

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 05-61682 CIV-LENARD/KLEIN

FEDERAL TRADE COMMISSION,

**CLOSED
CIVIL**

v.

USA BEVERAGES, Inc.,
a Florida corporation
and New Mexico corporation;

CASE

This matter comes before the Court on Plaintiff Federal Trade Commission's ("FTC" or

"Commission") Motion for a Default Judgment and Order for Permanent Injunction. On

October 19, 2005, the Federal Trade Commission ("FTC" or "Commission") filed a Complaint
against USA Beverages, Inc., a Florida corporation and a New Mexico corporation, Dilraj

FTC Act, 15 U.S.C. § 44.

4. The Complaint alleges claims upon which relief may be granted against Defendants under

§§ 5 (b) (1), 13(h), and 19 of the FTC Act, 15 U.S.C. §§ 45(a)(1), 53(h), and 57h and

under the Franchise Rule.

5. There is no just cause for delay for entry of this Default Judgment and Order of

Permanent Injunctions as to Defendants USA Beverages, a Florida Corporation, USA

equipment, fixtures, general intangibles, inventory, checks, notes, leaseholds, effects, contracts, mail or other deliveries, shares of stock, interest in mutual funds, lists of consumer names, brokerage accounts, bank accounts, cars, certificates of deposit, credits, premises, receivables, funds, and cash, wherever located, whether in the United States or abroad;

2. "Business venture" means any written or oral business arrangement, however

~~denominated, regardless of whether~~

Federal Rule of Civil Procedure 34(a) and includes writings drawings graphs charts

from which information can be obtained and translated if necessary through detection

devices into reasonably usable form A deB copy identical copy is a separate document

whatsoever in telemarketing in the United States, or to consumers domiciled or otherwise located
in the United States, whether directly, indirectly, in concert with others, or through any

intermediary, business entity, or other device.

III. CONSUMER RESTITUTION AND OTHER EQUITABLE RELIEF

IT IS FURTHER ORDERED that [REDACTED] shall pay to the [REDACTED] the sum of \$2,500,000.00, plus interest.

apply any remaining funds for such other equitable relief (including consumer information

redacted)

complaint. No portion of any payments under the judgment herein shall be deemed a payment of

deposit is equal to the amount of any unpaid judgment, plus any interest due and owing;

3. Provide the Federal Trade Commission access to all records of accounts or assets of any Defendant held by financial institutions in the United States;

4. Comply with Paragraphs V and VI below.

G. The facts as alleged in the complaint filed in this action shall be taken as true, without further proof, in any subsequent litigation filed by the Commission to collect any unpaid amount or otherwise enforce its rights pursuant to this Order, including a nondischargeability action filed by or on behalf of the Commission in any bankruptcy case.

H. Proceedings instituted under this Paragraph are in addition to, and not in lieu of,

of any Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any

Defendant until the amount of the deposit is paid to the account of the defendant.

c) Provide the Federal Trade Commission access to all records of accounts or assets of

Defendant held by financial institutions outside the territorial United States by signing the

Commission. Service may be accomplished by facsimile.

Any and all funds paid pursuant to this Paragraph shall be deposited into a fund

administered by the Commission or its agent to be used for equitable relief, including but not limited to restitution and any attendant expenses for the administration of any restitution fund. In the event that restitution to purchasers is wholly or partially impracticable, or any funds remain after restitution is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be appropriate.

receive and take possession of all goods, chattels, rights, credits, moneys,
effects land leases books records work papers and records of accounts

documents of USA Beverages Florida and USA Beverages New Mexico

and JISA Revenues, New Mexico or to carry out the Receiver's duties

pursuant to this Final Order;

0. Change in the amount of the Receiver's fees and expenses

1. Marshal the records and marshal and liquidate the assets of USA Beverages, Florida, and USA Beverages, New Mexico and dissolve the corporations;

wind-down of the businesses of USA Beverages, Florida and USA Beverages, New Mexico and the scope of the Receiver's activities;

2. File with the Court and serve on the parties a Final accounting and

R. In addition, the Commission is authorized to monitor compliance with this Order.

[REDACTED]

by all other lawful means, including but not limited to the Court.

[REDACTED]

[REDACTED]

[REDACTED]

Order may be monitored:

A. For a period of five (5) years from the date of entry of this final Order,

1. Each individual defendant Dilraj Mathauda, Sirtai Mathauda, Jeff Pearson

and Silvio Carrano shall notify the Commission of the following:

- (a) Any changes in his residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
- (b) Any changes in his employment status (including self-employment), and any change in his ownership of any business entity, within ten (10) days of the date of such change. Such notice shall include the name and address of each business that he is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a

or employment; and

days prior to such action as provided that _____

about which the defendant(s) learns less than thirty (30) days prior to the date such action is to take place, defendant(s) shall notify the Commission as soon as is practicable after obtaining such knowledge.

Re: One hundred eighty (180) days prior to the date such action is to take place

this Section.

C. For the purposes of this Order, Defendants shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director, C.F.C.

601 New Jersey Ave

paid quantity of items or services purchased and description of items or services purchased to

the extent such information is obtained in the ordinary course of business;

D. Complaints and refund requests (whether received directly, indirectly or through any third party) and any responses to those complaints or requests;

F. Copies of all sales contracts, including materials, advertisements, and other documents;

Mathauda , Sirtaj Mathauda, Jeff Pearson or Silvio Carrano must deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant Dilraj Mathauda,

~~Sirtaj Mathauda, Jeff Pearson or Silvio Carrano~~

employees, agents, and representatives of that business who engage in conduct related to the

~~subject matter of the Order. Defendant Dilraj Mathauda, Sirtaj Mathauda, Jeff Pearson or Silvio Carrano~~

statement acknowledging receipt of the this Order.

XV. ~~XIV~~. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter

Attachment "A"

Consent to Release of Financial Records, Individual

I, _____, do hereby direct any bank, trust company, or financial institution of which I have an account of any kind upon which I am authorized to draw, and its

officers, employees, and agents, to disclose all information and deliver copies of all documents of

connected in their possession or control that relate to any such account to any attorney of the