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Shoptalk

Have a news tip for Shop Talk? Contact **DOUG BUCHANAN** at 614-220-5448 or dbuchanan@bizjournals.com.

Biz dispute results in \$12M verdict

A Franklin County jury has handed down one of the largest verdicts in a Central Ohio business dispute in recent years.

A Common Pleas Court jury last month awarded \$12.2 million to two plaintiffs suing the former owner of Martin Designs Inc., a maker of low-cost licensed stationery products. The creditors of the defunct company and investors who bought it in 2003 had sued Martin L. Myers, accusing him of misrepresenting the condition of Martin Designs when he sold it to them for \$23.5 million, including \$10 million in cash. They also alleged he was working on a subsequent business idea while he was still employed there.

Myers founded Martin Designs in 2000 to sell notebooks and other products emblazoned with Nickelodeon characters, NASCAR images and other licensed content through drugstores and retail chains. He sold the business in 2003 to MD Acquisition LLC, led by New York private equity investor CM Equity Partners. Myers then left the Ashland-based company in 2005 to co-found Pet Brands Inc., a Columbus business selling licensed pet products.

Martin Designs went out of business in 2008 after a line of Chinese-made Sponge-Bob SquarePants notebooks it was selling was recalled because the spiral binding contained high levels of lead.

The plaintiffs won on all claims of breach of contract and trade secret misappropriation in the trial, which lasted five weeks. They alleged Myers lied about his inventory being in "good and marketable condition" at the time of the sale and claimed he worked on the idea for Pet Brands on company time while reneging on an agreement that any new business ideas would stay in-house.

Greg Melick, the head of Luper Neidenthal & Logan LPA's litigation department who coordinated the Columbus law firm's

case with lead counsel David Scott, said they'll now go after Myers' majority stake in Pet Brands to recover the award. According to court documents, Pet Brands had \$8.5 million in gross income on \$43 million in revenue in 2009.

"They're viable," Melick said. "And Marty owns 51 percent of it. Therefore, I own 51 percent of it."

Luper Neidenthal represented Martin Designs' creditors, who were awarded \$7 million. The remaining \$5.2 million went to MD Acquisition, represented by Squire Sanders & Dempsey LLP.

Scott Stitt, Myers' lawyer at James E.

Arnold & Associates LPA, declined to comment. An employee at Pet Brands said Myers wasn't available.

— DOUG BUCHANAN

Cupcake fans get another choice with storefront at Tuttle mall

It's fitting that one of Sonya Kissi's favorite television shows is *Cupcake Wars* on the Food Network because she's joining the sweet tooth battle going on in the area.

Kissi is opening KissiCakes-n-Sweets in the food court at the Mall at Tuttle Crossing. It's a hobby that grew into an Internet sales business and now a shop expected to open March 19. It also is the newest cupcake bakery in the Dublin-Powell arc, also home to Sugar Inc., Our CupCakery and Pink Moon.

"We wanted foot traffic and what gets more than a mall?" Kissi said.

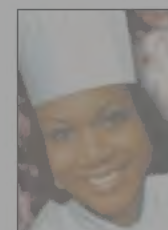
Friends and family encouraged her to sell her cupcakes after she began baking for home and work events. Husband George Kissi set her up with a website

last year and she decided to open a retail counter to boost sales and provide a spot where online orders could be picked up.

Kissi, who will continue to work her first job as a pharmacist, said the shop's commercial kitchen will allow her to increase production from a dozen at a time to four dozen. The Kissis have brought on an assistant baker to fill in for Sonya when she's at her other job.

Cupcakes sell for \$20 to \$26 a dozen. The selection includes cookies, pies and other sweets.

— DAN EATON



S. Kissi: Cupcake baker



G. Melick: Luper Neidenthal

CORRECTION

• A March 4 article incorrectly identified the provider of a \$720,000 loan to the buyers of a Columbia Gas-anchored office complex in Marble Cliff. The lender is unrelated to Columbia Gas parent NiSource Inc.

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