

STATE OF NORTH CAROLINA
WAKE COUNTY

2019 JAN 23 PM 11:05

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO. 19 CV 000696

STATE OF NORTH CAROLINA *ex rel.*
JOSHUA H. STEIN, Attorney General,

Plaintiff,

v.

NATIONAL EMERGENCY
RESTORATION SERVICES, LLC and
RICARDO ALEXANDER ALEMAN, a/k/a
RICK ALEMAN, Individually,

Defendants.

JS

**PRELIMINARY INJUNCTION
AGAINST NATIONAL EMERGENCY
RESTORATION SERVICES, LLC**

THIS MATTER came to be heard and was heard by the undersigned Judge presiding over the January 28, 2019 civil session of Wake County Superior Court upon plaintiff State of North Carolina's application for a Preliminary Injunction under N.C. Gen. Stat. § 75-14 against NATIONAL EMERGENCY RESTORATION SERVICES, LLC (or "this Defendant"). A Temporary Restraining Order against all of the above-captioned defendants was entered on January 23, 2019.

As demonstrated by the State's Affidavit of Service filed with the court on January 28, 2019, defendant National Emergency Restoration Services, LLC has been properly served in this action and notified of this hearing. After considering the State's complaint, motion, evidentiary exhibits, and argument of counsel, the Court concludes that this Preliminary Injunction should be entered against this defendant pending final resolution of this cause because (1) the State is likely to prevail on the merits against this defendant for price gouging, in violation of N.C. Gen. Stat. § 75-38, and of engaging in unfair and deceptive trade practices, in violation of N.C. Gen. Stat. § 75-1.1.; and (2) entry of this order is necessary to prevent irreparable harm to the State and its citizens on account of this defendant's violations of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That defendant National Emergency Restoration Services, LLC, together with its agents, employees, representatives, subcontractors, successors and assigns, and any persons acting in concert with it, are preliminarily enjoined, under N.C. Gen. Stat. § 75-14, from:

- i. engaging in unfair or deceptive acts or practices in violation of N.C. Gen. Stat. § 75-1.1, including but not limited to falsely representing that it had been sent by a property owner's insurance company;
- ii. charging or receiving payment for goods or services used as a direct result of an emergency with the knowledge and intent that the charge is an unreasonably excessive price under the circumstances, in violation of N.C. Gen. Stat. §§ 75-38 and 75-1.1;
- iii. directly or indirectly attempting to collect on any claimed debt for tree removal and related services provided in North Carolina on and after September 7, 2018;
- iv. advertising, offering, soliciting, or entering into contracts, or receiving payment for any tree removal and related services in North Carolina;
- v. performing or providing any tree removal and related services in North Carolina;
- vi. destroying, removing, transferring, erasing, or otherwise disposing of any business or financial records relating to this defendant's business, including but not limited to any business or financial records relating to monies obtained from any North Carolina consumer on or after September 7, 2018; and
- vii. transferring, withdrawing, concealing, disposing, or encumbering any of this defendant's assets without permission of the Court or written permission of the Attorney General.

2. That defendant National Emergency Restoration Services, LLC is required, under N.C. Gen. Stat. § 75-14, to produce the following records no later than 10 days from the entry of this order:

- i. (a) A verified list of the names and addresses of all North Carolina consumers to whom this defendant, or those acting under their direction or control or with their approval, have provided products or services since September 7, 2018, together with (b) all related invoices, bills, estimates, and/or bids sent to those consumers and/or their insurers, (c) an individualized accounting of all payments received from each such consumer and/or insurer, and (d) the names and addresses of all insurance policy issuers, policy numbers, and claim numbers related to flood remediation services provided by this defendant to North Carolina consumers on or after September 7, 2018.
- ii. The name and address of every bank at which this defendant maintains deposit, checking, or other accounts, along with the account number for each such account, a statement of the current balance in each such account, and a copy of the bank statement(s) for each such account that covers the period September 7, 2018 through January 1, 2019.
- iii. A current balance sheet and the most recent profit and loss statement for this defendant.

SO ORDERED, this the 28 day of January, 2019, at 11:01 o'clock AM.

Hon.

SUPERIOR COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this date I have served the foregoing **PRELIMINARY INJUNCTION FOR NATIONAL EMERGENCY RESTORATION SERVICES, LLC** by FedEx addressed as follows:

Ricardo Alexander Aleman, a/k/a Rick Aleman
148 NW 60th Ave
Miami, Florida 33126-4756

National Emergency Restoration Services, LLC
c/o Robert W. Rodriguez, Registered Agent
4909 SW 74th Court
Miami, FL 33155

This the 25 day of January, 2019.



Daniel T. Wilkes
Assistant Attorney General

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