

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ROUTE WIZARD, Inc., et. al.,

Defendants.

Civil Action No.: 06-0815-KD-B

**PROPOSED STIPULATED FINAL JUDGMENT AND ORDER
FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF
AS TO DEFENDANT RICHARD M. NORCROSS AND RELIEF DEFENDANT
SUMMER L. NORCROSS**

This matter comes before this Court on the stipulation of Plaintiff Federal Trade Commission ("FTC" or "Commission") and Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross. On November 28, 2006, the Federal Trade Commission ("FTC" or "Commission") filed a Complaint against Defendants Route Wizard, Inc., Liberty Routes, Inc., Ready Routes, Inc., RouteCrafters, Inc., Ca\$h Route\$, Inc., NovaStar Vending, Inc., Alliance Locating Co., Inc., Harvey Frank Milner, Richard M. Norcross, and Richard D. Norcross and Relief Defendants Sasikant L. Norcross, Summer L. Norcross, and Janice Wood-Milner, alleging violations of Section 5 of the FTC Act and the FTC's Trade Regulation Rule titled, "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (the "Franchise Rule"), 16 C.F.R. Part 436, in connection with the marketing of candy vending machine business ventures. The Commission's Complaint seeks a permanent injunction and other equitable relief in this matter, pursuant to section 13(b) of the

Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b). At the same time the Commission sought, and on November 30, 2006, this Court granted *ex parte*, with modifications, the Commission's motion for a temporary restraining order and for an order to show cause why a preliminary injunction should not be granted pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 65. (Doc. 70).

On December 19, 2006, counsel for Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross advised this Court that his clients did not oppose the entry of a Preliminary Injunction Order against them. On December 28, 2006, this Court entered the Preliminary Injunction Order against Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross in the form of the Proposed Amended Preliminary Injunction Order With Asset Freeze and Other Equitable Relief submitted by the FTC. (Doc. 92).

Having considered the Complaint, memorandum of law and exhibits filed by the Commission, and with the consent of Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross, it is hereby **ORDERED, ADJUDGED and DECREED**:

FINDINGS

1. This Court has jurisdiction over the subject matter of this case and the parties hereto.
2. Venue is proper as to Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross in the Southern District of Alabama under 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b).
3. The activities of Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

4. The Complaint alleges claims upon which relief may be granted against Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross under Sections 5(a)(1), 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45(a)(1), 53(b), and 57b, and under the Franchise Rule.
5. The Federal Trade Commission and Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross stipulate and agree to this Final Order to settle and resolve all matters in dispute between them arising from the Complaint to the date of entry of this Final Order.
6. Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross have waived all rights that may arise under the Equal Access to Justice Act, 28 U.S.C. § 2412, *amended by* Pub. L. 104-121, 110 Stat. 847, 863-64 (1996).
7. Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross acknowledge that they have read the provisions of this Final Order and have agreed to abide by them.
8. Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross waive all rights to seek appellate review or otherwise challenge or contest the validity of this Final Order.
9. Defendant Richard M. Norcross and Relief Defendant Summer L. Norcross waive and release any claim they may have against the FTC and its employees, representatives or agents.
10. Entry of this Final Order is in the public interest.