

EXHIBIT S

IN ARBITRATION BEFORE DESIGNATED ARBITRATOR DAVID J. KAUFMANN
(CONDUCTED BY CONSENT PURSUANT TO THE COMMERCIAL ARBITRATION
RULES OF THE AMERICAN ARBITRATION ASSOCIATION)

PIRTEK, USA,
Claimant-Counterclaim Respondent,

v.

TEMPORARY RESTRAINING ORDER

JAMES LAGER,
Respondent/Counterclaimant

Upon the December 23, 2021 application of Michael Joblove, co-counsel to Claimant/Counterclaim Respondent Pirtek, USA, not responded to by counsel to Respondent-Counterclaimant James Lager, it is hereby ordered and decreed that Mr. Lager be temporarily restrained and enjoined from transmitting the submission to the North American Securities Association ("NASAA") which Mr. Lager *ex parte* communicated to the undersigned on December 22, 2021 and advised he would submit to NASAA no later than Christmas (which the undersigned promptly forwarded to all counsel) pending a hearing to be conducted in early January, at a date and time convenient to counsel and the undersigned, to determine whether a preliminary injunction of like effect should issue.

It appears to the undersigned that Mr. Lager's communication to NASAA violates the parties' September 2, 2020 Settlement Agreement. But I am certainly willing to entertain any argument to the contrary advanced by Mr. Lager's counsel at the preliminary injunction hearing. Since the NASAA submission deadline is January 6, 2022, Mr. Lager is not being prejudiced pending the preliminary injunction hearing which clearly must be conducted before that date. I urge counsel to communicate possible dates and times for such a hearing as soon as possible.

December 23, 2021

1:40 PM





EXHIBIT T

North American Securities Administrators Association, Inc. (NASAA)

Corporation Finance Section/ Franchise and Business Opportunities Project Group

750 First Street, N.E., Suite 1140

Washington, D.C. 20002

December 28, 2021

*RE: REQUEST FOR PUBLIC COMMENT; PROPOSED STATEMENT OF POLICY REGARDING THE USE OF
FRANCHISE QUESTIONNAIRES AND ACKNOWLEDGMENTS*

Dear Administrators:

My name is Jim Lager. As a successful multi-unit franchisee whose experience spans two decades with three national franchise brands, I believe my experience and opinions would be a positive contribution to both this discussion and similar debates on franchise legislation being held by Congress and the FTC.

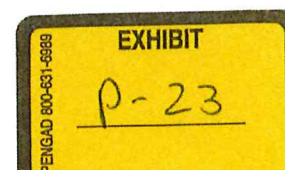
I prepared a three-page response to submit to you in support of the proposed S.O.P. regarding questionnaires & disclaimers. In addition to other observations, I documented specific, real-life examples of how some franchisors deliver illegal earnings claims in such a way that franchise prospects never suspect that they have received earnings claims. At the time of signing the FA, the unsuspecting franchisee would truthfully, but incorrectly, disclaim having received earnings claims, as they were still unaware that they had been fooled.

I have been forbidden from submitting my views or experiences to NASAA by my former franchisor, franchisor's counsel and the prominent franchisor attorney who served as a mediator from submitting this letter or participating in this discussion. My proposed submission letter to NASAA does not name or identify my former franchisor or their industry. In fact, I do not know whether the franchisor uses such questionnaires or acknowledgements. They claim my participation in NASAA's review and discussions would be a violation of the NDA I had no choice but to sign, and threaten me with further legal attacks.

In October, 2020 these same parties prevented me from submitting my opinions to an invitation by the FTC on The Franchise Rule. Similarly, my letter did not contain any trade secrets or even the name of the franchisor.

Former franchisees like me who had negative franchise experiences, were defrauded and/or engaged in disputes, arbitration, mediation or litigation with their franchisors have first-hand experience and critical insights into this and related issues. However, most of us had no choice but to sign NDAs. We did not, however, intend to sign over our right to participate in legislative or political discussions, to surrender our freedom of speech, or transfer ownership of our voices as American citizens.

I believe that NASAA's (and the FTC's) public discussions of franchise practices, pre-sale disclosures and regulations will be incomplete and ineffective if franchisors & their highly paid attorneys are allowed to exclude those with the most experience: their victims.



I am respectfully requesting clarification: *Do franchisors, their attorneys and pro-franchisor mediators have the legal right to forbid me and other franchisees who signed standard NDAs from participating in NASAA's invitation for public comment and discussions?*

Thank you,

Jim Lager

Honorably Discharged Veteran, U.S. Army

Independent Owner & President, Texas Hose Pro

3131 Irving Blvd., • Dallas, TX 75247

Cell: 972-922-7167 Office: 214-631-8600

Email: jim@texashosepro.com

EXHIBIT U

Blynn, Aaron

From: Jim Lager
Sent: Wednesday, January 5, 2022 4:58 PM
To: Vince Martinez
Cc: Zachary Knepper
Subject: Re: Inquiry to NASAA

Dear sirs

I do want it posted as I want to have a positive effect in the franchise industry. I have consulted my attorneys

Sent from my iPhone

Jim Lager

972-922-7167

On Jan 5, 2022, at 10:34 AM, Vince Martinez <vmartinez@nasaa.org> wrote:

Dear Mr. Lager:

We are in receipt of your request for clarification, which reads:

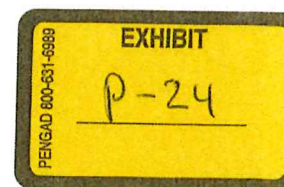
“Do franchisors, their attorneys and pro-franchisor mediators have the legal right to forbid me and other franchisees who signed standard NDAs from participating in NASAA’s invitation for public comment and discussions?”

NASAA does not provide legal advice. Please raise this question with your attorney.

I also understand that you provided a comment letter. If you do not want it posted until this question is resolved to your satisfaction, please let us know immediately. Thank you.

Vince Martinez

Vincente L. Martinez, General Counsel
North American Securities Administrators Association
750 First Street, NE, Suite 1140
Washington, DC 20002
vmartinez@nasaa.org | (202) 683-2302



Notice: This communication, including any attachments, may contain information that is privileged or confidential to NASAA or its members. If you are not the intended recipient, or you believe you have received this communication in error, please notify NASAA by return email and delete this message.

EXHIBIT V

Blynn, Aaron

From: Jim Lager - Texas Hose Pro <jim@texashosepro.com>
Sent: Tuesday, December 28, 2021 3:21 PM
To: Blynn, Aaron
Subject: NASAA Question & Complaint

Dear NASAA Administrators:

My name is Jim Lager. I wish to submit my response to the NASAA "REQUEST FOR PUBLIC COMMENT: PROPOSED STATEMENT OF POLICY REGARDING THE USE OF FRANCHISE QUESTIONNAIRES AND ACKNOWLEDGMENTS" by the January 5, 2022 deadline.

However, my former franchisor, their attorney and the franchisor attorney serving as mediator are forbidding me from participating.

I have attached a letter of explanation and request for clarification. I have also posted my letter below.

Jim Lager Letter to NASAA 12/28/21

Thank you for your consideration,

Jim Lager
Veteran, U.S. Army
Independent Owner & President, Texas Hose Pro
3131 Irving Blvd., • Dallas, TX 75247
Cell: 972-922-7167 Office: 214-631-8600

Email: jim@texashosepro.com

CC. NASAA Comments, Section Chair, Andrea Seidt; Project Group Chair, Dale Cantone

---- LETTER ----

North American Securities Administrators Association, Inc. (NASAA)
Corporation Finance Section/ Franchise and Business Opportunities Project Group
750 First Street, N.E., Suite 1140
Washington, D.C. 20002

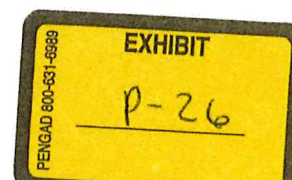
December 28, 2021

**RE: REQUEST FOR PUBLIC COMMENT: PROPOSED STATEMENT OF
POLICY REGARDING THE USE OF FRANCHISE QUESTIONNAIRES
AND ACKNOWLEDGMENTS**

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Thank you,
Jim Lager
Honorably Discharged Veteran, U.S. Army
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Email: jim@texashosepro.com



Texas Hose Pro |
<http://www.texashosepro.com>



Texas Hose Pro | 3131 Irving Blvd., Dallas, TX 75247

[Unsubscribe ablynn@qjb-law.com](mailto:ablynn@qjb-law.com)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by jim@texashosepro.com powered by



EXHIBIT W

2:10

5G



Jim Lager (He/Him) • 1st
President at Texas Hose Pro
2h • 🌐

Jim Lager and JBL Hose Service, LLC and Texas Hose Pro are no longer associated with Pirtek USA and does not endorse or authorize this Sponsored ad.

Spectrum 6:48 PM



SUBSCRIBE



Army veteran Jim Lager finds success with Pirtek

The experience in any branch of the military is something that changes someone's life in several ways. Enlisting for a minimum of two years ensures for more than 700 days, one must adapt to a new, very specific way of life. Not only does it serve (excuse the pun) as a completely new way of living...

Nick Powills



The experience in any branch of the military is something that changes someone's life in several ways...

7

6 comments



Leave your thoughts here

@ Post



Home



My Network



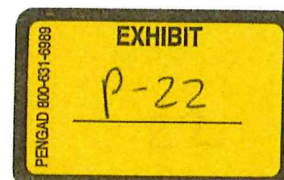
Post



Notifications



Jobs



2:10

5G



Comments

Most relevant



John Abercrombie · 1st
Hoses2U Owner

1h

The ad is easy to find.

<https://1851franchise.com/army-veteran-jim-lager-finds-success-with-pirtek-668#stories>

Like · 1 Reply · 1 reply



Jim Lager **Author**
President at Texas Hose Pro

45m

Notice on that marketing piece it has a link directly to Pirtek's website!!! They are using my story my success my valor to sell franchises to veterans and others ! A complete breach of our contract dated September 2, 2020

Like Reply



James Hamilton · 2nd
Talent Acquisition Business Partner

2h

Seems strange that they are still using this

Like Reply · 2 replies

Show 1 more reply



James Hamilton · 2nd
Talent Acquisition Business Partner

24m

Jim Lager - what I find odd is, you were not successful enough for them to work with but so successful that they use your name to sell franchises. The marketing department may be a bit disconnected.



Leave your thoughts here

@ Post



Home



My Network



Post



Notifications



Jobs

EXHIBIT X



FTC Report Number
 143141403

Consumer Report To The FTC

The FTC cannot resolve individual complaints, but we can provide information about next steps to take. We share your report with local, state, federal, and foreign law enforcement partners. Your report might be used to investigate cases in a legal proceeding. Please read our Privacy Policy to learn how we protect your personal information, and when we share it outside the FTC.

About you

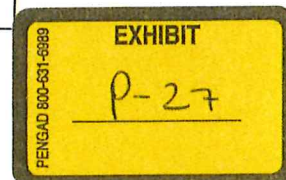
Name: Jim Lager Email: jim@texashosepro.com
 Address: 3131 Irving Blvd Phone: 972-922-7167
 City: Dallas State: Texas Zip Code: 75247
 Country: USA

What happened

Mr. Samuel Levine, Director Federal Trade Commission Office of the Secretary, Franchise Division 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580 December 28, 2021 RE: I am being threatened with legal action if I communicate my opinions, experiences, complaints or participate in discussions with the Federal Trade Commission on franchise issues. Is this legal? Dear Mr. Levine: My name is Jim Lager. As a successful multi-unit franchisee whose experience spans two decades with three national franchise brands, I believe my experience and opinions would have been a positive contribution to your recent review of The Franchise Rule and the current crisis in franchising. I am asking for clarification on my rights as a former franchisee to share my views, opinions and complaints with the FTC now and in the future. In October, 2020 I prepared a multi-page letter in response to the FTC invitation for public comment by the FTC on The Franchise Rule. My letter was professional, factual and did not contain the name or industry of my former franchisor. My former franchisor, the franchisor's attorney and the prominent franchisor lawyer who served as a mediator all forbade me from submitting this letter or participating in this discussion due to an NDA I had no choice but to sign. This week, I prepared a three-page response to submit to NASAA in response to its request for public comment on the proposed S.O.P. regarding questionnaires & disclaimers used by franchisors to commit fraud with impunity. Again, the name and industry of the franchisor was not mentioned. I was again told that I was forbidden from participating in this discussion and governmental proceeding by a franchisor, franchisor lawyer and pro-franchisor mediator. Former franchisees, like me, who had negative franchise experiences, were defrauded and/or engaged in disputes, arbitration, mediation or litigation with their franchisors have first-hand experience and critical insights into this and related issues. However, most of us had no choice but to sign NDAs. We did not, however, intend to sign over our right to participate in legislative or political discussions, to surrender our freedom of speech, or transfer ownership of our voices as American citizens. I believe that NASAA's (and the FTC's) public discussions of franchise practices, pre-sale disclosures and regulations are and will be incomplete and ineffective if franchisors & their highly paid attorneys are allowed to exclude those with the most experience: their victims. I respectfully request clarification: Do franchisors, their attorneys and pro-franchisor mediators have the legal right to forbid me and other franchisees who signed standard NDAs from participating in the FTC's invitation for public comment and discussions of franchising? Can we be legally prohibited from submitting complaints to the FTC and/or other federal regulatory or law enforcement agencies? Thank you, Jim Lager Honorably Discharged Veteran, U.S. Army Independent Owner & President, Texas Hose Pro 3131 Irving Blvd., • Dallas, TX 75247 Cell: 972-922-7167 Office: 214-631-8600 Email: jim@texashosepro.com

Details about the franchisor

Company/Person		
Name: PIRTEK USA		
Address Line 1: 300 Gus Hipp Boulevard	Address Line 2:	City: Rockledge
State: Florida	Zip Code: 32955	Country: USA



Company/Person
Email Address: gduncan@pirtekusa.com
Phone: 888-738-0417
Website: https://pirtekusa.com
Name of Person You Dealt With: Glenn Duncan



What Happens Next

- Your report will help us in our efforts to protect all consumers. Thank You!
- We can't resolve your individual report, but we use reports to investigate and bring cases against fraud, scams, and bad business practices.
- We share your report with our law enforcement partners who also use reports to investigate and bring cases against fraud, scams, and bad business practices.
- We use reports to spot trends, educate the public, and provide data about what is happening in your community. You can check out what is going on in your state and metro area by visiting ftc.gov/exploredata.
- Investigations and cases do take time, but when we bring cases, we try to get money back for people. Check out ftc.gov/refunds to see recent FTC cases that resulted in refunds.

EXHIBIT Y



FILE A COMPLAINT

Please be sure to read [about the kinds of cases the ACLU of Texas accepts](#) before filling out this form.

There may be deadlines that could affect your lawsuit or grievance. If you are concerned about whether the time for bringing your complaint is about to pass, you should not rely on filing an ACLU complaint to protect you; you should consult with an attorney of your choice. For a list of attorneys and/or for information about organizations who assist low-income Texans with legal matters, we recommend you consult:

- [Texas Bar Lawyer Referral Service](#) (click on "find a lawyer") or call 1-877-9TEXBAR (toll free)
- [Texas Rio Grande Legal Aid](#) or call 1-888-988-9996 (toll free)
- [Texas Access to Justice Commission](#) (click on "find legal assistance") or call 800-204-2222 ext. 2155
- [Texas Law Help](#)

If you would like to file a complaint, fill out the form below.

* Indicates the required fields

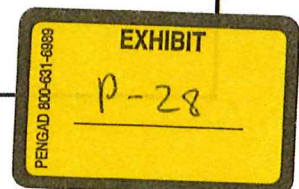
CONTACT INFORMATION

Are you filing for yourself or on behalf of someone else? *

Myself

Title

Mr.



First name * Jim	Last name * Lager	
Address * 3131 Irving Blvd.	Address line 2	
City * Dallas	State * Texas	Zip 75247
Phone 972-922-7167	Email jim@texashosepro.com	
If a prisoner, prison name? - Select -	Prisoner number	

COMPLAINT AGAINST

Title Mr.		
First name Glenn	Last name Duncan	
Agency PIRTEK USA		
Address 300 Gus Hipp Boulevard	Address line 2	
City Rockledge	State FL	Zip 32955
Phone 888-738-0417	Email gduncan@pirtekusa.com	

May we contact this person or agency?

Yes

ATTORNEY INFORMATION

Are you represented by a lawyer in this matter? *

Yes

First name *

Jerry

Last name *

Marks

Phone

908-216-5118

Email

jerry@marksklein.com

HAVE YOU REPORTED?

Have you reported this incident to any other agency? *

Yes

If yes, please list all the agency names. *

Remaining characters: 871

Federal Trade Commission (FTC)

North American Securities Administrators Association, Inc. ("NASAA")

Texas State Securities Board

INCIDENT INFORMATION

Date of Incident *

12/23/2021

County *

Dallas

Please describe IN DETAIL, all the events that led you to file this complaint. *

Remaining characters: 1

I was a successful franchised dealer for a company named PIRTEK USA, which is the U.S. sub-franchise of the Australian parent. I had built the Dallas area into one of the top markets in the country. I had been given countless awards not only for sales but for my volunteer mentoring of other franchise owners across the country. As a military veteran, my success story was promoted in ads, brochures, PR, etc. Glenn Duncan, the Australian son of the founder, took over PIRTEK USA. At a company meeting with wives & girlfriends invited, Duncan learned I had a black girlfriend. He was enraged. He made disparaging, racist comments to company execs & referred to my long-time girlfriend as "a prostitute." My interracial relationship made me unsuitable to their all-white company and I was forced out of the system. My territory was given to a white man with a white family. They

State clearly what you would like the ACLU of Texas to do for you. *

Remaining characters: 1

I need the help of the ACLU to stand up to corporate, racist bullies using threats and highly paid lawyers and mediators to take away the voice of an honorably discharged U.S. veteran, & deprive me of the very rights I served to protect.

PIRTEK USA is a nearly 100% white franchise chain with caucasian employees. They drove me out for racially motivated reasons. Now they are bullying and threatening me to keep me from sharing my opinions and experiences (even those that don't involve them) with the agencies that regulate the franchise industry: FTC & NASAA. They have prohibited me from participating in industry discussions & legislative reviews. They use overly broad claims about my NDA to prohibit me from

DISCLAIMER AND NOTICE

This Survey does not give legal advice, and you should not rely on it as legal advice. You should not rely on the information you get from this site and should speak with a lawyer to get advice on your specific situation. We also cannot promise that the information on this site is complete, accurate, or up-to-date.

This Survey is not a solicitation or an offer by the American Civil Liberties Union and its affiliates to represent you. We cannot promise you that the information you provide will lead to any specific action on the American Civil Liberties Union or its affiliates part. Once you complete the survey, the American Civil Liberties Union of Texas may not do anything—including contact you—about your situation.

If you fill out this Survey, you agree that the American Civil Liberties Union, the national ACLU or its affiliates, if identified as part of the Survey, or one of its coalition partners may use the information you give us, as long as we don't include your name, address, email or phone number, for one or more of the following purposes: (1) legislative testimony, (2) litigation; (3) contacting a city, state or federal agency; or (4) telling your story to the public, including the media. If the American Civil Liberties Union, the national ACLU or its affiliates, or one of its coalition partners wants to identify you, we will contact you prior to doing so.

We will keep your name, address, telephone number and email confidential unless you give us permission to use it or unless we are ordered to turn it over by a court (although we will attempt to prevent any disclosure).

AGREEMENT

By clicking the "Submit Complaint" button to indicate that the information you have provided is true and correct; that you understand that, by accepting this complaint form, the ACLU of Texas is not agreeing to represent you; and that you understand that the ACLU of Texas is not responsible for ensuring that any statute of limitations requirement or other deadline is met in your case.

If you submit a complaint, you agree that the ACLU of Texas or the national ACLU may use the information you give us, as long as we don't include your name, address, email, or phone number. We will keep your name, address, telephone number, and email confidential unless you give us permission to use it or unless we are ordered to turn it over by a court (although we will attempt to prevent any disclosure).

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EXHIBIT Z