

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-61559-CIV-MARRA/SELTZER

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

TRANSNET WIRELESS CORPORATION,
a Florida corporation, et al.

Defendants.

**FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION, RESTITUTION,
AND OTHER EQUITABLE RELIEF AGAINST DEFENDANTS NATIONWIDE CYBER
SYSTEMS, INC., TRANSNET WIRELESS CORPORATION, PAUL PEMBERTON,
FARRIS PEMBERTON, AND BRADLEY CARTWRIGHT**

This matter comes before the Court on complaint of Plaintiff, Federal Trade Commission (“FTC” or “Commission”), against Defendants Nationwide Cyber Systems, Inc., Transnet Wireless Corporation, Paul Pemberton, Farris Pemberton, and Bradley Cartwright. On September 26, 2005, the Commission filed a Complaint for a permanent injunction and other equitable relief in this matter pursuant to Sections 5(a), 13 (b), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 53(b), and 57b. The FTC charged Defendants Nationwide Cyber Systems, Inc., Tra

Prohibitions Concerning Franchising and Business Opportunity Ventures (“Franchise Rule” or “Rule”), 16 C.F.R. Part 436. The Commission has filed a motion for summary judgment, and that motion is granted. The Court’s findings and conclusions set forth in the Order Granting Plaintiff’s Motion for Summary Judgment are incorporated by reference and adopted herein in support of the entry of this Final Judgment. Accordingly, for a final judgment and order against above-named Defendants, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

FINDINGS

1. This Court has jurisdiction of the subject matter of this case and the parties hereto0.000010.0000T

Defendant offers or location company to which Defendant refers a purchaser;

H. Any materia

D. Failing to disclose, in immediate conjunction with any earnings claim or financial performance representation, and in a clear and conspicuous manner, that material which constitutes a reasonable basis for the earnings claim or financial performance representation is available to prospective franchisees, as required by the Franchise Rule or Business Opportunity Rule;

E. Failing to provide material which constitutes a reasonable basis for any earnings claim or financial performance representation to prospective purchasers, the Commission, or its staff upon reasonable demand, as required by the Franchise Rule or Business Opportunity Rule; and

F. Failing to disclose, in immediate conjunction with any generally disseminated (“advertised”) earnings claim or financial performance representation, information required by the Franchise Rule or Business Opportunity Rule, including the number and percentage of prior purchasers known by the franchisor or business opportunity seller to have achieved the same or better results, as required by the Franchise Rule or Business Opportunity Rule.

III. PROHIBITIONS AG

or location services; *provided, however*, that Defendants may disclose such identifying information to a law enforcement agency, or as required by any law, regulation or court order.

IV. CONSUMER REDRESS AND OTHER EQUITABLE RELIEF

IT IS FURTHER ORDERED that judgment is hereby entered jointly and severally against Defendants Nationwide Cyber Systems, Inc., Paul Pemberton, and Farris Pemberton in the amount of \$30,908,752 and against Defendants Transnet Wireless Corporation, Paul Pemberton, and Bradley Cartwright in the amount of \$17,209,012.83 for equitable monetary relief, including but not limited to consumer redress and disgorgement. Any funds not used for such equitable relief shall be deposited to the Treasury as disgorgement.

A. All funds paid pursuant to this Final Order shall be deposited into a fund administered by the Commission or its agent to be used for equitable relief, 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 complete, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the Defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the Treasury as disgorgement.

B. Proceedings instituted under this Paragraph are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings Plaintiff may initiate to enforce this Final Order.

C. Defendants are enjoined from enforcing any judgment or award obtained prior to entry of this Final Order against any customer or franchisee that was arose as a result of the

customer or franchisee's investment in a business opportunity that is the subject of this proceeding.

V. RECEIVERSHIP PROVISIONS

IT IS FURTHER ORDERED that:

A. The Receiver, Jane Moscovitz, Esq., shall wind down the affairs and marshal the records and assets of Nationwide Cyber Systems, Inc., and Transnet Wireless Corporation. Within 45 days after entry of this Final Order, the Receiver shall file a final report to this Court describing the wind-down of the business of Nationwide Cyber Systems, Inc., and Transnet Wireless Corporation and the scope of the Receiver's activities.

B. The Receiver and all personnel hired by the Receiver as previously authorized by the Court shall be entitled to reasonable compensation for the performance of duties pursuant to this Final Order and for the cost of actual out-of-pocket expenses incurred by them, from the assets now held by or in possession or control of, or which may be received by, the Receivership Defendants, Nationwide Cyber Systems, Inc., and Transnet Wireless Corporation. Within 45 days after entry of this Final Order, the Receiver shall file with the Court, and serve on the parties, a final accounting and request for the payment of such reasonable compensation as to the Defendants included in this particular Final Order.

C. Upon the Court's approval of the Receiver's final report and request for payment, the Receiver shall transfer any remaining funds of Defendants to the FTC in partial satisfaction of the judgment, and the receivership shall terminate.

VI. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of

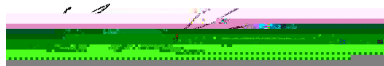
this Final Order, Defendants shall deliver copies of the Final Order as directed below:

- A. Corporate Defendants: Nationwide Cyber Systems, Inc., and Transnet Wireless Corporation must deliver a copy of this Final Order to all of its principals, officers, directors, and managers. Nationwide Cyber Systems, Inc., and Transnet Wireless Corporation also must deliver copies of this Final Order to all of its employees, agents, and representatives who engage in conduct related to the subject matter of the Final Order. For current personnel, delivery shall be within twenty (20) days of service of this Final Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their duties.

conduct related to the subject matter of this Final Order, Paul Pemberton, Farris Pemberton, or Bradley Cartwright must deliver a copy of this Final Order to all principals and managers of such business before engaging in such conduct.

VII. RETENTION OF JURISDICTION

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