

L20000060870

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-017105-CA-01
SECTION: CA25
JUDGE: Valerie R. Manno Schurr

800419169688

HMD SOLUTIONS, LLC

Plaintiff(s)

vs.

DAVID JIMENEZ

Defendant(s)

FINAL DEFAULT JUDGMENT

THIS CAUSE having come before the Court Plaintiff HMD SOLUTIONS, LLC's ("Plaintiff") Motion for Final Default Judgment, and the Court having reviewed the file and being duly advised in the premises does hereby ORDER AND ADJUDGE:

1. Plaintiff's Motion for Final Judgment ("Motion") against Defendant, David Jimenez, is **GRANTED**.
2. Plaintiff shall recover from Defendant damages in the principal sum of \$112,833, plus prejudgment interest at the statutory rate from March 16, 2022, through the date of this filing in the amount of \$9,970.65 and accruing at the current statutory rate of 5.52% per annum (\$17.07 per diem), and legal costs related to court filing and process server fees totaling \$464.
3. The Defendant and judgment debtor, David Jimenez, shall complete, under oath, a Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the Plaintiff and judgment creditor's attorneys at The Lomnitzer Law firm, at the address of 7999 N Federal Hwy, Suite 202, Boca Raton, FL 33487, with cc to Rod@lomnitzerlaw.com, Lorri@lomnitzerlaw.com, and Litigation@lomnitzerlaw.com.
4. The Defendant and judgment debtor, David Jimenez, is mandated turn over all assets of any nature owned or leased by or licensed to Plaintiff and which are, were in the past, or may be in the future,

used and held in the ownership, development, and operation of Plaintiff telehealth business under the "RxAdam" trade name and branding including, without limitation ("Assets");

a. The "RxAdam" trade name and all derivations thereof and all trademarks associated therewith including, without limitation, the domain names Rxadam.com, Rxadamandeve.com, and Rxeve.com, (collectively, the "RxAdam Domain Names"); the websites and any apps, developed or under development, associated with the RxAdam Domain Names (collectively, the "Websites"); and all copyright in, or copyright licenses to, the content published on the Websites (collectively, the "Copyrights"); and

b. The LegitScript Certification for the Rxadam.com Website, dated on or about July 12, 2021, pursuant to Plaintiff's agreement with LegitScript, LLC.

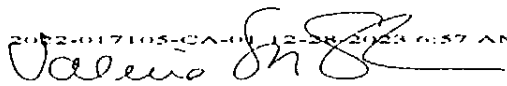
5. All right, title and interest in and to the aforementioned and described Assets is held exclusively by Plaintiff under the management and control of its current Board of Managers: Hector Garcia, Dale Woolford, and Minerva Garcia, or any officers of Plaintiff or subsequent Board of Managers duly appointed by such individuals.

6. A constructive trust over the Assets is hereby imposed over any such Assets currently held by Defendant or third parties; Defendant is ordered to turnover or cause to be turned over to Plaintiff all such Assets in his possession and control; and any private or governmental third parties in possession and control of any assets or otherwise dealing or engaging in business with Plaintiff shall, upon presentation of this Final Default Judgment, be deemed to have actual knowledge of the rightful ownership of such Assets exclusively in the name of Plaintiff which as of the date hereof is under the exclusive control of its Board of Managers named in paragraph 5 above, and of Defendant's lack of authority to control the business of or otherwise bind Plaintiff.

7. The Defendant and judgment debtor, David Jimenez, is hereby enjoined from further infringing upon the RxAdam Domain Names, Websites, and Copyrights, and other intellectual property associated therewith and owned by the Plaintiff, and to refrain from holding himself or his affiliated entities out as a manager of or in any other capacity with control over Plaintiff, including in any public filings with the Florida Secretary of State or otherwise.

8. The Defendant and judgment-debtor, David Jimenez, is hereby ordered to immediately provide an accounting to Plaintiff of all profits realized by Plaintiff in the conduct of its business since its inception and, upon post-judgment motion of Plaintiff and further order of the Court, Defendant shall disgorge all such profits determined by the evidence to have be misappropriated by Defendant to the exclusion and detriment of Plaintiff and its members as a result of Defendant's conversion of Plaintiff's Assets.
9. Jurisdiction of this action is retained by this Court to enter further orders that are necessary, including to compel Defendant to complete form 1.977 (and such other orders as this Court finds just, fair, and necessary), including all required attachments, and serve it on Plaintiffs' above referenced attorney.
10. _____

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 28th day of December, 2023.

2022-017105-CA-01 12-28-2023 6:57 AM

2022-017105-CA-01 12-28-2023 6:57 AM
Hon. Valerie R. Manno Schurr
CIRCUIT COURT JUDGE
Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

Electronically Served:

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