

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

**MAY 14 2009**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS**

JAMES W. McCORMACK, CLERK  
By: [Signature]  
DEP CLERK

LUTHER S. PATE, IV )  
)  
Plaintiff, )  
)  
v. )  
)  
GEFF YIELDING, VESPA HOLDINGS, INC., )  
VESPA BEVERAGES, LLC, )  
VESPA BEVERAGES, INC., AND )  
VISTA BOTTLERS, INC. )  
Defendants. )

No. 4:09CV00371 SWW

**TEMPORARY RESTRAINING ORDER**

Pending before the Court is Plaintiff's Motion for a Temporary Restraining Order in which the Plaintiff seeks to restrain Mr. Yielding, Vespa Holdings, Inc, Vespa Beverages, LLC and Vespa Beverages, Inc., and those acting in concert with them or on their behalf, from divesting shares, issuing any further shares, incurring any new indebtedness, or disposing of any other asset of any of the Defendants until an evidentiary hearing can be had on this matter.

Mr. Pate asks that Vista Bottlers, Inc. be restrained from releasing or impairing, or allowing any entity under its control or in privity of contract with Vista from releasing or impairing any Killer Buzz product in its possession that is at issue in this lawsuit until the rights to that product can be settled following an evidentiary hearing.

Based on the record originally provided in the Verified Complaint, the Plaintiff has met his burden of demonstrating that he will be irreparably harmed if the requested Temporary Restraining Order is not entered against the Defendants.

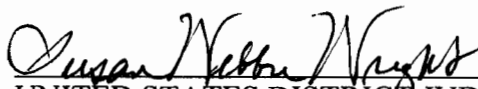
WHEREFORE, the Court enters the following Order:

1. Mr. Yielding, Vespa Holdings, Inc, Vespa Beverages, LLC and Vespa Beverages, Inc., and those acting in concert with them or on their behalf, are temporarily ordered from divesting shares, issuing any further shares, incurring any new indebtedness, or disposing of any other asset of any of the Defendants until an evidentiary hearing can be had on this matter.

2. Vista Bottlers, Inc. is temporarily ordered from releasing or impairing, or allowing any entity under its control or in privity of contract with Vista from releasing or impairing any Killer Buzz product in its possession that is at issue in this lawsuit until the rights to that product can be settled following an evidentiary hearing.

3. This Order shall remain in effect pending this Court's hearing on the Plaintiff's Motion for a Preliminary Injunction, which is hereby set for hearing before this Court on

May 28, 2009, at 9:30 a.m.

  
UNITED STATES DISTRICT JUDGE

Date: May 14, 2009