

CHARLES N. INTERNICOLA'S **BUSINESS & FRANCHISE** LAW REPORT

volume 2 | issue 2

INTERSECTION OF BUSINESS AND LAW

TO SUCCEED ARE YOU READY TO LOSE EVERYTHING?



The past couple of weeks, I have had the benefit of picking up my son from school (he is a high school sophomore) from his after school practices. The benefit being that I have had some extra time to just talk on our drive home. Also, we started listening (audio CD) to Tony Hsieh's (the founder of Zappos) book *"Delivering Happiness: A Path to Profits, Passion and Purpose"*.

I highly recommend this book on both a business level and personal level. The book offers some incredible insights into

Tony Hsieh's business experiences (including how Zappos came to be) and Tony's insights into success and what it takes to succeed. For Tony, to truly succeed you must first be ready to put everything on the line and, if necessary, be willing to lose everything (economically that is).

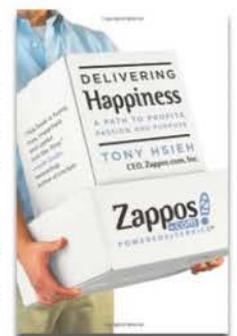
From a business and personal standpoint, two points raised by Tony really stuck with me:

"Money alone isn't enough to bring happiness... happiness [is] when you're actually truly ok with losing everything you have."

"Without conscious and deliberate effort, inertia always wins"

Being ok with losing everything?

The point being that you need to be committed to a mindset focused on achieving "extra"ordinary goals and building an organization and company that makes a difference for your family, your loyal employees, your customers and clients (a company where the sum equals much more than its parts). In



—continued on page 3

ABOUT CHARLES N. INTERNICOLA, ESQ.



Charles N. Internicola is a business and franchise lawyer who is also an entrepreneur and franchisor. Charles "gets and understands" what it means to be a business owner. With that understanding, he has developed unique programs involving the representation of closely-held companies, franchisors, distributors and individual entrepreneurs in business transactions, franchising, licensing, and business litigation, including protection of intellectual property and partnership disputes.

[email cni@BusinessandFranchiseLaw.com](mailto:cni@BusinessandFranchiseLaw.com) | [web www.BusinessandFranchiseLaw.com](http://www.BusinessandFranchiseLaw.com) | [tel 800.976.4909](tel:800.976.4909)

The Business and Franchise Law Report is a publication of the Charles N. Internicola Law Firm, P.C., and is intended to educate the general public about business law issues. It is not intended to be legal advice. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

NEW JERSEY'S NEWEST FRANCHISE, TRAIL SPA™ BY MASSAGE DELIVERY, INC., DELIVERS “AHHHHH...”



Congratulations to our clients Annette Lanham and Mark Hernandez for franchising their business Trail Spa by Massage Delivery, Inc.!

With Trail Spa, Annette and Mark are creating a new business category. Trail Spa is a mobile massage studio and spa that is delivered directly to your front door. By creating Trail Spa, Mark and Annette identified a gaping hole in the market and have filled it by creating an innovative trailer system. For future Trail Spa franchisees, they will provided with portable trailers allowing them to avoid unnecessary fixed costs (like rent) and to personalize their services.

What makes this business special is that the franchisors at Massage Delivery truly are passionate about the benefits of massage for health and well-being. “[We are] dedicated to provide quality therapeutic massage and bodywork, using only the best products available, in a unique, personal and professional environment.”

“Being in business for yourself is much more profitable and rewarding than working for someone else...” —Mark Hernandez

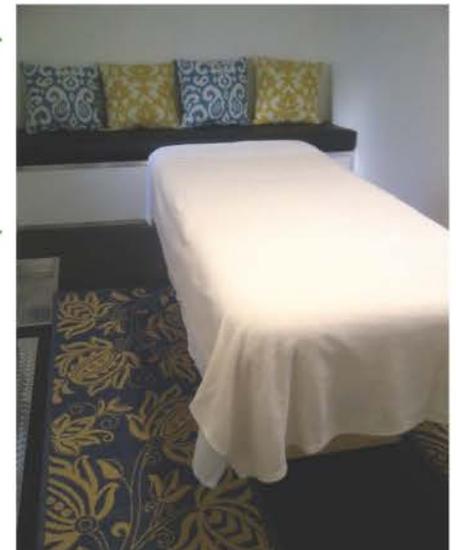
How Did The Concept “Massage Delivery” Come About? “One evening Mark and I were discussing why I didn’t own my own business as a massage therapist,” explains Annette. But between the cost of rent and other typical fees, the amount of massages would be too significant to break even. This is when Mark came up with the idea of a mobile spa, as he has prior experience with other trailer based patents.

Massage Delivery’s mission for franchisees is to provide an affordable way for a massage therapist to own their own business “for a fraction of the usual fees generally associated with purchasing a franchise.”

What is key advice that Annette has for future franchisors? Patience. “It’s a long process and can be very frustrating. The thing is to keep it simple—I am grateful for that with this business.”

Once again, congratulations to Annette Lanham and Mark Hernandez on the establishment of their Trail Spa by Massage Delivery, Inc. business and the pending launch of their franchise system! ■

For more information about the services offered by Trail Spa by Massage Delivery, Inc., including a much needed spa experience (or for details about becoming a franchisee), please be sure to visit www.MassageDelivery.com or call 1-800-SpaTime.



CAN A LAWSUIT SAVE YOU MONEY?

A Cost Effective Lawsuit?

If you are faced with a Shareholder Dispute, that is you are fighting with your business partners, of course it would be better to reach an amicable resolution and avoid unnecessary lawsuits. While there are many shareholder and partnership disputes that

we settle without litigation - if the stakes are high - you must be prepared to conduct a "cost-benefit" analysis of starting a lawsuit.

Human nature is extremely predictable and when it comes to

partnership disputes with high stakes (*i.e.*, misappropriated assets, a corporate lock-out or a non-performing partner). Much more often than not, your best return on investment will come from an early and aggressive lawsuit that, with the right strategy, may be the motivating factor for all sides to come to the table and reach a fair and rational settlement.

Why Would a Lawsuit Be More Cost-Effective Than a Negotiated Settlement?

Because your partnership and shareholder dispute was not created overnight and, most likely, has been building over many months, if not years. You have known the dispute was coming and if there is a lot at stake right now

one partner will be attempting to better his or her position and advantage. Sitting down and attempting to negotiate (or exchanging endless attorney letters) may do nothing other than to delay the process and give one partner more time to gain an advantage.

Look this is not always the case but I can tell



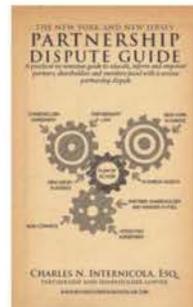
"Look, you're nothing without me. Either we split things down the middle or I stay in the hat.."

you that when faced with a serious dispute litigation is cost effective. You see, with the right strategy and accelerated lawsuit (involving

an emergency motion for injunctive relief) will rebalance the playing field or if used offensively will allow you to enhance your future negotiating position. More often than not this aggressive approach actually results in settlement and minimizes the harm to your underlying business. ■

Learn More:

If you are faced with a shareholder or partnership dispute, learn more about how you can reach a resolution in your favor and order a complimentary copy of Mr. Internicola's book "The Partnership Dispute Guide" by visiting or website: www.BusinessAndFranchiseLaw.com or call 800. 976. 4904.



INTERSECTION OF BUSINESS AND LAW

—continued from page 1

doing so, you must be steadfast in your goals and the path that you have selected – so much so that you are prepared to put everything on the line. If you are not ready to "put everything on the line" then, chances are, you have set the bar too low and you may waiver during the inevitable times when things may get difficult.

As to the second quote from Tony Hsieh, well this one is obvious but something that many (including myself) need to be reminded of. That is, you need to make a conscious decision about what success means to you, set a plan and take action. If you fail, well... your "failures" will take you a couple of steps closer to your next big success.

Although Zappos is an internet powerhouse today (it was acquired by Amazon), it was interesting to learn just how close (a matter of days) that it came to bankruptcy. What if Tony Hsieh wasn't willing to risk everything and invest everything he had to keep Zappos running?

(By the way, my son was a big fan of the book. I highly recommend it for any teenager). ■

CONNECT WITH US!





THE INTERNICOLA LAW FIRM^{PC}
BUSINESS AND FRANCHISE LAWYERS

1000 South Avenue | Suite 104
Staten Island, NY 10314

1.800.976.4904

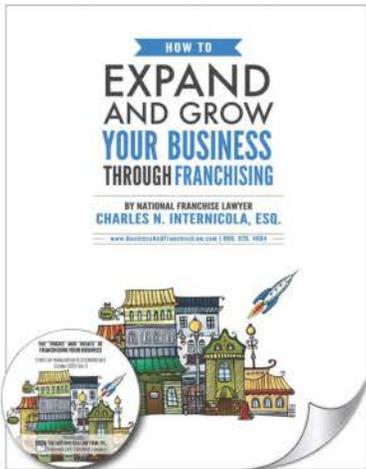
www.BusinessandFranchiseLaw.com

QUOTE OF THE MONTH

“Whatever the mind of man can conceive and believe, it can achieve. Thoughts are things! And powerful things at that, when mixed with definiteness of purpose, and burning desire, can be translated into riches.”

—Napoleon Hill

RESOURCE



CAN YOU LAUNCH YOUR FRANCHISE IN 90 DAYS?

Sometimes the thought of franchising your business may seem unachievable. However, with the “90 Day Franchise Launch Program”, franchising is in reach and will get you started so you can start selling in no time.

What Is The First Step?

If you are a business owner and are looking to expand your business by franchising, order a complimentary copy our latest and highly requested magazine “How to Expand and Grow Your Business Through Franchising”. Not only will you get the full details about the “90 Day Franchise Launch Program”, you will also learn:

- Why franchising is scalable;
- Why franchising is not a get rich quick opportunity;
- 3 questions to answer and see if franchising is right for you and more! ■

Order a complimentary copy by visiting www.BusinessAndFranchiseLaw.com or call 800. 976. 4904.

IN THIS ISSUE

INTERSECTION OF BUSINESS AND LAW

Are You Willing to Lose Everything to Succeed?

PAGE 1

BUSINESS SPOTLIGHT

Annette Lanham and Mark Hernandez “Deliver Ahhhh” with Trail Spa by Massage Delivery, Inc.

PAGE 2

BUSINESS LAW

Can Litigation be More Cost Effective than Negotiating a Settlement?

PAGE 3

RESOURCE

“How to Expand and Grow Your Business Through Franchising” and How to Franchise in 90 Days.

PAGE 4