

			the mediator's fees and bear all of their other respective costs of the mediation (subject to state law).
v	Choice of forum	Section 16	All claims and causes of action arising out of the Development Agreement must be brought in the state or, if appropriate, federal court of general jurisdiction that is closest to Salt Lake City, Utah or the city and state where we have notified you in writing we have established our then-current corporate headquarters (subject to applicable state law).
w	Choice of law	Section 11	The Development Agreement is governed by the laws of the state of Utah, without reference to this state's conflict of laws principles (subject to state law).

ITEM 18 PUBLIC FIGURES

We do not use any public figure to promote our franchise.

ITEM 19 FINANCIAL PERFORMANCE REPRESENTATIONS

The FTC's Franchise Rule permits a franchisor to provide information about the actual or potential financial performance of its franchised and/or franchisor-owned outlets, if there is a reasonable basis for the information, and if the information is included in the disclosure document. Financial performance information that differs from that included in Item 19 may be given only if: (1) a franchisor provides the actual records of an existing outlet you are considering buying; or (2) a franchisor supplements the information provided in this Item 19, for example, by providing information about possible performance at a particular location or under particular circumstances.

BACKGROUND

This Item discloses historical revenue and other performance information that was reported to us by the owners of (i) thirty-seven (37) franchised System Shops that were (a) open throughout the entirety of the 2023 calendar year (the "Measurement Period") and (b) whose premises featured drive-thru service capabilities as we require as part of our standard franchise offering disclosed in this Disclosure Document (collectively, the "Reporting Franchised Shops"), and (ii) four (4) affiliated-owned Shops that were (a) open throughout the entirety of the Measurement Period, and (b) whose premises featured drive-thru service capabilities (the "Reporting Affiliate-Owned Shops")

In Part I of this Item, we disclose the average Net Sales of the Reporting Franchised Shops over the Measurement Period, as broken into four quartiles by the average amount of Net Sales generated, along with the highest, lowest, median and the number of Shops in each quartile that met or exceeded the average (collectively, the "Associated Data") for each quartile. In Part I, we exclude the historical performance of (a) twenty-five (25) franchised Shops, of which (a) five (5) operated in non-traditional formats, and (b) twenty (20) franchised Shops that either (i) opened during the Measurement Period, and therefore did not operate for the entirety of the Measurement Period, or else (ii) closed during the Measurement Period.

In Part II of this Item, we disclose the average Net Sales and Associated Data of the Reporting Affiliate-Owned Shops over the Measurement Period. In Part II, we exclude the historical performance of two (2) Affiliate-Owned Shops which were not open during the entirety of the Measurement Period.

We have not independently audited or otherwise verified the accuracy of the figures reported to us in this Item.

Only the outlet(s) below have sold this much. There is no assurance that your Franchised Business will sell as much or otherwise perform as disclosed in this Item.

Part I: Average Net Sales and Associated Data as Reported by Reporting Franchised Shops Over the Measurement Period

Quartile	# of System Shops in Subset	Average Net Sales	Maximum	Median	Minimum	# (%) that Met or Exceeded the Average
Top 25%	9	\$1,017,967	\$1,433,845	\$930,219	\$886,872	2 (22.2%)
Upper Mid 25%	10	\$713,636	\$830,810	\$694,400	\$657,488	3 (30%)
Lower Mid 25%	9	\$601,319	\$654,889	\$607,064	\$496,096	5 (55.6%)
Bottom 25%	9	\$359,343	\$484,889	\$362,037	\$155,333	5 (55.6%)

Part II: Average Net Sales and Associated Data as Reported by Reporting Affiliate-Owned Shops Over the Measurement Period

Shop Count	Average Net Sales	Maximum	Median	Minimum	# (%) that Met or Exceeded the Average
4	\$599,762.07	\$1,108,145.54	\$488,753.80	\$313,395.13	1 (25%)

Explanatory Notes to Item 19:

1. *Average Net Sales.* For the Reporting Franchised Shops and the Reporting Affiliate-Owned Shops, respectively, the term “Average Net Sales” means the average of all revenue that the applicable Shops generated from the sale of all Approved Products at or from those business(es), as reported by the business(es), including without limitation, all menu items and gift cards. The term “Average Net Sales” does not account for the amount of any applicable sales tax imposed by any federal, state, municipal or other governmental authority if such taxes are stated separately when the customer is charged and the Shop pays such amounts as and when due to the appropriate taxing authority. Also, excluded from Average Net Sales are: (i) the amounts of any *bona fide* refunds, chargebacks, credits and allowances given to customers in good faith pursuant to our System standards, specifications and procedures for issuing such refunds; and (ii) any tips paid to personnel of the applicable business that is not collected by Franchisee and is paid directly to those personnel.

Except as provided in this Item, we do not make any representations about a franchisee's future financial performance or the past financial performance of company-owned or franchised outlets. We also do not authorize our employees or representatives to make any such representations either orally or in writing. If you are purchasing an existing outlet, however, we may provide you with the actual records of that outlet. Written substantiation for the financial performance representation will be made available to the prospective franchisee upon reasonable request. If you receive any other financial performance information or projections of your future income, you should report it to the franchisor's management by contacting our President, James Julian at james@fiizdrink.com and (385) 204-8360, the Federal Trade Commission, and the appropriate state regulatory agencies.

ITEM 20 OUTLETS AND FRANCHISEE INFORMATION

Table No. 1
Systemwide Outlet Summary
For Years 2021 to 2023

Outlet Type	Year	Outlets at the Start of the Year	Outlets at the End of the Year	Net Change
Franchised	2021	29	38*	+9
	2022	38	48	+10
	2023	48	63**	+15
Company Owned	2021	2	3	+1
	2022	3	3	0
	2023	3	6	+3
Total Outlets	2021	31	41	+10
	2022	41	51	+10
	2023	51	69	+18

**This figure accounts for two (2) licensed Shops that are operated pursuant to a license agreement at a non-traditional venue (an amusement park), both of which opened and commenced operations in Utah in 2021.*

***This figure accounts for one (1) additional licensed Shop that signed a Franchise Agreement in 2023 to operate at a non-traditional venue (amusement park) that opened and commenced operations in Utah in 2023.*