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STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT

IN RE: FRANCHISE NO-POACHING  
PROVISIONS

(BONEFISH GRILL, LLC)

19-2-01112-2SEA

BONEFISH GRILL, LLC  
ASSURANCE OF  
DISCONTINUANCE

The State of Washington ("State"), by and through its attorneys, Robert W. Ferguson, Attorney General, and Rahul Rao, Assistant Attorney General, files this Assurance of Discontinuance ("AOD") pursuant RCW 19.86.100.

I. PARTIES

1.1 In November 2018, the Attorney General contacted Bonefish Grill, LLC inquiring about the terms of its franchise agreement.

1.2 Bonefish Grill, LLC is a Florida Limited Liability Company with its principal office or place of business in Florida. Bonefish Grill, LLC operates a nationwide chain of polished casual seafood restaurants.

1.3 For the purposes of this AOD, Bonefish Grill, LLC includes its successor and assigns, controlled subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures.

II. INVESTIGATION

2.1 Bonefish Grill, LLC has four (4) stores in Washington. All of these stores are owned and operated by a franchisee.





1 partnerships, and joint ventures, or other entities through which Bonefish Grill, LLC may now  
2 or hereafter act with respect to the conduct alleged in this AOD.

3 4.2 This is a voluntary agreement and it shall not be construed as an admission of  
4 law, fact, liability, misconduct, or wrongdoing on the part of Bonefish Grill, LLC. By entering  
5 into this AOD, Bonefish Grill, LLC neither agrees nor concedes that the claims, allegations  
6 and/or causes of action, which have or could have been asserted by the Attorney General have  
7 merit and Bonefish Grill, LLC expressly deny any such claims, allegations, and/or causes of  
8 action. However, proof of failure to comply with this AOD shall be *prima facie* evidence of a  
9 violation of RCW 19.86.030, thereby placing upon the violator the burden of defending against  
10 imposition by the Court of injunctions, restitution, costs and reasonable attorney's fees, and  
11 civil penalties of up to \$2,000.00 per violation.

12 4.3 Bonefish Grill, LLC will not, nor will it authorize any of its officers, employees,  
13 representatives, or agents to state or otherwise contend that the State of Washington or the  
14 Attorney General has approved of, or has otherwise sanctioned, the conduct described in Paragraph  
15 2.2 with respect to the No-Poach Provision in Bonefish Grill, LLC's franchise agreement.

16 4.4 This AOD resolves all issues raised by the State of Washington and the Antitrust  
17 Division of the Attorney General's Office under the Consumer Protection Act and any other  
18 related statutes pertaining to the acts set forth in Paragraphs 2.1 – 2.3 above that may have occurred  
19 before the date of entry of this AOD and concludes the investigation thereof. Subject to Paragraph  
20 4.2, the State of Washington and the Antitrust Division of the Attorney General's Office shall not  
21 file suit or take any further investigative or enforcement action with respect to the acts set forth  
22 above that occurred before the date of entry of this AOD.

23 APPROVED ON this \_\_\_\_\_ day of July, 2018.

24 **HENRY H. JUDSON**

25 JAN 14 2019

26   
JUDGE/COURT COMMISSIONER

BONEFISH GRILL, LLC ASSURANCE  
OF DISCONTINUANCE

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1 Presented by:

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11 Agreed to and approved for entry by:  
12 Bonefish Grill, LLC

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17 Bonefish Grill, LLC

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