

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

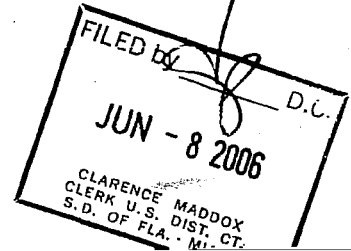
Case No. 05-61682 CIV-LENARD/KLEIN

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

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



DILRAJ MATHAUDA a/k/a Dan Reynolds,
individually and as a principal

of USA Beverages, Inc.;

SIRTAJ MATHAUDA,
individually and as a principal
of USA Beverages, Inc.;

JEFF PEARSON a/k/a Paul Clayton,
individually and as a principal
of USA Beverages, Inc.;

DAVID MEAD, and
individually and as an officer of
USA Beverages, Inc.;

SILVIO CARRANO,
individually and as an officer of
USA Beverages, Inc.,

Defendants.

STIPULATED FINAL JUDGMENT AND ORDER FOR
PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF
AS TO DEFENDANT DAVID MEAD

This matter comes before the Court on the stipulation of Plaintiff Federal Trade Commission ("FTC" or "Commission") and Defendant David Mead. 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 ("USA Beverages"), Dilraj Mathauda, Sirtaj Mathauda, Jeff Pearson, David Mead and Silvio Carrano alleging violations of Section 5 of

Prohibitions Concerning Franchising and Business Opportunity Ventures" (the "Franchise

2. Venue is proper as to David Mead in the Southern District of Florida under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b).

3. The activities of David Mead are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

under Sections 5(a)(1), 12(b), and 10 of the FTC Act, 15 U.S.C. §§ 45(a)(1), 52(b), and

personal property, including, but not limited to, chattel, goods, instruments, 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,

~~accounts, credits, premises, receivables, funds, and such other assets, tangible or intangible,~~

United States or abroad;

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

~~denominated, regardless of whether covered by the Franchise Rule, 16 C.F.R. Part 436, or~~

in this matter and any documents that may be filed in this matter.

ORDER

I. PROHIBITION AGAINST VIOLATION OF SECTION 5

IT IS THEREFORE ORDERED that, in connection with the offering for sale or selling of any business venture, Defendant David Mead and his agents, servants, employees, entities or

Order, by personal service or otherwise, whether acting directly or through any corporation,

subpoena duces tecum or otherwise, whether acting directly or through any corporation,

association, there is violation of 18 U.S.C. § 1602, D. 1-16 C.F.R. § 1.426

administered by the Commission pursuant to 16 C.F.R. 101.11-16 including but not

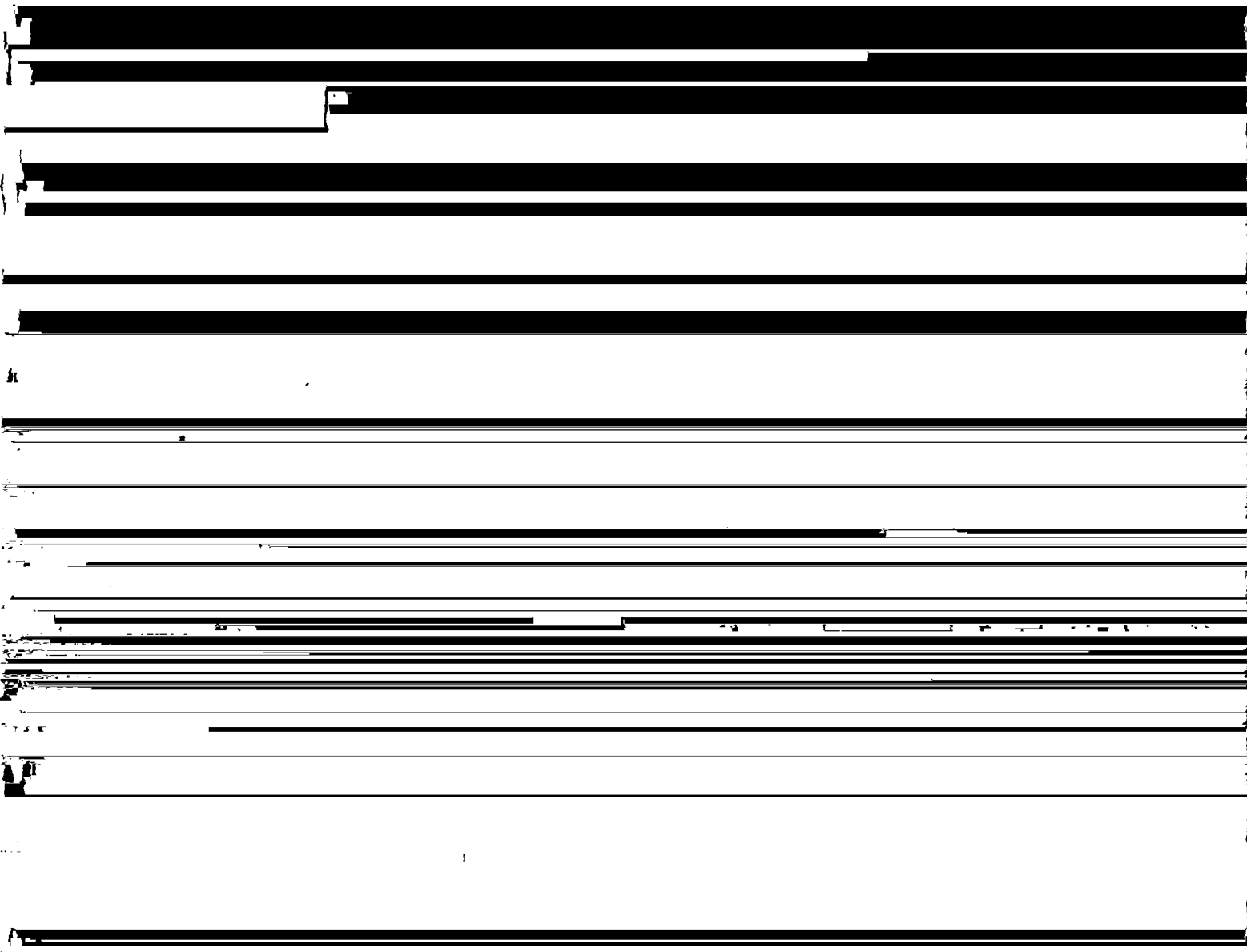
limited to, consumer redress and any attendant expenses for the administration of any redress fund. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may pay any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the Defendants' practices as alleged in the complaint. Any funds not used for such equitable relief shall be deposited into the United States Treasury as disgorgement. David Mead shall have no right to challenge the Commission's choice of remedies under this Paragraph:

and provide truthful testimony in any trial, deposition, or other proceeding related to or associated with the transactions or the occurrences that are the subject of the Complaint, without the service of a subpoena.

VI. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order,

A. Within ten (10) days of receipt of written notice from a representative of the Commission, David Mead shall submit additional written reports, sworn to under penalty of perjury, produce documents for inspection and copying, appear for deposition, and/or provide



Provided, however, that nothing in this Order shall limit the Commission's lawful use of

obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

interest in, that may affect compliance obligations arising under this Order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate

change in the corporate name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any proposed change in the corporation about which David Mead learns less than thirty (30) days prior to the date such action is to take place, he shall notify the Commission

as soon as is practicable after obtaining such knowledge

Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director for Enforcement
Federal Trade Commission

601 New Jersey Avenue
Washington, D.C. 20580
Re: **FTC v. USA Beverages, Inc.**, Civil Action No. 05-61682; and

D. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with David Mead.

VIII. RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that for the period of eight (8) years from the date of entry of this Order, David Mead and his agents, servants, employees, entities or persons directly

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

[REDACTED]

such conduct; and

C. David Messer must secure a signed and dated statement acknowledging receipt of

the Order, within thirty days of delivery, from all persons receiving a copy of the Order pursuant to this Part.

ACKNOWLEDGMENT OF RECEIPT OF ORDER

IT IS FURTHER ORDERED that within five (5) business days of receipt of this Order