

STATE OF NORTH CAROLINA
WAKE COUNTY

FILED
2019 JAN 29 10 50 AM
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.)

(Lu)

**EXTENSION OF
TEMPORARY RESTRAINING
ORDER
AGAINST RICARDO ALEXANDER
ALEMAN, a/k/a RICK ALEMAN,
Individually**

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 to extend the Temporary Restraining Order against defendant RICARDO ALEXANDER ALEMAN, a/k/a RICK ALEMAN, individually, (“this defendant”) that was originally issued on January 23, 2019, under N.C. Gen. Stat. § 75-14.

As shown in the State’s Affidavit of Service, the State has attempted to serve notice of the hearing upon this defendant but has been unable to achieve service. After considering the State’s complaint, motion, evidentiary exhibits, and argument of counsel, the Court concludes that (1) the State is likely to prevail on the merits in this action 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 Ricardo Alexander Aleman a/k/a Rick Aleman, together with his agents, employees, representatives, subcontractors, successors and assigns, and any persons acting in concert with him, is temporarily restrained 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 they 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 this defendant is required, under N.C. Gen. Stat. § 75-14, to produce the following records no later than three days prior to the preliminary injunction hearing or within ten days of entry of this temporary restraining order, whichever is sooner:

- i. (a) A verified list of the names and addresses of all North Carolina consumers to whom this defendant, or those acting under his direction or control or with his 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 defendant National Emergency Restoration Services, LLC.

IT IS FURTHER ORDERED that defendant Ricardo Alexander Aleman a/k/a Rick Aleman appear before this Court at 10 o'clock a.m., February 4, 2019, in Courtroom 10-C of the Wake County Courthouse in Raleigh, North Carolina, if he wishes to be heard on the State's application for a Preliminary Injunction.

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

Hon.

SUPERIOR COURT JUDGE

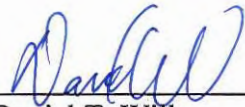
CERTIFICATE OF SERVICE

I hereby certify that on this date I have served the foregoing **EXTENSION OF TEMPORARY RESTRAINING ORDER AGAINST RICARDO ALEXANDER ALEMAN, a/k/a RICK ALEMAN, Individually** 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 28 day of January, 2019.



Daniel T. Wilkes
Assistant Attorney General

N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602
Phone: (919) 716-6000
Facsimile: (919) 716-6050
N.C. State Bar No. 46500
dwilkes@ncdoj.gov