



1 UNITED STATES BANKRUPTCY COURT FOR  
2 THE EASTERN DISTRICT OF WISCONSIN

3  
4 MARC RASSBACH,  
5 Creditor  
6 William Foley  
7 Debtor  
8

) Case No.: 14-24438-gmh  
) Motion to force bankruptcy

FILED  
2014 APR 22 PM 12:15  
US BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

9  
10 As a creditor of Mr. Foley's and a person who has examined the  
11 public record of Mr. Foley in a Court setting I have spent the time  
12 examining the legal record of Mr. Foley.  
13

14  
15 Mr. Foley's typical pattern is to be involved at the start of a  
16 legal fight and then not provide the proper paperwork or just not  
17 show up. Once a judgment is reached there is some kind of excuse  
18 as to why he did not respond.  
19

20  
21 While the Bankruptcy Court does have the option of dis-allowing the  
22 Bankruptcy within 7 days due to lack of paperwork, given the 1.4  
23 million owed the State of Wisconsin and the "questionable" listing  
24 of assets the only way forward with Mr. Foley does seem to be to  
25 hold the Bankruptcy open so that questions can be asked and answers  
26 may be received. The destruction of other people's property as  
27 noted in Waukesha 2011sc1656 is a risk the people who have claims  
28

1 against the assets no matter if Mr. Foley is in or not in Bankruptcy  
2 Court.

3  
4 By holding the Bankruptcy open, Mr. Foley has the option to correct  
5 the errant paperwork and have his past statements make sense with  
6 the present statements but only if the case is held open.

7  
8  
9 Holding Mr. Foley in Bankruptcy Court means someone has the ability  
10 to ask him questions under oath and obtain answers and Creditor Marc  
11 Rassbach therefore moves the Court to Force Mr. Foley through the  
12 Bankruptcy process he started.

13  
14  
15  
16 DATED: April 21, 2014

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18   
19 \_\_\_\_\_  
20 MARC RASSBACH  
21 Creditor  
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FILED

UNITED STATES BANKRUPTCY COURT FOR  
THE EASTERN DISTRICT OF WISCONSIN

2014 APR 22 PM 12:17

US BANKRUPTCY COURT  
EASTERN DISTRICT OF WI

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MARC RASSBACH,  
  
Creditor  
  
William Foley  
  
Debtor

} Case No.: 14-24438-gmh  
} Motion to force bankruptcy

Motion for the Court to examine into the truthfulness of statements  
of Mr. Foley with respect to ownership claims of "The Original  
Suburpia"

In the document submitted to the Court Mr. Foley claims to have some  
kind of ownership to the assets of the businesses at 10853 West  
Bluemound Road 53226 / 2264 N. Prospect Ave 53202 / 116 E. Layton  
Avenue 53207

What this Court needs to be aware of is public statements made by  
Mr. Foley in the past and then attempt to somehow turn square  
corners to get to where Mr. Foley is claiming - that he is an owner  
of the businesses listed.

The 1<sup>st</sup> public statement is from the opening of The Original  
Suburpia as published in 2005. Note how Mr. Foley is on record as

1 stating he was "Just a cashier" and "not an owner". This is  
2 labeled as #1. What makes this statement interesting is the long  
3 term intended harm which in Wisconsin is a Class A misdemeanor as  
4 per 942.03. Ask Jay Pospero of Milwaukee 2011SC032208 how harmed  
5 he feels over the issue of if Mr. Foley is/is not the owner of "The  
6 Original Suburpia".  
7

8  
9 If the Court examines the past Bankruptcies of Sandwich King  
10 businesses from 2009 William Foley is not listed as an owner. The  
11 1<sup>st</sup> observation of events The Court should consider is rejection of  
12 the 2009 bankruptcies prevented Mr. Foley from legally obtaining the  
13 Suburpia assets for a discount from The Court and instead left him  
14 with creating legal liability for the owners so that when he took  
15 the assets and placed them under control of the various Sandwich  
16 King INC firms created on 12/17/2012 A second and far less  
17 charitable observation is the parties of Von Breisen and Roper were  
18 paid money from the Sandwich Kings LLC bank account to conceive of  
19 the plan and legal framework to claim that no one owned Sandwich  
20 Kings LLC anymore - per the argument heard by myself in Milwaukee  
21 2013CV2944 and thus Mr. Foley had some kind of right to take the  
22 assets and make them his own. As noted in the records of the  
23 Wauwatosa Police department Attorney Castronovo was still working  
24 with Mr. Foley past the time of the 12/17/2012 formation of the  
25 various Sandwich King INC businesses and with the February 6<sup>th</sup> 2013  
26  
27  
28

1 settlement of Milwaukee 2010CV15980. Note how Milwaukee  
2 2010CV15980 is a lawsuit between Christopher J Simpson and Sandwich  
3 Kings LLC. The settlement is long after the date Mr. Foley was  
4 discharged as General Manager and after the time when the new  
5 Corporations were formed and the assets were placed in dispute by  
6 Prima Facie actions of Mr. Foley et al. Perhaps Mighty Themis can  
7 apply her sword to cut to the heart of the question: Why was Mr.  
8 Foley settling a case for Sandwich Kings LLC after he was  
9 terminated? To prove the 1<sup>st</sup> requires the ability to examine the  
10 mind of William Foley - a task that takes time and can result in  
11 becoming a "sad little man". To prove the 2<sup>nd</sup> requires a violation  
12 of the attorney client privilege of Von Breisen and Roper between  
13 VB&R client Mr. Foley and VB&R client Sandwich Kings LLC. Such  
14 privilege does not exist if The Court was to determine that the  
15 money paid to Von Breisen and Roper had come from Sandwich Kings LLC  
16 and therefore entitled Sandwich Kings LLC to the work product of Von  
17 Briesen and Roper as they had spent good money to purchase that work  
18 product.  
19  
20  
21  
22

23 The next public statement by William Foley's own hand is from  
24 Milwaukee 2008CV15548 where he states he is the General Manager.  
25 This is document #2. This position of General Manager status is  
26 confirmed by Mr. Foley in his email signature line as noted in  
27 Waukesha 2012SC400 and by Mr. Kramer in Milwaukee 2013CV3221 where  
28

1 Mr. Kramer details the firing of Mr. Foley as the General Manager.

2 Mr. Foley, for some reason, did not take pride in ownership of this  
3 business but instead in these documents wanted to be just an  
4 employee and the general manager.

5  
6 The final times where Mr. Foley states in written sworn testimony  
7 his lack of ownership in writing is in 2012SC400. The 1<sup>st</sup> time in  
8 that case is where when asked who the owners of the various  
9 "Suburpia" businesses in the discovery process and Mr. Foley stated  
10 it was not within his knowledge to know who the shareholders were.  
11 If Mr. Foley was an owner at that point, shouldn't he know that he  
12 was the owner? Especially if Mr. Foley was the secret 50%  
13 handshake owner as he claimed in Milwaukee 2013CV2944 - a year  
14 later. The 2<sup>nd</sup> time Mr. Foley disavowed ownership of the  
15 businesses at the addresses 10853 West Bluemound Road 53226 / 2264  
16 N. Prospect Ave 53202 / 116 E. Layton Avenue 53207 would be after  
17 Discovery questions of the ownership was asked and Attorney  
18 Castronovo replied that these answers would be negative, but only if  
19 the case would be dropped VS Mr. Foley. Discovery answers are  
20 typically not tied to being answered only if the case is dismissed  
21 so eventually the affidavit where Mr. Foley states he was not and  
22 never had been the owner of the businesses at the 3 addresses 10853  
23 West Bluemound Road 53226 / 2264 N. Prospect Ave 53202 / 116 E.  
24 Layton Avenue 53207 where ownership is claimed in the bankruptcy  
25  
26  
27  
28

1 document before this Court. For your reading "pleasure" I have  
2 included a copy of the Foley affidavit about how he's not the owner  
3 as document #3. How Mr. Foley went from June 11<sup>th</sup> of 2012 of no  
4 ownership and not knowing WHO the ownership was to being able to  
5 claim ownership for the purpose of the bankruptcy court should be a  
6 question to ask, no?  
7

8  
9 Not included in the supporting documentation is the payment of what  
10 I remember reading in the filings of Milwaukee 2013CV2944 about a  
11 \$50,000 EMPLOYEE fraud insurance payout. Based on my understanding  
12 of the documentation in 2013CV2944 the insurance can not pay out for  
13 owner fraud but can pay out for employee fraud. After the staff of  
14 the bankruptcy court reads this section of 2013CV2944 perhaps they  
15 will be moved by the Spirit of Themis to ponder exactly how it is  
16 the owner of a business can be the reason for an insurance firm to  
17 pay \$50,000 for employee misconduct?  
18

19  
20 Yet another, different owner is stated when Mr. Foley was sworn in  
21 in front of the City of Milwaukee Licensing Committee over the  
22 license issues of the 2264 N. Prospect Ave 53202 / 116 E. Layton  
23 Avenue 53207 addresses. The web URL which holds the video is  
24 [http://milwaukee.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=516](http://milwaukee.granicus.com/MediaPlayer.php?view_id=2&clip_id=516)  
25  
26 At 3:27:50 Mr. Foley states that Molly Foley is the Majority  
27 shareholder.  
28



1 I also ask you to take note of the statement by the City of  
2 Milwaukee official at 3:27:07 "because we have the ability to take  
3 his testimony under oath".  
4 Business Law attorney Molly M. Foley has the appearance of being the  
5 same Molly M. Foley as noted in the application for the Trademark  
6 "The Original Suburpia" as "President". These are documents # 4  
7 and #5. Mr. Foley has claimed Molly Foley is an owner at the City  
8 of Milwaukee hearing sworn in and under oath. Mr. Foley also  
9 claimed it was not within his knowledge to know who the owner was by  
10 his own hand in the discovery response in Waukesha 2012SC400 , but  
11 makes the statement that his daughter Molly Foley was the majority  
12 shareholder under oath in the City of Milwaukee hearing. If the  
13 Molly Foley of the Trademark application and the under oath  
14 statements at the City of Milwaukee hearing is the same Business Law  
15 attorney noted in the submitted documentation AND is the same Molly  
16 Foley who is alleged to have been a past owner of a previously  
17 failed Suburpia effort why didn't Business Law attorney and daughter  
18 Molly Foley take more interest in how 10853 West Bluemound Road  
19 53226 / 2264 N. Prospect Ave 53202 / 116 E. Layton Avenue 53207  
20 obtain the assets used to run the business? Do take note how the  
21 contact email for Molly M. Foley in the trademark application is the  
22 same email address William Foley used as noted in 2012SC400 and is  
23 different than the Molly Foley registered with the Wisconsin Bar.  
24 You will also note that Mr. Foley claims to be the "President" per  
25  
26  
27  
28

1 the bankruptcy filings, so perhaps Trademark President Molly Foley  
2 can explain how she isn't the President anymore per the bankruptcy  
3 paperwork. Now perhaps I did not spot the reference to Molly  
4 Foley in Milwaukee 2013CV2944 paperwork, but it seems odd to the lay  
5 person that in a dispute between 2 groups claiming ownership of  
6 10853 West Bluemound Road 53226 / 2264 N. Prospect Ave 53202 / 116  
7 E. Layton Avenue 53207 that the majority shareholder as claimed  
8 under oath by Mr. Foley is not part of the 9 inches of pages in  
9 Milwaukee 2013CV2944 nor is Molly Foley a defendant in Milwaukee  
10 2013CV2944.  
11

12  
13 As this is a Motion about asking questions there is one last  
14 question to ask - Mr. Foley lists himself as "agent" in the  
15 bankruptcy documents. I wish to make The Court aware of the  
16 document from Waukesha 2011SC1656. You can see that as document  
17 #6. Note how Mr. Foley calls himself "agent" of Two Sandwich  
18 Kings LLC. Now note the registration date of Two Sandwich Kings  
19 LLC per document #7. I'm not sure at what point the blindfold  
20 comes off of Goddess Themis to examine the filings of Mr. Foley  
21 closely but someone should be asking questions like "And who  
22 empowered you to be this agent?"  
23  
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1 The Court now has before it not only the documentation that Mr.  
2 Foley submitted to the Court but now The Court has other public and  
3 sworn statements Mr. Foley has made in the past about the ownership  
4 of the same businesses at those locations. If Mr. Foley does not  
5 have the ownership interest as claimed, liquidation of businesses he  
6 has no actual ownership interest does seem problematic to the  
7 interest of justice.  
8

9  
10 Given the past sworn statements of ownership do not turn square  
11 corners with the filing made on 4/15/2014 I therefore move The  
12 Court to examine into and make a determination of the truthfulness  
13 of Mr. Foley's ownership claims made Doc 1 in case 14-24438-gmh.  
14 The Court would seem to be well advised to examine into what assets  
15 are owned by Mr. Foley such as the business at 612 North Water  
16 Street doing business in the trade dress of "The Original Suburpia".  
17 Mr. Foley is in a position to answer such a question, being he is  
18 the registered agent per document #8.  
19  
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24 DATED: April 21, 2014  
25

  
26 MARC RASBACH  
27 Creditor  
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# Customers come back for a sandwich they remember

By DENNIS R. GETTO

April 20, 2007

TWEET SUBMIT TO REDDIT

EMAIL PRINT (0) COMMENTS

Last Updated: December 15, 2005

Is any submarine sandwich worth waiting 90 minutes for?

For hundreds of diners who make daily treks to Suburpia, 10853 W. Blue Mound Road, the answer is yes.

Many have crammed themselves into the 13-seat storefront restaurant, which opened Nov. 30, to acquaint themselves with the sandwiches they remember from the 1970s - subs with names like Miles Standish, Davey Jones and Reuben James. Some have even braved winter weather to stand in line outside the building.

While they huddle together waiting, many of the customers swap Suburpia memories.

"These sandwiches are really good when you're drunk," said one customer who clenched his register receipt Friday night as if it were a winning lottery ticket.

"Always have been," said the man waiting next to him.

Some of those waiting for a bite of the past are former employees.

"I used to drive a delivery truck for them," one man told the other 22 people waiting around him. "Each of the sandwiches had a different spice blend. They were marked and used to come in separate jars."

No one knows more about the sandwiches than William J. Foley, the man who started the chain in the late 1960s and who has spent most of his waking hours for the last two weeks behind the cash register or in the rear kitchen at the restaurant.

Foley has had a checkered history with the sub shops. He sold his original chain in 1982. In 1990 he opened a Suburpia at the old Brown Port Shopping Center and built the chain back up to six locations before filing for bankruptcy in 1993. Then, from 1996 to 1998, he operated a Suburpia store at 735 N. Plankinton Ave.

In 1998, he was found guilty of failure to pay state sales taxes and spent a year in jail and four years on probation, he said. Current tax warrants filed by the state Department of Revenue show him owing more than \$600,000.

This time around, Foley claims no ownership in the busy sub shop. "I'm just a consultant and a cashier," he said. He's working for a group of investors whom he would not name. That group plans to open 20 more Suburpia sandwich shops all over the Milwaukee area in the next year or so, he added.

If business at the Wauwatosa shop is any indication, those investors may reap big rewards. In the days that followed its opening, a torrent of customer traffic swamped the sub shop. Workers in the kitchen and at the register were accepting only cash and had to shut the phones off to stop a deluge of orders.

### Too busy

Foley and his staff had to close the store on the Sunday after its opening because they ran out of supplies and he and other workers were getting burned out, he said.

Suburpia

Two and a half stars - \*\*\*

Click to enlarge

Photos/Rick Wood

Whether it's the Miles Standish (top), a turkey breast sub, the Gold Coast (left), made with lean ham, or the Classic Suburpia with salami and bologna, Suburpia's subs are a hit with customers.

Click to enlarge

William J. Foley is proud of the once-thriving Suburpia shop, which is attempting a comeback on Blue Mound Road. Some customers have waited as long as 90 minutes for the sandwiches they

Yesterday 7:36 p.m. Jack White records songs, releases vinyl in hours

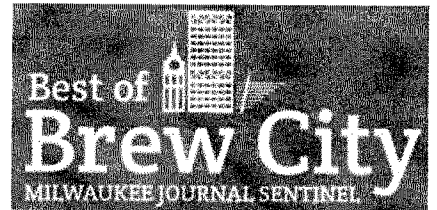
4:42 p.m. Carriage horse foes picket Liam Neeson's NYC home

12:49 p.m. Milwaukee Symphony Orchestra, actors know how to do drama

9:49 a.m. Egypt's TV satirist off air until after elections

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- Industri Cafe co-founder leaving the Walker's Point restaurant

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#1

Still, the stream of customers flows in and backs up. In three recent visits to the restaurant, the biggest problem I've faced was the wait. recall with love.

At 2:15 p.m. Dec. 5, I waited 30 minutes for three sandwiches. At 6:15 p.m. Friday I waited 30 minutes for seven sandwiches. And at a few minutes past noon Saturday, I waited 15 minutes to place an order for six sandwiches and then 75 more minutes before I carried them out in their trademark red plastic bags.

And I'm happy to report that all of those sandwiches were worth waiting for. Each is built on a 6-inch segment of Italian, sesame-seeded bread that Foley said came from Sciortino's Bakery.

"I'm ordering 250 loaves for tomorrow," Foley said last week. "That's enough for 1,000 sandwiches."

### The perfect mix

And while the sandwiches come with an assortment of fillings and spices, there are a few common elements that contribute to their character and their specific flavor. Oil, lettuce, mayonnaise, cheese and spices are a big part of the mix.

It's probably because Foley developed the sandwiches and their seasonings in the days before most Americans concerned themselves with things like fat grams.

The contrast between that oily filling and the chewy outer crust of the bread is what makes a Suburpia sub so special.

That and the spices. Foley said his secret blend of spices gives the sandwich a flavor that keeps customers returning, even after a long lapse.

### The best choice

I ate my first Suburpia sandwich in the fall of 1970 and quickly became addicted to the turkey versions. In three recent visits, I tried 11 different Suburpia sandwiches.

Without question, the best is the most expensive. It is the White House, which sells for \$5.45 and combines ham and turkey with cheese, onions, lettuce, mayo, oil and spices.

The Standish (\$5.45) and the Gold Coast (\$5.25) are the next best sandwiches.

The effect that the oil and mayo have on the bread, even after a few moments, is to penetrate and impregnate it with the flavors of the meat and the spices. It also makes the sandwich difficult to eat and creates the need for a long plastic bag that's secured with a twist-tie.

"Take the twisty off, lower the bag and start eating down," Foley told one customer after handing her a sandwich. "Don't take it out of the bag."

It wasn't unusual to find half an inch of oil and spices at the bottom of the bag.

While ham and turkey dominate my three top picks at Suburpia, two other sandwiches also proved worth ordering. Even though the crab in it isn't real, the King Louis (\$3.75) was a respectable sandwich, with an extra heavy helping of mayonnaise that turned its filling into something like imitation crab salad.

And the Chauncey Gardener (\$3.65), with crisp cucumbers and lots of lettuce and sprouts, was one of the better vegetarian sandwiches I've tasted, thanks again to the oil, which had been only lightly seasoned. It made sense that the flavors worked so well - oil and seasonings are two of the three ingredients used to make vinaigrette dressing and - with all those vegetables - the Chauncey Gardener (named after the main character of Jerzy Kosinski's novel, "Being There") was a bit like eating a salad on bread.

### Not at top of the list

The other sandwiches didn't stack up to those first five. The Natural Wonder (\$3.85) advertised three different cheeses, but under oil and spices, only one of those cheese's flavors was distinct. The Reuben James (\$4.75) seemed like a waste of good corned beef - the meat cried out for rye and mustard rather than oil and mayo.

The Davey Jones (\$4.85) combined white albacore tuna with mayo to make a rather bland rendition of tuna salad. In my book, tuna salad needs celery and other ingredients to make it worth eating.

And Suburpia's roast beef sandwich, called the Cattle Baron (\$4.80), suffered from too strong a mix of spices. I couldn't tell whether the ingredient that gave the sandwich a little kick was ground red pepper or hot paprika, but its effect was the same - it overpowered the taste of the thin slices of roast beef.

The only accompaniments available at the new Suburpia are bagged potato chips and soda, and on Saturday, when the waits were running about 90 minutes, Foley ran out of chips and was having trouble keeping up with soda orders.

Whether or not a new generation of food lovers will embrace Suburpia-style subs remains to be seen.

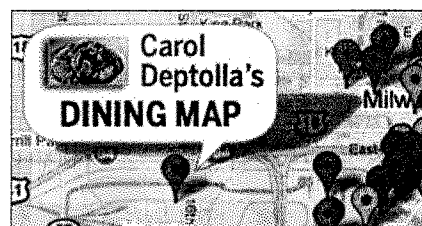
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There's nothing fancy about Suburpia, but it's not the frills the customers are after. It's the bread, the meat, the oil, the

Restaurant Details

Location, Hours, Etc.

## DINING GUIDE MAP



## TOP 30 RESTAURANTS



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2010 | 2009

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Sunday, April 20, 2014

JOHNSON ELECTRIC, INC.,

Plaintiff,

vs.

Case No. 2008 CV 15548

SANDWICH KINGS, LLC,

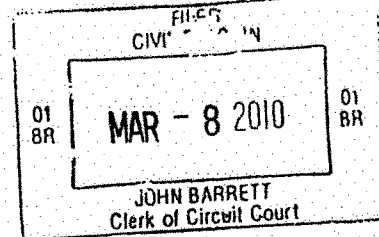
Defendant.

---

**AFFIDAVIT OF WILLIAM FOLEY IN SUPPORT OF DEFENDANT'S MOTION TO  
REOPEN JUDGMENT AND ORDER**

---

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF WAUKESHA        )



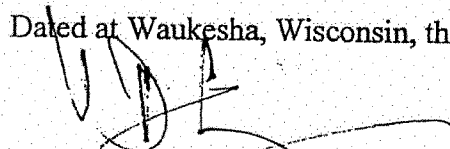
WILLIAM FOLEY, being first duly sworn on oath, states as follows:

1. I am the general manager of Sandwich Kings, LLC.
2. I make this Affidavit upon personal knowledge, in support of Defendant's Motion to Reopen Judgment and Order, having been duly authorized to do so.
3. That I was unaware that the above-referenced case was reopened after it was dismissed.
4. That I did not receive the Scheduling Order signed by Judge White on November 11, 2009. That I am now informed that this Scheduling Order set a scheduling conference for January 28, 2010.
5. That prior to learning that a default judgment was entered, I had no notice that there was a scheduling conference or any other court event on January 28, 2010.

#2

6. That although I had spoken with Alan H. Deutch regarding invoices allegedly owed to Johnson Electric, I never informed Mr. Deutch that Johnson Electric had sued me because I did not know that the case was reopened. I had only informed him there was a claim about work and services which I believed was not owing.
7. That because of I was unaware of the scheduling conference, I did not appear in court on January 28, 2010.
8. That Sandwich Kings, LLC never ordered nor authorized Johnson Electric to perform any work for it.
9. Once I discovered the Plaintiff performing work at Sandwich Kings, LLC's property, I ordered the Plaintiff to stop work and leave the site and they did so.

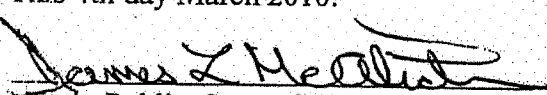
Dated at Waukesha, Wisconsin, this 4th day March 2010.



---

William Foley

Sworn and subscribed to before me  
This 4th day March 2010.



---

Notary Public, State of Wisconsin  
My Commission is permanent.



STATE OF WISCONSIN

CIRCUIT COURT  
SMALL CLAIMS

WAUKESHA COUNTY

MARC RASSBACH,

Plaintiff,

vs.

Case No. 2012-SC-400

WILLIAM FOLEY, JEFFREY S DECORA  
LAW OFFICE, CHRISTIAN KRAMER,  
and JEFFREY DECORA

Defendants.

**AFFIDAVIT OF WILLIAM J. FOLEY**

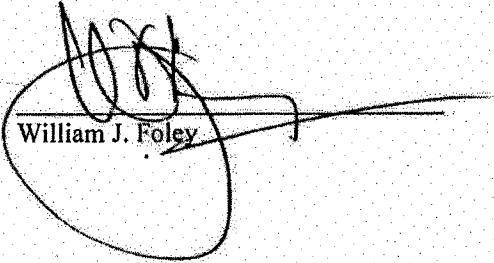
STATE OF WISCONSIN    )  
  )ss  
MILWAUKEE COUNTY    )

William J. Foley, being first duly sworn upon oath, deposes, states and swears the following is true:


1. I make this affidavit in support of my defense in the above titled action, Waukesha County Circuit Court Case No. 2012-SC-400.
2. I do not currently have nor have I ever had any ownership stake in Herro Sandwich.
3. I do not currently have nor have I ever had any ownership stake in Mequon Sandwich Kings, Inc.
4. I do not currently have nor have I ever had any ownership stake in Layton Sandwich Kings, Inc.
5. I do not currently have nor have I ever had any ownership stake in Sandwich Kings, LLC.
6. I do not currently have nor have I ever had any ownership stake in Two Sandwich Kings, LLC.

# 3

7. I do not currently have nor have I ever had any ownership stake in Three Sandwich Kings, LLC.

  
William J. Foley

Subscribed and sworn to before me  
this 11 day of June, 2012.

  
Notary Public, State of Wisconsin  
My Commission expires: in perpetuity.

23083363\_1.DOC

DANIEL S. WELYTOK  
Notary Public  
State of Wisconsin

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 86025003  
 Filing Date: 07/31/2013

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

**The table below presents the data as entered.**

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	<u>The Original Suburpia</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	The Original Suburpia
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Molly M Foley
DBA/AKA/TA/FORMERLY	DBA The Original Suburpia
*STREET	2264 N Prospect Ave
*CITY	Milwaukee
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	53202
PHONE	414-271-6300

#4

EMAIL ADDRESS	sanwidgean@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	043
*IDENTIFICATION	Restaurant and catering services; Restaurant services; Take-out restaurant services
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/16/1967
FIRST USE IN COMMERCE DATE	At least as early as 11/16/1967
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\860\250\86025003\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	Photo of trademark in restaurant window
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Molly M Foley
FIRM NAME	Prospect & North Sandwich Kings Inc
*STREET	2264 N Prospect Ave
*CITY	Milwaukee
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States

*ZIP/POSTAL CODE	53202
PHONE	414-271-6300
*EMAIL ADDRESS	sanwidgeman@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/Molly M Foley/
* SIGNATORY'S NAME	Molly M Foley
* SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	414-271-6300
* DATE SIGNED	07/31/2013

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 86025003

Filing Date: 07/31/2013

#### To the Commissioner for Trademarks:

**MARK:** The Original Suburpia (Standard Characters, see mark)

The literal element of the mark consists of The Original Suburpia.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Molly M Foley, DBA The Original Suburpia, a citizen of United States, having an address of

2264 N Prospect Ave  
Milwaukee, Wisconsin 53202  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 043: Restaurant and catering services; Restaurant services; Take-out restaurant services

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 11/16/1967, and first used in commerce at least as early as 11/16/1967, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Photo of trademark in restaurant window.

Specimen File1

The applicant's current Correspondence Information:

Molly M Foley  
Prospect & North Sandwich Kings Inc  
2264 N Prospect Ave  
Milwaukee, Wisconsin 53202  
414-271-6300(phone)

sanwidgean@gmail.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Molly M Foley/ Date Signed: 07/31/2013

Signatory's Name: Molly M Foley

Signatory's Position: Owner

RAM Sale Number: 86025003

RAM Accounting Date: 08/01/2013

Serial Number: 86025003

Internet Transmission Date: Wed Jul 31 15:58:33 EDT 2013

TEAS Stamp: USPTO/FTK-108.91.186.126-201307311558331

36585-86025003-500ba2e4699c1956144b46105

f8d815479c1d1c61a670e5eee3cd7276017c273-

CC-2964-20130731153701808871

# The Original Suburpia







# Lawyer Search

The license status and member type information provided reflect this lawyer's current information. For historical information on their license status, please contact Customer Service.

To add to or update your profile, go to [myProfile](#).



Atty. Molly M. Foley  
Komatsu America Corp  
One Continental Towers  
1701 Golf Rd  
Rolling Meadows IL 60008-4227  
**Phone:** (847) 437-5357  
**Email:** [Mollymfoley@gmail.com](mailto:Mollymfoley@gmail.com)

**Member ID:** 1035244  
**Graduation Year:** 1997  
**Languages:** English  
**Law School:**  
Gonzaga University School of  
Law  
**WI Admission:** 12/20/1999  
**License Status:**  
Good Standing  
**Member Type:**  
Inactive

You must Login to view full profile

#5  
Live 1


**Assignment of Lease**


This agreement is made by and between MLR Enterprises d.b.a. The Extreme Pita and Two Sandwich Kings, LLC dated February 2<sup>nd</sup>, 2006.

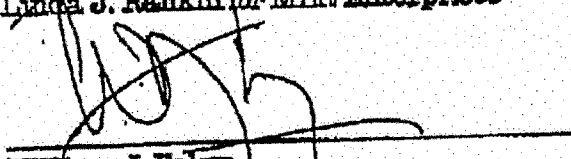
WHEREAS, MLR Enterprises assigns all rights and obligations to Two Sandwich Kings, LLC for their original lease dated April 27<sup>th</sup>, 2004 by and between MLR Enterprises and Grandview Plaza I, LLC (Landlord) for the retail location at 1830E Meadow Lane, Waukesha, WI 53188

In consideration of the assignment of the lease, Two Sandwich Kings, LLC agrees to pay \$18,500.00 by certified check to MLR Enterprises for MLR Enterprises interest in said lease.

Agreed to this second day of February 2006.

  
Michael J. Rankin for MLR Enterprises 2/2/06

  
Linda J. Rankin for MLR Enterprises

  
William J. Folsy  
Agent  
Two Sandwich Kings, LLC

#C

# Wisconsin Department of Financial Institutions

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### Corporate Records

9 records for sandwich kings. (1.14 s, at 4/20/2014 9:03 PM)

ID	Entity Name / Type	Registered Effective Date	Status / Status Date
S072354	<u>SANDWICH KINGS, LLC</u> 12 - Domestic Limited Liability Company	09/21/2005	Restored to Good Standing 08/20/2012
B073984	<u>BLUEMOUND SANDWICH KINGS INC.</u> 01 - Domestic Business	12/17/2012	Incorporated/Qualified/Registered 12/17/2012
L051769	<u>LAYTON &amp; HOWELL SANDWICH KINGS, INC.</u> 01 - Domestic Business	12/17/2012	Incorporated/Qualified/Registered 12/17/2012
L049482	<u>LAYTON SANDWICH KINGS INC.</u> 01 - Domestic Business	08/11/2011	Restored to Good Standing 09/10/2013
M078473	<u>MEQUON SANDWICH KINGS, INC.</u> 01 - Domestic Business	09/08/2010	Administratively Dissolved 02/05/2014
P060489	<u>PROSPECT &amp; NORTH SANDWICH KINGS, INC.</u> 01 - Domestic Business	12/17/2012	Incorporated/Qualified/Registered 12/17/2012
T042389	<u>THREE SANDWICH KINGS, LLC</u> 12 - Domestic Limited Liability Company	01/18/2007	Restored to Good Standing 10/11/2013
T041057	<u>TWO SANDWICH KINGS, LLC</u> 12 - Domestic Limited Liability Company	05/10/2006	Administratively Dissolved 06/14/2011
W061638	<u>WATER STREET SANDWICH KINGS, INC.</u> 01 - Domestic Business	08/12/2013	Incorporated/Qualified/Registered 08/12/2013

#7

# Wisconsin Department of Financial Institutions

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### Corporate Records

Result of lookup for **W061638** (at 4/20/2014 9:12 PM)

## WATER STREET SANDWICH KINGS, INC.

You can: [File an Annual Report](#) - [Request a Certificate of Status](#) - [File a Registered Agent/Office Update Form](#)

### Vital Statistics

**Entity ID** W061638

**Registered Effective Date** 08/12/2013

**Period of Existence** PER

**Status** Incorporated/Qualified/Registered [Request a Certificate of Status](#)

**Status Date** 08/12/2013

**Entity Type** Domestic Business

**Annual Report Requirements** Business Corporations are required to file an Annual Report under s.180.1622 WI Statutes.

### Addresses

**Registered Agent Office** WILLIAM J FOLEY  
2264 N PROSPECT AVE  
MILWAUKEE , WI 53202

[File a Registered Agent/Office Update Form](#)

### Principal Office

### Historical Information

**Annual Reports** None

**Certificates of Newly-elected Officers/Directors** None

**Old Names** None

### Chronology

Effective Date	Transaction	Filed Date	Description
08/12/2013	Incorporated/Qualified/Registered	08/12/2013	E-Form

#8

**INTERROGATORY NO. 5:** Name all shareholders and/or people with a financial stake in Herro Sanwich, Wisconsin Department of Financial Institutions M078473 MEQUON SANDWICH KINGS, INC., Wisconsin Department of Financial Institutions LO49482 LAYTON SANDWICH KINGS INC., Wisconsin Department of Financial Institutions 5072354 SANDWICH KINGS, LLC, Wisconsin Department of Financial Institutions T042389 THREE SANDWICH KINGS, LLC, and Wisconsin Department of Financial Institutions T041057 TWO SANDWICH KINGS, LLC.

**RESPONSE TO INTERROGATORY NO. 5:** Mr. Foley objects to Request 5 as:

- (a) overly broad and unduly burdensome;
- (b) not reasonably calculated to lead to the discovery of admissible evidence;
- (c) requesting information that is outside the knowledge of Mr. Foley; and
- (d) requesting information that may be available from parties and third-parties other than Mr. Foley.

(e) irrelevant as none of those entities have been named as parties to the lawsuit.

Mr. Foley reserves the right to supplement this response as information becomes available.

Marc Rassbach  
PO Box 39  
Milwaukee, WI 53201

RECEIVED

2014 APR 22 PM 12: 16

April 20<sup>th</sup>, 2014

US BANKRUPTCY COURT  
EASTERN DISTRICT OF WI

Janet Medlock,  
Clerk of Court  
Room 126, U.S. Courthouse  
517 East Wisconsin Avenue  
Milwaukee, WI 53202-4581

To whom this may concern:

Enclosed is a Motion to Intercede, a Motion to Force the Proceedings, and Motion for the Court to examine into the truthfulness of statements of Mr. Foley with respect to ownership claims of "The Original Suburpia". Please file these motions and the supporting documentation in the case.

As Mr. Foley owes myself money in the pro active defense from his charges of receiving stolen property I am an unnamed and unsecured creditor in his 14-24438-gmh bankruptcy. The documentation submitted by Mr. Foley in 14-24438-gmh does not turn square corners with other public statements made by Mr. Foley about the ownership of the assets listed.

I ask for the motions to be scheduled for sometime after the May 14<sup>th</sup> meeting of the creditors as the other creditors may have additional asset ownership information in addition to what seems to be Mr. Foley's habit to not complete the proper paperwork and not completing the paperwork is why past bankruptcies were rejected. With a rejection due to lack of paperwork from Mr. Foley there would be no need for a motion hearing.

Sincerely,

  
Marc Rassbach