. 2, McCord Certification, ¶ 153.

Moreover, after the United States Government raided certain unrelated 7-Eleven stores in Long Island, New York, CEO Joe DePinto "stopped by 'The War Room', where the CIT was training, and stated that it was CIT's job would be to help [e]nsure that those events didn't happen again." See Exh. 2, McCord Certification, ¶ 56. **Thus, despite 7-Eleven's protestations, DePinto, Rebelez and Stinde, despite being "high ranking executive[s]" was each intimately involved in the Sodhi Investigation.**

² By way of background, 7-Eleven's Asset Protection/Loss Prevention Department is occasionally referred to as "CIT." Additionally, 7-Eleven employed a covert mobile surveillance team, which was referred to as the Profit Assurance Team ("PAT"). By way of the CIT and PAT, "7-Eleven, Inc. has designed and implemented a predatory program to increase corporate profits by unethically stealing the equity and good\will its franchisees had build over decades of hard work and financial investment." See Exhibit 2, ¶ 5. Using the CIT, "7-Eleven set a yearly number of stores to take back, prioritizing locations in areas with the highest resale values or, in some cases, operated by respected franchisees who had spoken out about the corporate giant's corrupt practices," such as Mr. Sodhi. See Exhibit 2, ¶ 7.

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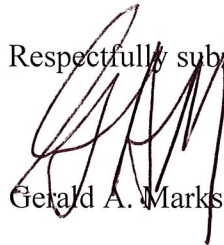
7-Eleven's email raises additional concerns regarding Defendants' discovery requests, which Defendants are prepared to expand upon if requested. This is especially troubling, as Defendants did not object to a single one of 7-Eleven's terms and/or custodians, and have taken steps for a third-party vendor to conduct the requisite searches on or before May 13, 2014.

On April 30, 2014, this office sent a letter to counsel for 7-Eleven regarding these same concerns, and requested that 7-Eleven respond on or before May 2, 2014 to avoid unnecessary Court intervention and/or motion practice. See letter attached as Exhibit 3. To date, counsel for 7-Eleven has not responded, nor even requested an extension of the time to respond, thus necessitating this letter.

As such, Defendants have been obligated by circumstance to inform the Court of 7-Eleven's continued dilatory conduct. Moreover, Defendants are concerned with their ability to abide by the Court's Scheduling Order, as amended, if 7-Eleven steadfastly refuses to permit and conduct the appropriate discovery.

Should Your Honor require any additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'GAM', is written over the typed name 'Gerald A. Marks'.

Gerald A. Marks

cc: Hon. Renee Marie Bumb (via ECF)
All Counsel of Record (via ECF)
Amy Brandt, Esq. (via electronic mail)
Clients (via electronic mail)