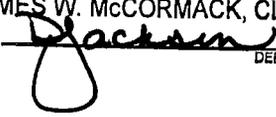


FEB 23 2010

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

JAMES W. McCORMACK, CLERK
By:  **DEP. CLERK**

SOUTHWEST STEEL PROCESSING LLC

PLAINTIFF

VS.

NO. CASE NO. 1:08-cv-69 JMM

AMERICA'S CHOICE PRODUCTS, LLC

DEFENDANT

CONSENT JUDGMENT

On this day, Plaintiff's first amended complaint came before the Court. Upon consideration of the pleadings, statements of counsel, representations and agreements of the parties in connection with the entry of this Consent Judgment, other evidence and proof and the Court being fully advised finds and orders as follows:

1. On April 1, 2009, Southwest Steel Processing, LLC ("Southwest Steel") filed its first amended complaint against America's Choice Products, LLC ("America's Choice") seeking a money judgment for damages allegedly arising from America's Choice's breach of the Sublease Agreement between the parties, dated December 2007, America's Choice's breach of an agreement between the parties providing for America's Choice's reimbursement of certain natural gas service bills paid by Southwest Steel on America's Choice's behalf, and America's Choice's unlawful detainer of the sublease premises.

2. On April 10, 2009, America's Choice filed its answer to the first amended complaint.

3. The Court has jurisdiction of the subject matter and parties to this action pursuant to 28 U.S.C. § 1332 as the matter in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs and is between citizens of different states.

4. On or about September 3, 2003, Arkansas Development Finance Authority (“ADFA”) and Jackson Industrial Development, LLC (“JID”) entered a lease agreement whereby ADFA leased real property and improvements located at 4900 Lighthouse Drive, Newport, Arkansas (“Leased Property”) to JID.

5. On or about September 1, 2005, JID and America’s Choice entered a sublease (“Sublease”), a true and correct copy of which is attached as Exhibit 1 to the First Amended Complaint, whereby JID leased the Leased Property to America’s Choice.

6. In December 2007, JID assigned its interests in Sublease to Southwest Steel for valuable consideration by an Assignment Agreement, a true and correct copy of which is attached as Exhibit 2 to the First Amended Complaint.

7. Because the metered gas line that serves Leased Property also serves another interest, Southwest Steel and America’s Choice entered an agreement whereby Southwest Steel would pay for each natural gas bill and America’s Choice would reimburse Southwest Steel for the payment. Southwest Steel and America’s Choice operated under this reimbursement arrangement for a period of time.

8. America’s Choice failed to pay its quarterly rent payment to Southwest Steel under the Sublease for the first quarter of 2008 due on January 1, 2008, the second quarter of 2008 due on April 1, 2008, the third quarter of 2008 due on July 1, 2008, the fourth quarter of 2008 due on October 1, 2008, and the first quarter of 2009 due on January 1, 2009. The total amount of these quarterly rent payments is \$196,070.83.

2008 due on October 1, 2008, and the first quarter of 2009 due on January 1, 2009. The total amount of these quarterly rent payments is \$196,070.83.

9. Contrary to the agreement of the parties, America's Choice failed to reimburse Southwest Steel for \$27,981.84 that Southwest Steel paid for America's Choice's natural gas bills.

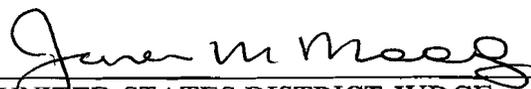
10. The parties have consented to the terms of this consent judgment and consented to the entry of the judgment by the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The Court adopts the foregoing findings.

2. Judgment is entered against defendant in favor of plaintiff in the amount of \$224,052.67, plus interest at the rate of 0.35% per annum from the date of entry of this judgment until paid. Each of the parties will bear their own attorney's fees and court costs.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATE: 2/23/10

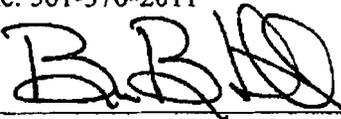
APPROVED AS TO FORM AND CONTENT:

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