

RUSTY LUCAS
1219 E. Perkins Ave. J4
Sandusky, Ohio 44870

September 1, 1999

Arbys Restaurant
c/o Triarc Restaurant Group
1000 Corporate Drive
Ft. Lauderdale, FL 33334

Dear Arbys:

A few weeks ago I stopped at the local Arb drive thru for dinner. I like to call it "The Arb" because this makes it sound like a trendy place to dine. You know, one of your competitors, Kentucky Fried Chickens, has recently changed its name to KFC. You should consider changing your name to "The Arb," and see what this trendy abbreviation does for your sales.

This could also be short for "The American Roast Beef." I recall an old commercial for your stores with the catchy jingle: "America's Roast Beef! Yes Sir!" A-R-B-Y-S... But in this current day of political correctness, that slogan really won't go over well with these feisty feminist types. No, that old slogan is sexist, and the name Arbym ("America's Roast Beef! Yes Ma'am!") really doesn't work all that well. However, my beefy buddies, The Arb solves this problem by not addressing a customer as Sir or Ma'am. Give it some thought and draw up your standard advertising contract if you choose to use my idea. I will have my attorney review it, but I trust that you will be fair in addressing my interests and will not cheat me.

Unfortunately, I must report that I think I was cheated by one of your employees on that evening a few weeks ago -- you remember -- I started to talk about it at the beginning of this letter. Let me just lay out the situation as it occurred. I came to The Arb drive thru and I asked for a Chicken Cordon Bleu sandwich and fries. I must tell you that I am very much addicted to your CCB sandwiches (as I like to call them). You can ask my buddies Lore and Bob and they will confirm this. So on that fateful night, the drive thru attendant asked me if I wanted a drink to complete a Combo Meal. I looked at the menu board and saw that the combo meal was \$5.09. I decided not to get the drink because I only had one \$5.00 bill in my wallet, so I told the gentleman that I only wanted the sandwich and fries; to which he told me that my order total was \$5.09 and to pull up to the window. I thought that I must have heard him wrong (you really should fix those drive thru speakers). So I pulled forward and placed my \$5.00 bill in the revolving window. I got my sandwich and fries and no drink, but the attendant acted as if something was wrong inside. I waited for my change thinking that my order was only \$4.00 and some change, but he never gave me any coins at all! Now I know that my order was not \$5.00 even when the combo meal was only 9¢ more for a full drink!!!

The drive thru attendant was tending to other duties and did not see me gesturing through the window. I was unable to come inside to clear up the situation because I was in charge of setting up the bocci tournament being held that evening at my transistor radio club picnic. (Every now and then we like to turn off the radios and get back to real life; and what could be better than

bocci tournaments?) So, you see, I was using the drive thru for speed and convenience and didn't have a moment to spare. I eventually drove off when I realized I was not going to get any change. I imagine that my losses were less than one dollar, and that isn't going to break me. I also contacted a local attorney, but found out that a lawsuit for that amount would cost a few hundred dollars just to file. I decided that it wasn't worth it for just a few quarters and maybe a dime and nickel or two.

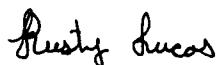
This problem could be easily solved if I had an audio recording of me placing my order, and of your attendant quoting a price total to me. Do you, by any chance, keep tape recordings of the drive thru orders? I mean something similar to those high tech 9-1-1 tapes I have seen on Hard Copy (my favorite TV show). If so, please find my audio order for a Chicken Cordon Bleu sandwich and medium home style fries. I was there about a month ago – I think on a Tuesday night. I am having trouble remembering the exact date because of Phillip Hunlinger's errant bocci toss that sent me to the ER that night. If you can locate that tape, you will be able to verify that I did not order a drink, but I was charged for it. Even though I didn't pay the full \$5.09, I still paid more than I should have for the food.

If you do not have this recording capability, I think you should reconsider this feature. It could easily clear up any future similar misunderstandings. It could also serve as a benefit to you in case some dishonest person claimed that they were overcharged or did not receive all of the items they paid for. So you see, it can work BOTH ways and I am sure that it would pay for itself within a few months of use!

Also, you never know when you might accidentally record a major newsworthy event. I recently heard that the family of the Zapruder man who recorded the video assassination of JFK, Jr. was recently awarded over \$16 Billion in a court of law for compensation of the footage. The Arb could collect a similar windfall in the future by installing this type of recording equipment (if it is not already in place). If this were installed in every Arb in the country, you would have audio recordings of almost everything that goes on everywhere! I bet CNN or FOX News would be willing to pay a pretty penny for even normal newsworthy stuff which aren't even political assassinations! You should think about this!

Please let me know if I can be reimbursed for my losses that evening when I was overcharged.

Thank You,



Rusty Lucas

p.s. Please keep me posted on the status of our advertising contract. I hope you were not threatened by my mention of litigation earlier. You must understand my position that I must explore all possible avenues just for my own sake. I never seriously considered a lawsuit (especially after I found out how much it would cost) and I harbor no ill-will feeling toward The Arb which would have detrimental effects on any future contractual relationship I might have with The Arb. I would enjoy a free Arb promotional baseball cap if any are available!