

## Wendy's International, Inc.



### CORPORATE NEWS

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### **Wendy's International, Inc. prevails on motion in noteholder lawsuit, spin-off of Tim Hortons to proceed as scheduled**

DUBLIN, Ohio (September 28, 2006) – Wendy's International, Inc. (NYSE:WEN) had previously disclosed that a lawsuit had been filed in New York by a minority of noteholders seeking to enjoin the spin-off of Tim Hortons Inc. (NYSE/TSX: THI). Following a hearing today, the U.S. District Court in New York City denied from the bench in all respects the plaintiff noteholders' motion for a temporary restraining order and a preliminary injunction.

The Court's ruling permits the spin-off of Tim Hortons via a dividend distribution to proceed as scheduled tomorrow. The dividend will be distributed after the close of business tomorrow to Wendy's shareholders of record as of September 15, 2006 and those shareholders will receive 1.3542759 shares of Tim Hortons common stock for each share of Wendy's common stock held.

#### **Safe Harbor statement**

Certain information in this news release, particularly information regarding future economic performance and finances, and plans, expectations and objectives of management, is forward looking. Factors set forth in our Safe Harbor under the Private Securities Litigation Reform Act of 1995, in addition to other possible factors not listed, could affect the Company's actual results and cause such results to differ materially from those expressed in forward-looking statements. Please review the Company's Safe Harbor statement at <http://www.wendys-invest.com/safeharbor>.

#### **Wendy's International, Inc. overview**

Wendy's International, Inc. is one of the world's largest restaurant operating and franchising companies with more than 9,900 total restaurants and quality brands, including Wendy's Old Fashioned Hamburgers® and Baja Fresh® Mexican Grill. The Company also has investments in two additional quality brands – Cafe Express and Pasta Pomodoro®. More information about the Company is available at [www.wendys-invest.com](http://www.wendys-invest.com).

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