

CHEESECAKE FACTORY INCORPORATED
Form 8-K
April 14, 2005

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**
Washington, D.C. 20549

FORM 8-K

**CURRENT REPORT
PURSUANT TO SECTION 13 OR 15(d) OF
THE SECURITIES EXCHANGE ACT OF 1934**

Date of Report (Date of earliest event reported):
April 14, 2005

THE CHEESECAKE FACTORY INCORPORATED

(Exact Name of Registrant as Specified in its Charter)

Delaware
(State or other jurisdiction of incorporation)

0-20574
(Commission File Number)
26950 Agoura Road
Calabasas Hills, California 91301

51-0340466
(IRS Employer Identification No.)

(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code:
(818) 871-3000

Not Applicable
(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14.d-2(b))
 - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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SECTION 2 FINANCIAL INFORMATION**ITEM 2.02 RESULTS OF OPERATIONS AND FINANCIAL CONDITION**

The Annual Report on Form 10K/A filed by The Cheesecake Factory Incorporated (the Company) on April 5, 2005 included a restatement of previously released financial information for fiscal years 2004, 2003 and 2002. As more fully discussed in Note 1 to Notes to Consolidated Financial Statements included in Item 8 of that Form 10-K/A, the restatement corrects the Company's historical accounting for operating leases. Note 15, entitled Quarterly Financial Data, of Notes to Consolidated Financial Statements included in Item 8 of that Form 10-K/A disclosed summarized unaudited restated quarterly financial data for fiscal 2004 and 2003. The following tables reflect the effect of the restatement on the Consolidated Statements of Operations (in thousands, except per share data).

| | 2004 Fiscal Year | | | |
|---|--------------------------|------------|--------------------------|------------|
| | Q1 | Q1 | Q2 | Q2 |
| | (as previously reported) | (restated) | (as previously reported) | (restated) |
| Selected Statement of Operations Data: | | | | |
| Other operating costs and expenses | \$ 49,990 | \$ 49,805 | \$ 52,754 | \$ 52,771 |
| Depreciation and amortization expenses | 8,187 | 8,326 | 8,256 | 8,398 |
| Preopening costs | 2,021 | 2,061 | 2,047 | 2,081 |
| Total costs and expenses | 196,072 | 196,066 | 208,272 | 208,465 |
| Income from operations | 24,462 | 24,468 | 26,648 | 26,455 |
| Interest income, net | 620 | 518 | 673 | 571 |
| Income before income taxes | 25,663 | 25,567 | 27,445 | 27,150 |
| Income tax provision | 9,008 | 8,974 | 9,633 | 9,530 |
| Net income | \$ 16,655 | \$ 16,593 | \$ 17,812 | \$ 17,620 |
| Net income per share: | | | | |
| Basic | \$ 0.22 | \$ 0.22 | \$ 0.23 | \$ 0.23 |
| Diluted | \$ 0.21 | \$ 0.21 | \$ 0.22 | \$ 0.22 |

| | 2004 Fiscal Year | |
|---|--------------------------|------------|
| | Q3 | Q3 |
| | (as previously reported) | (restated) |
| Selected Statement of Operations Data: | | |
| Other operating costs and expenses | \$ 60,799 | \$ 60,909 |
| Depreciation and amortization expenses | 9,034 | 9,213 |
| Preopening costs | 6,867 | 7,052 |
| Total costs and expenses | 228,705 | 229,179 |
| Income from operations | 18,978 | 18,504 |
| Interest income, net | 605 | 471 |
| Income before income taxes | 19,699 | 19,091 |
| Income tax provision | 6,915 | 6,703 |
| Net income | \$ 12,784 | \$ 12,388 |
| Net income per share: | | |
| Basic | \$ 0.16 | \$ 0.16 |
| Diluted | \$ 0.16 | \$ 0.16 |

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| | 2003 Fiscal Year | | | |
|---|--------------------------|------------|--------------------------|------------|
| | Q1 | Q1 | Q2 | Q2 |
| | (as previously reported) | (restated) | (as previously reported) | (restated) |
| Selected Statement of Operations Data: | | | | |
| Other operating costs and expenses | \$ 39,777 | \$ 39,785 | \$ 43,456 | \$ 43,443 |
| Depreciation and amortization expenses | 6,546 | 6,593 | 6,720 | 6,764 |
| Preopening costs | 1,518 | 1,556 | 1,784 | 1,825 |
| Total costs and expenses | 154,854 | 154,947 | 166,626 | 166,698 |
| Income from operations | 18,006 | 17,913 | 21,994 | 21,922 |
| Interest income, net | 857 | 857 | 1,065 | 1,065 |
| Income before income taxes | 19,657 | 19,564 | 23,746 | 23,674 |
| Income tax provision | 7,018 | 6,985 | 8,477 | 8,452 |
| Net income | \$ 12,639 | \$ 12,579 | \$ 15,269 | \$ 15,222 |
| Net income per share: | | | | |
| Basic | \$ 0.17 | \$ 0.17 | \$ 0.20 | \$ 0.20 |
| Diluted | \$ 0.16 | \$ 0.16 | \$ 0.20 | \$ 0.20 |

| | 2003 Fiscal Year | | | |
|---|--------------------------|------------|--------------------------|------------|
| | Q3 | Q3 | Q4 | Q4 |
| | (as previously reported) | (restated) | (as previously reported) | (restated) |
| Selected Statement of Operations Data: | | | | |
| Other operating costs and expenses | \$ 46,487 | \$ 46,456 | \$ 51,005 | \$ 51,279 |
| Depreciation and amortization expenses | 6,975 | 7,045 | 7,719 | 7,826 |
| Preopening costs | 4,066 | 4,160 | 4,491 | 4,633 |
| Total costs and expenses | 177,154 | 177,287 | 192,483 | 193,006 |
| Income from operations | 20,678 | 20,545 | 22,040 | 21,517 |
| Interest income, net | 987 | 955 | 557 | 477 |
| Income before income taxes | 22,330 | 22,165 | 23,395 | 22,792 |
| Income tax provision | 7,972 | 7,914 | 7,825 | 7,614 |
| Net income | \$ 14,358 | \$ 14,251 | \$ 15,570 | \$ 15,178 |
| Net income per share: | | | | |
| Basic | \$ 0.19 | \$ 0.19 | \$ 0.20 | \$ 0.20 |
| Diluted | \$ 0.18 | \$ 0.18 | \$ 0.20 | \$ 0.19 |

