

JAN 21 2011

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

MEINEKE CAR CARE CENTERS, INC., )	CIVIL ACTION NO.
)	3:11-cv-00004-FDW-DSC
Plaintiff, )	
)	
vs. )	
)	
)	<b><u>AGREED FINAL ORDER</u></b>
DEE DEE MUFFLERS, Inc., )	
CARL ERIKSON, )	
JOHN ERIKSON, )	
DEBRA ERIKSON, and )	
CICERO CAR CARE CENTER, Inc. )	
)	
Defendants. )	

The parties having advised the Court that they have settled the above captioned case ("Case"), and that they have agreed that the Court shall enter an Order pursuant to a Settlement Agreement attached hereto as **Exhibit A** by and between the parties to this action,

It is this 21<sup>st</sup> day of January, 2011 hereby **ORDERED, ADJUDGED, AND DECREED** that:

A Judgment be granted to Meineke Car Care Centers, Inc. against Defendants Carl Erikson, Debra Erikson and Dee Dee Mufflers, Inc. in the amount of Four Thousand One Hundred and Thirty-Six and 18/100 Dollars (\$4,136.18);

IT IS FURTHER ORDERED that Defendants Carl Erikson, Debra Erikson and Dee Dee Mufflers, Inc. shall cease and refrain from, until September 1, 2011, from directly or indirectly: (i) owning a legal or beneficial interest in Cicero Car Care Center, Inc. (hereinafter referred to as "Cicero Car Care") located at 8313 Brewerton Road, Cicero, NY 13039; (ii) managing, operating or consulting with Cicero Car Care or any of its officers, directors, employees, or

consultants; and (iii) loaning money to or in any way providing funds to Cicero Car Care or any of its officers, directors, or employees in the capacity as an owner, operator, employee, or consultant with Cicero Car Care;

IT IS FURTHER ORDERED that Defendants Carl Erikson, Debra Erikson, and Dee Dee Mufflers, Inc., until September 1, 2011, shall not operate any business within a radius of six (6) miles of the premises of former Meineke Center No. 927 located at 8313 Brewerton Road, Cicero, NY 13039 which business repairs or replaces exhaust system components, brake system components, or shocks; and any business operating within a radius of six (6) miles of any Meineke Center existing as of the date Defendants Carl Erikson, Debra Erikson, and Dee Dee Mufflers, Inc. executed their Franchise and Trademark Agreement with Plaintiff, which business repairs or replaces exhaust system components, brake system components, or shocks and struts;

IT IS FURTHER ORDERED that Defendants Carl Erikson, Debra Erikson, and Dee Dee Mufflers, Inc. cease making any representation or statement that Defendants or the business located at 8313 Brewerton Road, Cicero, NY 13039 is in any way approved, endorsed or licensed by Meineke, or are identified with Meineke in any way, including but not limited to, causing Meineke's proprietary yellow and black trade dress above the bay doors at Cicero Car Care Center to be removed within fifteen (15) days of the Effective Date.

IT IS FURTHER ORDERED that for every day that Defendant Carl Erikson, Debra Erikson, and Dee Dee Mufflers, Inc. violate the Court's Order as to paragraphs two (2) and three (3) of this Order, the time frame enumerated in those Orders shall be extended by one (1) day;

IT IS FURTHER ORDERED that all other claims in this action are dismissed with prejudice, including all other claims in this action against Defendants John Erikson and Cicero Car Care Center, Inc., and the clerk is ordered to close this file;

The Court retains jurisdiction over the parties to enforce the provisions of this Order.

SO ORDERED, this 21<sup>st</sup> day of January, 2011.



FRANK D. WHITNEY  
UNITED STATES DISTRICT COURT JUDGE

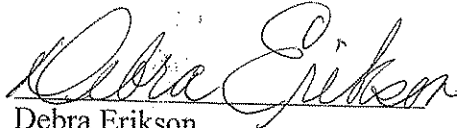
CONSENTED TO IN FORM AND SUBSTANCE:



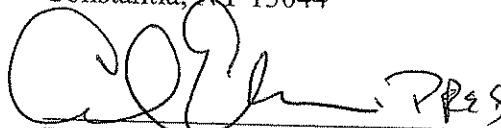
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