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11
 12 UNITED STATES DISTRICT COURT
 13 DISTRICT OF ARIZONA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 BUSINESS RECOVERY SERVICES, LLC
 18 a limited liability company, and,

19 BRIAN HESSLER
 20 individually, and as owner, officer,
 21 or manager of Business Recovery
 Services, LLC,

22 Defendants.

No. 2:11CV00390 JAT

PLAINTIFF'S MOTION FOR A
 PRELIMINARY INJUNCTION

ORAL ARGUMENT REQUESTED

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1 Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the United States of
2 America now applies for a preliminary injunction enjoining Business Recovery Services,
3 LLC and Brian Hessler (“Defendants”) from violating Section 310.4(a)(3) of the
4 Telemarketing Sales Rule. Specifically, the United States asks the Court to enjoin
5 Defendants from charging consumers for their recovery kit(s) and services until seven (7)
6 business days after the recovered funds or items are delivered to that individual.

7 The United States seeks a preliminary injunction because Defendants have engaged
8 and continue to engage in unfair and deceptive acts and practices in or affecting commerce.
9 A preliminary injunction should be ordered because (1) it is likely that the United States will
10 succeed on the merits of its claim, and (2) the equities favor enjoining Defendants.
11 Additionally, without a preliminary injunction, irreparable harm will result from Defendants’
12 actions and it is in the public interest to enjoin Defendants.

13 This Motion is supported by the accompanying Memorandum in Support, exhibits,
14 and proposed order.

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16 Respectfully submitted this 1st day of March, 2011.

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25 /s/ Jessica R. Gunder
JESSICA R. GUNDER
26 Trial Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing.

I hereby certify that this filing will be served on the following, who are not registered participants of the CM/ECF System, via personal service, and proof of service will be filed after they have been served with this Motion.

Business Recovery Services, Inc.

Brian Hessler

/s/ Jessica R. Gunder
JESSICA R.GUNDER
Trial Attorney