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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al.,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**OPPOSITION TO PLAINTIFFS’ EX
PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT’S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

21 Defendants Tyler Bennett and Terrance Selb (collectively, “Individual Defendants”), by
22 and through their undersigned attorneys, hereby submit this Opposition to the Plaintiffs’ *Ex Parte*
23 *Motion for Temporary Restraining Order* (ECF No. 4) (the “Motion”), and the Court’s *Ex Parte*
24 *Temporary Restraining Order with Asset Freeze, Appointment of a Temporary Receiver, and*
25 *Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue*
26 (ECF No. 9) (“TRO”). For the reasons set forth more fully below, the Plaintiffs’ request for
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1 preliminary relief should be denied or, at a minimum, modified to remove the invalid, overbroad,
2 and unnecessary asset freeze.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. INTRODUCTION**

5 Plaintiffs’ Motion is purportedly based on an extensive, multi-month investigation –
6 relying on no fewer than 436 exhibits, which in total, span several thousand pages. The Court
7 should not mistake quantity for quality, as Plaintiffs’ submission is heavy on the former and light
8 on the latter. The foundation of the Plaintiffs’ entire case is built on the uncorroborated
9 allegations of a single disgruntled employee and a mishmash of various complaints from less than
10 0.32% of ATS customers. Despite building their request for extraordinary relief on such wobbly
11 ground, the FTC and the State of Nevada nevertheless charge forward alleging that ATS provides
12 no services and seeking a remedy that would destroy the company. Such relief would also disrupt
13 the livelihoods of hundreds of taxpayers and employees, and deprive the Individual Defendants of
14 resources to pay basic living expenses.

15 In advancing their motion, Plaintiffs fail to acknowledge — or alert the Court — that ATS
16 has served approximately 15,000 customers since its formation through a team of qualified tax
17 professionals, including licensed attorneys, enrolled agents and other tax professionals. The Court
18 need not rely solely on Defendants’ assertions; Plaintiffs’ own exhibits confirm these facts and, in
19 several instances, directly undercut their broader allegations. Further, the efficacy and veracity of
20 ATS’ services is also demonstrated by the fact that ATS obtained \$2 million in refunds on behalf
21 of its clients last year. Thus, contrary to the entire thesis Plaintiffs put forward, ATS operates as a
22 tax service provider with professional staff and infrastructure consistent with its representations to
23 consumers.

24 And yet, Plaintiffs request extraordinary relief that would permanently shutter and
25 bankrupt a tax resolution business currently employing more than 100 employees and providing
26 tax services to thousands of customers. Moreover, the breadth of the proposed asset freeze
27 prevents the Defendants from paying ongoing business expenses (including overdue payroll),
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1 retaining counsel, or covering the Individual Defendants’ most basic living costs, including
 2 housing, food, and transportation. Thus, the preliminary injunction sought by the Plaintiffs would
 3 effectively destroy the business and inflict irreparable harm before the Defendants have had a fair
 4 opportunity to respond to the allegations.

5 Indeed, the TRO has already done significant damage to Defendants, employees, and
 6 innocent third parties. It has prevented the completion and filing of more than 300 tax returns for
 7 paying customers, as well as the provision of services to approximately 1,000 other customers.
 8 Even assuming that Plaintiffs could show a likelihood of success on the merits – which they
 9 cannot – the requested injunction should nevertheless be denied because it is not narrowly
 10 tailored to the alleged conduct, is overly broad, and would deprive the Defendants of the
 11 resources necessary to defend this action.

12 Plaintiffs may argue in rebuttal that the imposition of the Receiver serves to protect the
 13 interests and viability of the business; however, as set forth herein, the Receiver’s stated intention
 14 is not to manage or preserve ongoing business operations, but rather, to direct Defendants’
 15 customers to their competitors for all future tax services, i.e., the very definition of irreparable
 16 harm.

17 At bottom, Plaintiffs carry an exceedingly high burden to obtain the business-shuttering
 18 relief they seek via the underlying Motion. They fall woefully short of satisfying the same and as
 19 a result, the TRO and receivership should be dissolved and the request for a preliminary
 20 injunction should be denied.

21 **II. STATEMENT OF FACTS**

22 **A. The FTC’s Motion Creates a Skewed and Incomplete Picture of Defendants’** 23 **Business Practices**

24 The FTC’s Motion misunderstands and misstates the Defendants’ business to this Court.
 25 The FTC incorrectly alleges that Defendants are nothing more than a telemarketing company, and
 26 that “[f]irst and most fundamentally: ATS simply does virtually nothing for most of its clients.”
 27 Mot. at 13. However, the FTC’s own evidence admits that the company employs tax attorneys
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1 and other tax specialists, and routinely files taxes on behalf of consumers. GX 317 at ¶10.¹ Based
 2 on the FTC’s own evidence, as well as the host of sworn employee declarations submitted by
 3 Defendants, this is indisputable.

4 Individual Defendants began American Tax Solutions, Inc.² in 2018 after leaving their
 5 employment at National Tax Experts where they both worked as tax resolution specialists. ATS is
 6 a full-service tax debt resolution company specializing in helping individuals and businesses
 7 resolve disputes with the IRS or state tax authorities. As acknowledged in the FTC’s Complaint,
 8 in 2023, the IRS estimated that nearly 11.4 million taxpayers owed more than \$158 billion in
 9 back taxes, penalties, and interest. Compl. ¶ 4. ATS’ services range from negotiating payment
 10 plans, bookkeeping services, filing taxes, and representing clients in audits. Declaration of James
 11 Sharmat (“Sharmat Dec.”), ¶¶ 5-10, attached as **Exhibit 1**; Declaration of Pablo Penaloza
 12 (“Penaloza Dec.”), ¶¶ 3-5, attached as **Exhibit 2**; Declaration of Chelsea Brown (“Brown Dec.”)
 13 ¶¶ 2-7, attached as **Exhibit 3**; Declaration of Amy Nowak (“Nowak Dec.”), ¶¶ 2-4, attached as
 14 **Exhibit 4**; Declaration of Elizabeth Sheldon (“Sheldon Dec.”), ¶¶ 2-3, attached as **Exhibit 5**.

15 Prior to the shutdown of the company under the TRO, ATS employed approximately 113
 16 people, including 4 tax attorneys, 1 licensed CPA, and 4 enrolled agents. Sharmat Dec., ¶ 6 (4
 17 attorneys and 4 EAs); Declaration of Greg Paragh (“Paragh Dec.”), ¶ 18, attached as **Exhibit 6** (1
 18 CPA overseeing the tax preparation department). Only approximately 33 percent were
 19 salespeople. Declaration of Rodrigo De Moraes (“De Moraes Dec.”), ¶¶ 9-10, attached as **Exhibit**
 20 **7**. In the last year, ATS assisted over 3,500 clients and filed over 1,200 tax returns alone.
 21 Declaration of Michelle Nunez (“Nunez Dec.”) ¶¶ 8-11, attached as **Exhibit 8**. This year alone,
 22 ATS was able to secure roughly \$2 million in tax refunds to clients. Paragh Dec. ¶ 19. As of
 23 October 7, 2025, the date that the business was suspended, ATS was in the process of preparing
 24 several hundred individual and business returns for the October 15th deadline. De Moraes Dec., ¶

25 _____
 26 ¹ As discussed below, Defendants employ far more qualified tax professionals, including attorneys, enrolled agents,
 and other specialists, than the number of professionals conceded in the FTC’s own evidence.

27 ² ATS Inc. was wound down in 2023-24 when Individual Defendants moved their operations from California to
 Nevada. Current operations are conducted under Elite Sales Solutions dba American Tax Service (“ATS” or the
 28 “Company”).

1 12, Ex. 7. Due to the Receiver’s appointment (and refusal to allow ATS’s employees to complete
2 these returns, as discussed herein), Defendants believe that these clients were unable to file their
3 tax returns on time and will likely be subject to further penalties from the IRS. Nowak Dec., ¶ 4,
4 Ex. 4; Sheldon Dec., ¶¶ 4-5, Ex. 5; Sharmat Dec., ¶¶ 10-11, Ex. 1.

5 **B. ATS’s Operation and Business Practices**

6 ATS’s customer process is separated into seven distinct phases: the sales phase,
7 onboarding phase, client service phase, case management phase, tax preparation phase, resolution
8 phase, and client feedback phase.

9 The initial phase/sales phase consists of a welcome and client intake call where an ATS
10 employee collects initial information about the client, explains the process, and sets expectations.
11 Notably, the employees are instructed to state at the beginning of the call that they are a private
12 company, consisting of IRS enrolled agents, certified public accountants, and tax attorneys and
13 not a part of the IRS or any governmental agency. Declaration of Hunter Burnett (“Burnett
14 Dec.”), ¶¶ 9-10, attached as **Exhibit 9**. Per the direction of the company via team leads and
15 managers, the employees are directed not to make any monetary promises regarding the potential
16 client’s tax debt and to consult with management before onboarding the potential client. The
17 second phase is the onboarding where a member of the Onboarding Department guides the client
18 in gathering and submitting necessary documentation to ATS. Penaloza Dec., ¶¶ 3-4, Ex. 2;
19 Burnett Dec., ¶ 12, Ex. 9. The client would also execute a power of attorney (solely related to
20 communications with the IRS) to allow ATS to represent the client in communications with the
21 IRS. Penaloza Dec., ¶ 2, Ex. 2.

22 The third, fourth, and fifth phases consist of client service, case management, and filing of
23 tax returns. ATS prepares the client’s tax forms, including tax returns and Form 433s, and then
24 communicates with the IRS or state tax authorities as needed. This is done through a case
25 manager. There are approximately 19 case managers at ATS whose work is overseen by a CPA.
26 Paragah Dec., ¶ 18, Ex. 6. This ultimately results in the filing of the completed tax returns with the
27 IRS/state authorities. *Id.* Once the returns are filed, ATS’s employees work with the IRS to
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1 resolve and negotiate any outstanding issues. The final phase is to gather feedback from the client
2 regarding the service and the process. As provided in the Declaration of Greg Paragh, clients were
3 generally pleased with the services from ATS. Paragh Dec. ¶ 19, Ex. 6. Since ATS' formation,
4 the company has served approximately 15,000 clients and saved them approximately \$10 to \$30
5 million dollars. *Id.* A true and correct copy of positive reviews from customers that received
6 services from ATS are attached hereto **Exhibit 10**.

7 Of particular discussion in the FTC's Complaint are the mailers that were sent to
8 individuals who had either state or federal tax liens filed against their property. In 2019, as part of
9 its outreach program, two agents from the U.S. Treasury Inspector General for Tax
10 Administration visited ATS's original office in California. Paragh Dec., ¶ 3, Ex. 6. They
11 discussed the mailers with the Individual Defendants and Greg Paragh, and indicated that ATS
12 could not send out communications stating that they were the IRS, or otherwise use an IRS seal,
13 which they do not. Based on this guidance from the agents, ATS understood that its mailers were
14 otherwise appropriate, as it was not holding itself out to be a state or federal agency. *Id.*

15 **C. The FTC Provides Evidence from Only One (Terminated) Employee**

16 The FTC attacks the employees of ATS, pointing to allegedly reassigning case managers
17 as a form of fraud or deception, but the FTC's own declarations admit that the company's case
18 managers have a high turnover rate. GX 317 at ¶ 15. Despite this high turnover of employees,
19 they have only been able to secure one employee declaration, that of *terminated* employee Janette
20 Hill. GX 317. But Ms. Hill's declaration contradicts many of the generalities set forth by the
21 FTC. Specifically, the FTC would have this Court believe that the company is entirely comprised
22 of telemarketers who do not communicate with the IRS; however, Ms. Hill confirms that the
23 company does in fact employ tax attorneys and other specialists and does, in fact, communicate
24 with the IRS. GX 317 at ¶ 10, 15.

25 Ms. Hill's declaration complains about dysfunction within the company and "time
26 wasted", but wasted time and internal dysfunction do not equate to fraud. GX 317 at ¶ 16, ¶ 19.
27 Moreover, Ms. Hill's motivation and timing is suspect, at best. She was terminated on April 19,
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1 2024, and the following day she sent an email to the FTC. GTX 317 at ¶¶ 25-26. Not surprisingly,
 2 the FTC provides no evidence that she had ever reached out prior to her termination. This is not a
 3 true whistleblower situation, but rather a complaint from a disgruntled employee who was
 4 terminated for cause. In contrast, the Company has provided 13 declarations of former and
 5 current employees demonstrating that the Company is a professional organization that diligently
 6 serves its customers.³

7 **D. The Customer Complaint to Sales Ratio Fails to Justify the Drastic Remedy of**
 8 **a TRO or Preliminary Injunction**

9 Notably, it's clear that the FTC has been conducting this investigation for months. Despite
 10 this, the FTC has only provided 19 consumer declarations and 29 BBB complaints. GX 313, 374-
 11 393. Simply put, these numbers pale in comparison to the approximately 15,000 clients served
 12 since the Company's formation. Paragh ¶ 19, Ex. 6. The total number of consumer complaints
 13 unearthed by the FTC following what appears to be many months investigation demonstrate that
 14 0.32 percent of the customers were unhappy enough to file a complaint. Additionally, the FTC
 15 states that these consumers are unable to cancel their contracts, but then expressly admits via its
 16 own submitted evidence that "Ms. Merlino was able to cancel the financing contract before
 17 making any payments." Mot. at 2. Similarly, the vast majority of the BBB complaints were
 18 resolved satisfactorily with customers, with many obtaining refunds. *See* GX 313.

19 At bottom, Plaintiffs carry a high burden in obtaining the extraordinary relief they seek;
 20 yet, much of their own submitted evidence is contradictory in nature, and directly undercuts many
 21 of the generalities offered by the FTC. The Plaintiffs offer no assessment of damages and make
 22 no distinction between the alleged misconduct and the services the company actually performs.
 23 As set forth herein, Plaintiffs fall woefully short of satisfying their burden and the preliminary
 24 injunction should be denied.

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 26
 27 ³ Attached hereto as **Exhibits 11, 12, 13 and 14** are the Declarations of Karen Maciel, Stacy Loquaio, Sarah Talavera
 28 and William Haskell, employees of the company.

1 **III. ARGUMENT**

2 The Court should dissolve the *ex parte* TRO because the Plaintiffs have not met their
 3 burden of demonstrating that extraordinary equitable relief is warranted. Granting a preliminary
 4 injunction would destroy the Defendants’ business before trial, without affording them a
 5 meaningful opportunity to respond. The asset freeze is disproportionate to any potential recovery
 6 even if Plaintiffs were to prevail at trial, and there is no evidence of any risk of asset dissipation.

7 “A preliminary injunction is an ‘extraordinary’ equitable remedy that is ‘never awarded as
 8 of right.’” *Starbucks Corporation v. McKinney*, 602 U.S. 339, 345-46 (2024) (internal citation
 9 omitted). A party seeking a preliminary injunction must establish: (1) it is likely to succeed on
 10 the merits, (2) it is likely to suffer irreparable harm if denied preliminary relief, (3) the balance of
 11 equities tips in its favor, and (4) the injunction is in the public interest. *Am. Trucking Ass’ns Inc. v.*
 12 *City of L.A.*, 559 F.3d 1046, 1052 (9th Cir. 2009). “[T]he party seeking the injunction [bears] the
 13 burden of demonstrating the various factors justifying preliminary injunctive relief.” *Granny*
 14 *Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70*, 415 U.S. 423, 441
 15 (1974).

16 **A. The Plaintiffs Fail to Carry Their High Evidentiary Burden**

17 Under § 13(b) of the Federal Trade Commission Act (“FTC Act”), the FTC is authorized
 18 to file suit in a federal district court to “enjoin any actual or imminent violation of any provision
 19 of law enforced by the Federal Trade Commission.” *FTC v. Microsoft Corp.*, 136 F.4th 954, 964
 20 (9th Cir. 2025) (citing 15 U.S.C. § 53(b)). The district court may grant a preliminary injunction
 21 only if the FTC demonstrates that it is likely to succeed on the merits and that the balance of
 22 equities favors granting relief. *Id.*

23 **1. Plaintiffs are Unlikely to Succeed on the Merits**

24 Built upon the shaky foundation of a single disgruntled employee and complaints from
 25 0.32 percent of its customers, the Motion rests on the false premise that the Defendants’ business
 26 is nothing more than a telemarketing operation that provides no services to customers. *See, e.g.*,
 27 Mot. at 13 (“First, and most fundamentally: ATS simply does virtually nothing for most of its
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1 clients.”). This notion reflects a fundamental misunderstanding of the Defendants’ business.

2 Contrary to the allegations in the Motion, the Defendants operate a full-service tax
 3 resolution and preparation business serving thousands of clients and employing 113 individuals,
 4 including four tax attorneys, four enrolled agents, a Certified Public Accountant, nine tax
 5 preparers, and a department of case managers. Only 33% of employed staff serve in a sales-
 6 related role. The Defendants have maintained this business for approximately eight years and
 7 have resolved tax debts for thousands of clients. This year alone, the Defendants’ efforts have
 8 resulted in tax refunds of roughly \$2 million to customers. Over this same time period,
 9 Defendants assisted over 3,500 clients and filed over 1,200 tax returns, and were in the process of
 10 completing more than 300 returns and assisting approximately 1,000 other customers when the
 11 TRO issued.

12 The evidentiary record presented by the Plaintiffs actually proves that the Defendants
 13 provide tax services. For example, Plaintiffs’ own exhibits acknowledge that the Defendants
 14 employ tax attorneys and enrolled agents. *See* GX 317 ¶ 10. While Plaintiffs suggest that case
 15 managers are intentionally reassigned as part of a scheme, Mot. at 4–5, their own declarations
 16 admit that the company’s case managers experience high turnover. GX 317 ¶ 15. High employee
 17 turnover, however, does not constitute fraud. Similarly, inefficiencies or dysfunction within a
 18 business, as alleged by Plaintiffs, are not evidence of fraudulent activity. *Id.* ¶ 19 (“At ATS, I saw
 19 a lot of time wasted.”).

20 While the Defendants acknowledge the existence of dissatisfied customers, these
 21 individuals represent only a small fraction, approximately 0.32%, of the thousands of customers
 22 who have received services. Although Plaintiffs suggest that consumers are locked into unfair
 23 contracts, the declaration submitted by customer Rebecca Merlino (notably, submitted by
 24 Plaintiffs) demonstrates the contrary—she was able to cancel her contract without payment. GX
 25 386 ¶ 13.

26 The Plaintiffs allege that ATS uses the mailers to pose as a government agency. This is
 27 false, and undercut by the IRS’s own statements. On these mailers, the Defendants do not
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1 explicitly represent themselves as affiliated with the IRS or any government agency. The mailers
2 do not reflect a government seal of any kind. In fact, these mailers were designed pursuant to the
3 guidance provided by the U.S. Treasury Inspector General for Tax Administration. Moreover,
4 Defendants require and train their employees to disclose that they are a private company, are
5 private tax professionals, and are not government representatives when they speak to their clients.

6 Regarding the Individual Defendants, Plaintiffs must show that they “had actual
7 knowledge of material misrepresentations, were recklessly indifferent to the truth or falsity of a
8 misrepresentation, or had an awareness of a high probability of fraud along with an intentional
9 avoidance of the truth.” *FTC v. Publ’g Clearing House, Inc.*, 104 F.3d 1168, 1170–71 (9th Cir.
10 1997). Despite acknowledging this high standard in the Motion, Plaintiffs make no argument as to
11 the Individual Defendants’ knowledge except to note that they “speak directly to consumers” and
12 that they are owners and officers in the business. Such generalities fall woefully short of
13 establishing that the Individual Defendants “had actual knowledge of material misrepresentations,
14 were recklessly indifferent to the truth or falsity of a misrepresentation, or had an awareness of a
15 high probability of fraud along with an intentional avoidance of the truth.” Indeed, as set forth
16 above, Plaintiffs have failed to establish a material misrepresentation or fraud, let alone,
17 knowledge of the same. As such, Plaintiffs fail entirely to meet this burden and the TRO, at a
18 minimum, should be unwound as to the Individual Defendants.

19 For these reasons, the Plaintiffs have not demonstrated a likelihood of success on the
20 merits. The Court should therefore dissolve the TRO and deny the Motion.

21 **2. The Balance of the Equities Do Not Support Injunctive Relief**

22 Even if the Plaintiffs have satisfied their other burdens (which they have not), the
23 balancing of public and private equities tips decidedly in favor of denying the Plaintiffs’
24 requested relief. While, in general, public equities receive greater weight than private equities,
25 the consideration of private equities should play a role in the Court’s consideration of whether to
26 grant injunctive relief. *See FTC v. Nat’l Tea Co.*, 603 F.2d 694, 697 n.4 (8th Cir. 1979) (“[I]n
27 light of the statute’s purpose to protect the public-at-large ... courts must properly emphasize the
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1 public equities. However, we do not think that it was the intention of the statute’s drafters to
 2 totally shield from judicial view the private equities which may merit inclusion in the courts’
 3 equitable overview.”); *see also FTC v. Millenium Telecard, Inc.*, 2011 U.S. Dist. LEXIS 74951,
 4 at *30 (D.N.J. July 11, 2011).

5 The existing asset freeze and receivership have already threatened the continued viability
 6 of the Defendants’ business. There are hundreds, if not thousands, of paying customers who are
 7 not receiving services due to the TRO. If the Court enters continued injunctive relief, those
 8 customers would be effectively deprived of the services to which they are entitled. Moreover, the
 9 Defendants employ more than 110 individuals who will lose their jobs and face significant
 10 financial hardship if the injunction is entered. The Individual Defendants will likewise lose their
 11 livelihoods, without the benefit of a trial or any ability to meaningfully oppose the Motion and the
 12 relief sought.⁴ These factors must be considered and weigh heavily against the entry of injunctive
 13 relief. If the Court is nevertheless inclined to impose an injunction, it should be narrowly tailored
 14 to address only the specific, identifiable harm alleged by the Plaintiffs and should not encompass
 15 the overreaching, overbroad restrictions contained in the TRO.

16 **B. The FTC Lacks the Authority to Obtain a Pre-Judgment Asset Freeze**
 17 **Injunction Against the Individual Defendants**

18 District Courts generally lack the equitable authority to issue a pre-judgment preliminary
 19 injunction freezing a defendant’s assets pending the resolution of the plaintiff’s monetary claim.
 20 *Grupo Mexicano de Desarrollo S.A. v. All. Bond Fund, Inc.*, 527 U.S. 308, 333, 119 S. Ct. 1961,
 21 1975, 144 L. Ed. 2d 319 (1999). As the Supreme Court recognized in *Grupo Mexicano*, “[t]he
 22 requirement that the creditor obtain a prior judgment is a fundamental protection in the debtor-
 23 creditor law—rendered all the more important in our federal system by the debtor’s right to a jury
 24 trial on the legal claim.” *Id.* at 331, 119 S. Ct. at 1974. Accordingly, pre-judgment asset-freeze

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 26
 27 ⁴ Underscoring the harm to the Individual Defendants, Tyler Bennett and his girlfriend have a newborn,
 28 approximately one week old. It is unclear how Mr. Bennett can provide for his child under the expansive terms of the
 TRO. In short, he cannot.

1 injunctions fall outside the district courts' equitable jurisdiction. Here, the Plaintiffs seek
2 precisely the type of injunction that *Grupo Mexicano* prohibits.

3 The FTC's status as a Plaintiff does not create an exception to the *Grupo Mexicano* rule.
4 In *FTC v. Credit Bureau Ctr.*, for example, the FTC sought and obtained a temporary injunction,
5 an asset freeze, and the appointment of a receiver. 937 F.3d 764, 768 (7th Cir. 2019). After
6 reviewing section 13(b) of the Federal Trade Commission Act ("FTCA"), 15 U.S.C. § 53(b), the
7 Seventh Circuit concluded that "section 13(b)'s permanent-injunction provision does not
8 authorize monetary relief." *Id.* at 786. Consequently, the restitution award and asset freeze
9 injunction were invalid. The Supreme affirmed this outcome in *AMG Capital Mgmt., LLC v.*
10 *FTC*, 593U.S. 67, 82, 141 S. Ct. 1341, 1352, 209 L. Ed. 2d 361 (2021). Thus, the FTC's
11 participation in this case does not exempt this Court from *Grupo Mexicano*'s limitation on
12 prejudgment asset freezes.

13 The FTC cites to a handful of unpublished district court decisions concluding that section
14 19 of the FTCA, 15 U.S.C. § 57(b), authorizes monetary relief and, by implication, a pre-
15 judgment asset freeze. *See FTC v. Automators*, No. 23-cv-1444, 2023 WL 6373069 (S.D. Cal.
16 Aug. 11, 2023); *FTC v. Noland*, 2:20-cv-0047, 2021 WL 438466 (D. Ariz. Sept. 23, 2021); *FTC*
17 *v. Affordable Media*, 179 F.3d 1228 (9th Cir. 1999); *FTC v. Williams*, No. 11-CV-828, 2011 WL
18 4103542 (W.D. Wash. Sept. 13, 2011). But those decisions merely distinguish *AMG Capital* and
19 its reliance on section 13 of the FTCA; none of those cases undertake an analysis of the *Grupo*
20 *Mexicano* in this context. Even if section 19 of the FTCA authorizes the FTC to seek monetary
21 relief (whereas section 13 does not), the FTC exceeds that authority by freezing assets at this
22 early state in violation of *Grupo Mexicano*.

23 The *Grupo Mexicano* court expressly rejected an expansive interpretation of equitable
24 powers that would grant District Courts a "general power to grant relief[,] [including preliminary
25 injunctions freezing the defendant's assets,] whenever legal remedies are not practical and
26 efficient, unless there is a statute to the contrary." *Grupo Mexicano*, 527 U.S. at 332, 119 S. Ct. at
27 1969. The applicable statute here, 15 U.S.C. § 57b, does not expressly expand the equitable
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1 powers of District Courts to authorize preliminary injunctions freezing a defendant’s assets in
2 actions alleging violations of section 19 of the FTCA. Instead, it provides that “courts ... shall
3 have jurisdiction to grant such relief as the court finds necessary to redress the injury to
4 consumers,” which encompasses the already-existing equitable remedies at the District Courts’
5 disposal. 15 U.S.C. § 57b. That is, the applicable statute merely restates the District Courts’
6 existing authority to grant equitable relief, but in no way expands such authority to include
7 preliminary injunctions freezing a defendant’s assets merely on the basis of the plaintiff seeking
8 equitable relief, without more. Freezing the defendant’s unencumbered assets should not be an
9 available remedy where the creditor is really “seeking equitable assistance in the collection of a
10 legal debt.” *Grupo Mexicano*, 527 U.S. at 325, 119 S. Ct. at 1971.

11 Although the Plaintiffs do not mention *Grupo Mexicano*, they do cite to *Johnson v.*
12 *Couturier*, 572 F.3d 1067, 1085 (9th Cir. 2009)⁵ in support of the asset freeze. Relying on an
13 earlier Ninth Circuit decision, *In re Focus Media Inc.*, the *Johnson* court granted the preliminary
14 injunction freezing the defendants’ assets finding sufficient equitable authority in 29 U.S.C. §
15 1109(a), which imposes a fiduciary obligation to “to make good ... any losses ... resulting from
16 ... breach, and to restore ... any profits of such fiduciary which have been made through use of
17 assets of the plan by the fiduciary.” *Johnson*, 572 F.3d at 1084. The *In re Focus Media Inc.* court,
18 on the other hand, found sufficient authority to do so under 11 U.S.C. §§ 542, and 548, which
19 expressly authorize the avoidance of fraudulent transactions and the turnover the property of the
20 estate in bankruptcy contexts. *In re Focus Media Inc.*, 387 F.3d 1077, 1080 (9th Cir. 2004).
21 Accordingly, the *In re Focus Media Inc.* court, expressly limited its holding to “equitable causes
22 of action [that] are pleaded in the bankruptcy context.” *In re Focus Media Inc.*, 387 F.3d at 1079.
23 In both cases, however, there were sufficient independent legal foundations that sustained the
24 District Courts’ equitable authority to freeze unencumbered assets, beyond merely the plaintiff
25 pleading equitable relief.

26
27 _____
28 ⁵ Plaintiffs do not cite *Johnson* for its analysis of *Grupo Mexicano*.

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1 Here, the circumstances involve neither a creditor seeking to avoid fraudulent
2 conveyances in a bankruptcy context, as in *In re Focus Media Inc.*, nor employees protected
3 under ERISA seeking the imposition of a constructive trust against a fiduciary, as in *Johnson*, nor
4 any analogous situation. The FTC bases the propriety of an injunction freezing the defendant’s
5 assets solely on its request for equitable relief under 15 U.S.C. § 57b. However, that statute does
6 not expand the equitable powers of District Courts to authorize pre-judgment asset freezes in
7 actions alleging violations of Section 19 of the FTCA, in contrast to statutes such as 29 U.S.C. §
8 1109(a), or 11 U.S.C. §§ 542, and 548, which provide a sufficient independent legal basis to the
9 District Courts’ authority to do so in specific ERISA and bankruptcy contexts, respectively.

10 In sum, the Court should follow *Grupo Mexicano* and reject the FTC’s request for the
11 extraordinary and unauthorized remedy of a pre-judgment asset freeze against the Individual
12 Defendants.

13 C. **Even if the Court Determines that the FTC Has Authority to Obtain a Pre-**
14 **Judgment Asset Freeze, the Asset Freeze is Overbroad and Unnecessary**

15 “A party seeking an asset freeze must show a likelihood of dissipation of the claimed
16 assets, or other inability to recover monetary damages, if relief is not granted.” *Johnson v.*
17 *Couturier*, 572 F.3d 1067, 1085 (9th Cir. 2009) (holding that a likelihood of dissipation, rather
18 than merely a possibility, is necessary to support an asset freeze). To obtain such relief here, the
19 FTC must demonstrate that the requested asset freeze is “necessary.” See *FTC v. Home Assure,*
20 *LLC*, No. 8;09-CV-547-T-23TBM, 2009 WL 1043956, at *2 (M.D. Fla. Apr. 16, 2009); *FTC v.*
21 *John Beck Amazing Profits, LLC*, No. 2:09-CV-4719-FMC-FFM, 2009 WL 7844076, at *15
22 (C.D. Cal. Nov. 17, 2009) (dissolving an asset freeze where there was no evidence that the
23 defendants “have ever previously attempted to intentionally dissipate, hide, or otherwise shelter
24 corporate or personal assets from an effort to collect a debt or judgment”); *c.f. FTC v. Noland,*
25 *CV-20-00047-PHX-DWL*, 2021 WL 4318466, * 1 (D. Ariz. Sept. 23, 2021) (explaining that the
26 court granted the FTC’s TRO and preliminary injunction, which included an asset freeze of the
27 individual defendants’ assets, “despite its extraordinary nature, in part because one of the
28

1 principals of [the entity defendants] . . . was the subject of a permanent injunction issued in 2002,
 2 as part of an earlier FTC enforcement action involving an alleged pyramid scheme, and the
 3 evidence suggested that [the individual defendant’s] challenged conduct in this case likely
 4 constituted a violation of the permanent injunction”). The Plaintiffs have not and cannot meet
 5 this burden.

6 Nothing in the Plaintiffs’ submissions evidences any intent by Defendants to shield,
 7 obscure, or transfer assets. The only purported “evidence” is a self-serving declaration from the
 8 FTC’s attorney asserting that unrelated defendants in other unrelated FTC actions have dissipated
 9 assets. *See* ECF No. 5 ¶¶ 19–20. Plaintiffs offer absolutely no evidence specific to the Individual
 10 Defendants in this case. To the contrary, the record demonstrates that the Individual Defendants
 11 have complied with the TRO and have cooperated with both the FTC and the Receiver. *See e.g.*,
 12 ECF No. 34 (Declaration of Receiver). Among other things, the Individual Defendants have
 13 promptly produced company and personal financial statements, bank records, a list of active
 14 litigation, laptops, business records, and full imaging of personal cell phones without dispute
 15 (including biometric access to those devices).

16 Nor have Plaintiffs shown that an asset freeze is necessary to preserve funds for consumer
 17 redress. *See FTC v. Bishop*, 425 F. App’x 796, 798 (11th Cir. 2011) (“The district court abused its
 18 discretion by imposing too broad of an asset freeze without making any reasonable approximation
 19 of Defendant-Appellant’s ill-gotten gains.”). At most, Plaintiffs establish that Defendants
 20 received millions of dollars in consumer revenue. There is nothing improper about a profitable
 21 business earning revenue or distributing proceeds to stakeholders. To the extent any asset freeze
 22 is imposed, it must be limited to amounts shown to be necessary for consumer redress.

23 Troublingly, Plaintiffs make no effort to link that revenue to the alleged misconduct or to
 24 separate alleged illicit revenue from actual earnings for services provided to paying customers. In
 25 other words, Plaintiffs completely fail to quantify the amount of alleged harm that they contend
 26 Defendants have caused, tie Defendants’ conduct to any harm, or quantify any harm.
 27 Nevertheless, Plaintiffs seek relief that would take all of the Defendants’ assets. This is not only
 28

1 objectively disproportional, but unsupported and unsupportable. For Defendants to seek relief
2 over all of Defendants' asset, the Court should require a correlating showing of alleged harm
3 caused by the alleged wrongful conduct. Here, there is no such showing.

4 **D. The Existing Asset Freeze Inappropriately Prevents the Payment of Ordinary**
5 **Expenses and Legal Fees**

6 Even if the Court determines that it has the authority to impose an asset freeze, and that
7 such a remedy is necessary, the Court must nonetheless modify the scope of the asset freeze to
8 permit the payment of ordinary and necessary expenses, including housing, insurance,
9 transportation, medical, groceries, and legal fees. The existing asset freeze in the TRO is overly
10 broad, as it enjoins the "spending... of any assets that are owned or controlled, directly or
11 indirectly, by any Defendant." TRO at 6 (emphasis added). This sweeping language
12 impermissibly prevents the Individual Defendants from meeting the most basic living expenses or
13 paying counsel to defend themselves in this action. Again, the FTC fails to show that freezing
14 Defendants' assets is necessary, because the FTC has failed to show that the amount of harm
15 requires redress from Defendants' assets.

16 At this stage, the Court should "consider the fact the wrongdoing has not yet been
17 proven." *F.T.C. v. Ideal Fin. Sols., Inc.*, No. 2:13-CV-00143-JAD-GW, 2014 WL 4541191, at *2
18 (D. Nev. Sept. 9, 2014) (granting in part motion to clarification and permitting individual
19 defendants to petition the receiver for release of funds).

20 While no asset freeze is appropriate given the absence of evidence suggesting a risk of
21 dissipation, any preliminary injunction entered must, at minimum, allow Defendants to continue
22 paying ordinary living expenses and legal fees related to this action. Such relief is routinely
23 granted in FTC litigation. *See, e.g., FTC v. Blackrock Services, Inc.*, Case No. 8:25-cv-00363-
24 HDV-ADS (C.D. Cal.); *FTC v. Simple Health Plans LLC*, Case No. 18-CV-62593 (S.D. Fla.);
25 *FTC v. Click Profit, LLC*, Case No. 1:25-cv-20973-DSL (S.D. Fla.); *FTC v. International*
26 *Markets Live, Inc.*, Case No. 2:25-cv-00760-CDS-NJK (D. Nev.).

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E. The Receivership Should Be Dissolved

Under federal law, Rule 66 of the Federal Rules of Civil Procedure governs the appointment of receivers. Although the rule provides no “precise formula for determining when a receiver may be appointed,” *Canada Life Assurance Co. v. LaPeter*, 563 F.3d 837, 844 (9th Cir. 2009), federal courts typically consider several factors, including:

- a) whether the party seeking the appointment has a valid claim;
- b) whether there is fraudulent conduct or the probability of fraudulent conduct, by the defendant;
- c) whether the property is in imminent danger of being lost, concealed, injured, diminished in value, or squandered;
- d) whether legal remedies are inadequate;
- e) whether the harm to plaintiff by denial of the appointment would outweigh injury to the party opposing appointment;
- f) the plaintiff’s probable success in the action and the possibility of irreparable injury to plaintiff’s interest in the property; and
- g) whether the plaintiff’s interests sought to be protected will in fact be well-served by receivership.

Canada Life, 563 F.3d at 844 (internal quotations and citations omitted).

Appointment of a receiver is an extraordinary remedy that “should be applied with caution.” *Id.* at 844. When a plaintiff has other adequate remedies and the appointment of a receiver would harm a defendant’s business, the Court should exercise its discretion to deny the appointment. *Hallenborg v. Cobre Grande Copper Co.*, 8 Ariz. 329, 335, 74 P. 1052, 1054 (1904) *aff’d*, 200 U.S. 239, 26 S. Ct. 236, 50 L. Ed. 458 (1906) (“[W]e cannot say that the court was not exercising a sound discretion in refusing to make such appointment . . . in view of the possible harm to the company that might result from a receivership, where the plaintiffs themselves had a complete and adequate remedy of which they might avail themselves without the interposition of a receiver[.]”); *see also Meyer Jewelry Co. v. Meyer Holdings, Inc.*, 906 F. Supp. 428, 434 (E.D. Mich. 1995) (finding receivership inappropriate where “[t]he deleterious effects of a receivership on the day to day operation of [the company] clearly show that a receivership would result in more harm than good in this case”).

As discussed above, the Plaintiffs have not met their high burden to show that preliminary relief is necessary, including a temporary receivership. The Plaintiffs have neither quantified

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1 damages nor shown that alternative remedies are inadequate. Without any calculation of
2 damages, the Court has no basis to determine whether a receivership is necessary or whether a
3 monetary judgment would be sufficient for consumer redress if the Plaintiffs were to prevail at
4 trial. With no evidence of damages, the Court should exercise its discretion to refuse the
5 receivership, particularly when the receivership will irreparably harm the Defendants’ business.

6 The Receiver has already stated that he does not intend to operate the businesses or
7 service existing customers. *See* ECF No. 34 ¶ 7 (“Nonetheless, I remain extremely sensitive to the
8 concerns of any customers who had engaged the Receivership Entities to perform tax preparation
9 services, and whose returns were not timely prepared or submitted. Accordingly, I have already
10 posted a recommendation to consult with alternative tax professionals on my receivership
11 website[.]”). This statement confirms that the appointed Receiver does not intend to manage or
12 preserve ongoing business operations, but instead will merely enforce the asset freeze and gather
13 information for the FTC’s investigation.

14 The Court should therefore question the necessity and purpose of maintaining this
15 receivership. If the Receiver is to remain in place, the Court should at minimum direct the
16 Receiver to continue operating the businesses, retain existing employees to complete and file
17 customer tax returns, and ensure that paying customers receive the services for which they
18 contracted.

19 **IV. CONCLUSION**

20 The Individual Defendants, in both their individual capacities and as members of the
21 corporate defendants, request the Court dissolve the TRO and deny further preliminary relief.
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Dated: October 23, 2025.

SNELL & WILMER L.L.P.

By: /s/ Blakeley E. Griffith

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Blakeley E. Griffith, Esq. (NV Bar #12386)
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and

Benjamin W. Reeves, Esq. (*pro hac vice
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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **OPPOSITION TO PLAINTIFFS’ EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND THE COURT’S ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE** by method indicated below:

- BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court’s Service List for the above-referenced case.
- BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

DATED this 23rd day of October 2025.

/s/ Michelle Shypkoski
An employee of SNELL & WILMER L.L.P.

Snell & Wilmer
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INDEX OF EXHIBITS

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2	Declaration of Pablo Penaloza in Support of Opposition to Plaintiffs' <i>Ex Parte</i> Motion for Temporary Restraining Order and the Court's Order to Show Cause Why A Preliminary Injunction Should Not Issue
3	Declaration of Chelsea Brown in Support of Opposition to Plaintiffs' <i>Ex Parte</i> Motion for Temporary Restraining Order and the Court's Order to Show Cause Why A Preliminary Injunction Should Not Issue
4	Declaration of Amy Nowak in Support of Opposition to Plaintiffs' <i>Ex Parte</i> Motion for Temporary Restraining Order and the Court's Order to Show Cause Why A Preliminary Injunction Should Not Issue
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8	Declaration of Michelle Nunez in Support of Opposition to Plaintiffs' <i>Ex Parte</i> Motion for Temporary Restraining Order and the Court's Order to Show Cause Why A Preliminary Injunction Should Not Issue
9	Declaration of Hunter Burnett in Support of Opposition to Plaintiffs' <i>Ex Parte</i> Motion for Temporary Restraining Order and the Court's Order to Show Cause Why A Preliminary Injunction Should Not Issue
10	Copies of Positive Reviews from Customers
11	Declaration of Karen Maciel in Support of Opposition to Plaintiffs' <i>Ex Parte</i> Motion for Temporary Restraining Order and the Court's Order to Show Cause Why A Preliminary Injunction Should Not Issue
12	Declaration of Stacy Loquaio in Support of Opposition to Plaintiffs' <i>Ex Parte</i>

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	Motion for Temporary Restraining Order and the Court’s Order to Show Cause Why A Preliminary Injunction Should Not Issue
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EXHIBIT 1

*Declaration of James Sharmat in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF JAMES
SHARMAT IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

23 I, James Sharmat, declare as follows:

24 1. I am over the age of 18 and am qualified to make this declaration. I make this
25 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
26 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
27 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
28 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are

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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I am an attorney that works at American Tax Service ("ATS").

4 3. My California State Bar number is 150888.

5 4. I have been specializing in tax resolution since 2000 (25 years).

6 5. I have worked at ATS since November of 2019. ATS has always had a staff of
7 Attorneys, EAs and CPAs to address clients' concerns with the IRS.

8 6. At the present time, there are 4 attorneys and 4 EAs at the company that I know
9 personally as being very well acquainted with tax resolution and the law and regulation involved
10 therein.

11 7. In general course of action, I have observed intake representatives, and their
12 representations have not been misleading. They do not guarantee results.

13 8. I have made it a policy of speaking directly to clients/taxpayers when they call me.

14 9. There are at least 20 case managers dedicated to keeping taxpayers informed and
15 acquiring documentation I need to properly represent them.

16 10. I believe I presently have at least 200 active cases at this time.

17 11. I know that without my continued representation, my clients will suffer irreparable
18 damage. To stop representing them at this time, when the IRS is in transition, is a grave disservice
19 to our, and your, clients.

20

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct.

23

24 Executed this 23rd day of October 2025, at Las Vegas, Nevada.

25

26 /s/ James Sharmat
James Sharmat

27

28

EXHIBIT 2

*Declaration of Pablo Penaloza in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF PABLO
PENALOZA IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

22 I, Pablo Penaloza, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I am the manager of the client onboarding and compliance department at American
4 Tax Service. I have been with the company for 4 years.

5 3. My department consists of 7 employees. Our responsibilities and duties are to
6 process every new client’s power of attorney forms. Additionally, we make compliance calls on
7 behalf of our clients to both federal and state agencies to discuss open issues related to their taxes.

8 4. We generate a tax analysis report for each client then send the case over for either
9 tax preparation or/and resolution.

10 5. We have conducted thousands of compliance calls and reports for our clients over
11 the years.

12 6. The recent shut down of the company has directly impacted thousands of individuals
13 as our ability to manage our clients’ tax resolution has been terminated.

14 7. The immediate impact of our closure has also disrupted any authorized
15 representation we had, stalled resolution cases and has compromised compliance efforts.

16
17 I declare under penalty of perjury under the laws of the United States that the foregoing is
18 true and correct.

19
20 Executed this 23rd day of October 2025, at Las Vegas, Nevada.

21
22 /s/ Pablo Penaloza
23 Pablo Penaloza
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27
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EXHIBIT 3

*Declaration of Chelsea Brown in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF CHELSEA
BROWN IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

22 I, Chelsea Brown, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I have served as the Client Bookkeeping Manager at ATS Tax Group for nearly
4 three years. In this role, I lead our Client Bookkeeping Department, which has grown under my
5 management to a team of three exceptional bookkeepers: Sharon Washington, Fatima Cabrera, and
6 Tiffany Cook.

7 3. Throughout my tenure, I have worked with hundreds of bookkeeping clients, many
8 of whom have been in significant financial distress due to substantial tax liabilities owed to the
9 IRS. I personally conduct in-depth consultations with each client to understand the circumstances
10 that led to their current situation. My goal is to assess each client's forensic and current bookkeeping
11 needs, develop a plan to obtain proper documentation of their expenses, and provide guidance that
12 supports the adoption of sound financial practices—ultimately helping them avoid similar issues in
13 the future.

14 4. Bookkeeping, by its nature, often evolves into a close and collaborative relationship
15 between bookkeeper and client. It requires ongoing dialogue to ensure that each transaction is
16 accurately understood and categorized. This continuous communication is essential to delivering
17 accurate, compliant, and effective bookkeeping services. Our bookkeepers dedicate anywhere from
18 a few weeks to a year or more working on a single client's financial records. The majority of our
19 clients are small business owners, with financial activity ranging from a single bank account to a
20 combination of up to 15 bank accounts and credit cards. Many of these clients have not filed a tax
21 return in five to ten years and are often overwhelmed by the complexity and magnitude of the steps
22 required to achieve compliance with the IRS. In these situations, our role extends beyond
23 bookkeeping. We often serve as both financial professionals and supportive coaches, encouraging
24 our clients to remain engaged in the process and helping them stay on track as they work toward
25 resolving their tax obligations. Due to the daunting nature of these tasks, it is common for us to
26 maintain ongoing communication, through calls, texts, and emails over the course of several
27 months, in order to re-engage clients and ensure the completion of their books. Our clients are
28 generally appreciative of the patience, empathy, and persistence we bring to the process. They

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1 frequently express gratitude for our understanding, as the burden of managing day-to-day life
2 alongside longstanding tax issues can be overwhelming. Given the time and effort invested in each
3 client’s journey, it is only natural that we develop strong and lasting professional relationships with
4 many of them.

5 5. The Client Bookkeeping Department is responsible for recording and organizing
6 clients' financial documents and generating accurate Profit and Loss Statements. These reports are
7 then submitted to the Tax Preparation Department to facilitate the completion of the client's tax
8 return. Clients typically provide physical receipts and bank statements for categorization. When
9 applicable, we also utilize QuickBooks software to maintain and organize their financial records.

10 6. It is not uncommon for the Resolution Department to request our involvement in
11 consulting with clients who have been assigned a Resolution Officer and are facing a deadline to
12 submit all required financial documentation. Occasionally, clients attempt to prepare a professional
13 Profit and Loss Statement on their own, without professional support. In such cases, I have often
14 assisted these clients on a pro bono basis, reviewing their documentation and revising their financial
15 reports to ensure they meet industry standards and are acceptable for submission to the IRS.

16 7. The Bookkeeping Department is dedicated to helping our clients complete their
17 forensic bookkeeping and develop sustainable financial recording habits to ensure long-term
18 compliance. We genuinely care about our clients, not only as individuals, but also as small business
19 owners who have taken the initiative to confront and resolve their IRS debt. We work diligently to
20 produce accurate Profit and Loss Statements as efficiently as possible. During tax season, and
21 throughout the extended filing period, we often work evenings and weekends to ensure our clients'
22 Profit and Loss Statements are submitted to the Tax Preparation Department in a timely manner,
23 allowing their tax returns to be filed by the appropriate deadlines.

24 8. The missed workdays over the past week have had a significant impact on many of
25 our clients. We were operating at an accelerated pace to complete and submit all outstanding
26 bookkeeping to the Tax Preparation Department in advance of the October 15th filing deadline. It
27 is deeply disappointing - for both our team and our clients - that, despite our efforts, this work could
28 not be received in time for their returns to be filed with the IRS.

EXHIBIT 4

*Declaration of Amy Nowak in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF AMY NOWAK
IN SUPPORT OF OPPOSITION TO
PLAINTIFFS' *EX PARTE* MOTION
FOR TEMPORARY RESTRAINING
ORDER AND THE COURT'S ORDER
TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

23 I, Amy Nowak, declare as follows:

24 1. I am over the age of 18 and am qualified to make this declaration. I make this
25 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
26 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
27 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
28 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are

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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I am a senior tax attorney and currently work full-time for American Tax
4 Service. My daily job involves managing client deadlines, training case managers,
5 updating the company's clients about their cases, reviewing client financial statements, and
6 calls with the Internal Revenue Service ("IRS") and state taxing authorities to resolve the
7 client's outstanding tax balances. I often work under very tight deadlines set by the taxing
8 authorities. It is imperative that I be able to meet these deadlines; otherwise, the company's
9 clients might be at risk of levy and/or lien by the IRS and/or the state.

10 3. When the federal agents showed up at our offices on Friday, October 10th, I was
11 in the middle of call with the IRS trying to get a client's wage levy released. I also needed to
12 call the IRS for another client to get their bank levy released before the holiday weekend.
13 Unfortunately, I was unable to make the second phone call to the IRS due to the imposition of
14 the temporary restraining order (the "TRO"). The TRO has already negatively impacted at least
15 two of our clients and I would like to avoid it affecting any others.

16 4. Closing down our company during the busy tax season will certainly cause
17 irreparable financial harm to the company's current clients and to the company itself. If we are
18 unable to do our jobs, there could be missed IRS Revenue Officer deadlines, missed IRS
19 Appeals Hearings, missed tax return filing deadlines, and missed collection deadlines; thereby
20 resulting in additional accrued penalties/interest with possible levies or tax liens. Missed
21 deadlines could also put the licenses of the company's professionals (Attorneys, CPA's, and
22 Enrolled Agents) in jeopardy. It is imperative that the company be able to continue its work of
23 diligently representing clients before the taxing authorities. Therefore, we kindly request that
24 you lift the temporary restraining order to allow us to continue representing our clients.

25 5. Finally, under the current company payroll schedule, the employees were supposed
26 to be paid on October 15, 2025. However, we have not received our October 15th paychecks due
27 to the TRO. This TRO is causing additional financial harm to the company employees, who are
28 already struggling to pay their bills in the current economy.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of October 2025, at New Orleans, Louisiana.

/s/ Amy Nowak
Amy Nowak

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EXHIBIT 5

*Declaration of Elizabeth Sheldon in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF ELIZABETH
SHELDON IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

22 I, Elizabeth Sheldon, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I am an employee of American Tax Solutions (ATS) and a licensed attorney since
4 1993. I began my employment with ATS in June of 2021. During my time there, I have been
5 assigned tax controversy cases, as is my practice area, and have represented numerous taxpayers,
6 both business and individual.

7 3. Among the responsibilities as a licensed tax professional, I represented clients of
8 ATS with the federal taxing authority, Internal Revenue Service, and with various state taxing
9 authorities. The majority of my assigned cases have outstanding tax debt and are seeking
10 professional help in resolving these issues. In the course of my representations, I am almost
11 always given deadlines by the taxing authorities to supply various documents and information
12 to resolve these issues. These may include tax returns, financial documents, or payments, among
13 other things. The repercussions of missing these deadlines generally means the client/taxpayer
14 is subject to aggressive collection actions that may include levies against income sources,
15 including social security, levies against bank accounts, effectively leaving the client unable to
16 meet their required living expenses, and potential seizure of assets and issuances of tax liens
17 against the taxpayer.

18 4. As of this writing, I have been unable to do my job or access any information
19 that would allow me to move forward with resolving issues or meeting deadlines. As a result,
20 should the taxing authority/authorities not receive my submissions timely, a number of the
21 taxpayers assigned to me may be facing irreparable damages by not being able to pay rent,
22 purchase food, or care for their children or elder parents or even themselves.

23 5. At this time, with no access to my work computer, client information, or
24 submission documents and information, I am not able to service these clients leaving them
25 vulnerable. Most, if not all my current assigned cases have deadlines that must be met in order
26 to avoid these drastic consequences. I became an attorney to help people and right now I am
27 quite concerned about the wellbeing of those taxpayers, many of whom I've been in direct
28 contact with, as I have no way of telling them what needs to be done or to contact the taxing

1 authorities on their behalf. If not me, someone needs to work these cases and continue the
2 meaningful representation that I offer, or they will be victimized by lack of knowledge on their
3 current situation or ability to save off these collection actions.

4
5 I declare under penalty of perjury under the laws of the United States that the foregoing is
6 true and correct.

7 Executed this 23rd day of October 2025, at Las Vegas, Nevada.

8
9
10 /s/ Elizabeth Sheldon

11 Elizabeth Sheldon

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EXHIBIT 6

*Declaration of Greg Paragh in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF GREG PARAGH
IN SUPPORT OF OPPOSITION TO
PLAINTIFFS' EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER AND THE COURT'S ORDER
TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

23 I, Greg Paragh, declare as follows:

24 1. I am over the age of 18 and am qualified to make this declaration. I make this
25 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
26 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
27 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
28 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are

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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I started working at American Tax Service (“ATS”) in 2018. I started working in
4 the IT department. Following that I was promoted to the marketing department. Through my
5 capacity in the marketing department, I was exposed to all aspects of the business including sales
6 and marketing verticals as well as the workings of the resolution and tax preparation departments.
7 I was promoted to the head of Marketing in 2020. I was promoted to Vice President of Operations
8 in 2023.

9 3. I worked on the mailers and other marketing verticals, such as google ads and social
10 media. In 2019, the Treasury Inspector General for Tax Administration (“TIGTA”) came to the
11 office and gave us guidelines on what we could do with mailers and what we couldn’t do. For
12 example, we were told we could not use the words IRS anywhere in our mailers, nor could we use
13 any symbolism that the IRS, Federal government, or state governments use such as eagles, birds,
14 olive trees, seals, or anything resembling these things. Therefore, we modeled all of our mailers off
15 of what we were advised by Treasury officials. The mailers are printed and mailed over the years
16 by various third-party mail houses.

17 4. In addition to that, I was also responsible for managing other multi-million-dollar
18 marketing campaigns, such as TV, radio, podcasts, and google ads.

19 5. While I was marketing director, I observed the company build up its resolution and
20 tax prep departments with many employees, managers, and consultants.

21 6. In 2023 I was promoted to Vice President of Operations. My responsibilities include
22 directing and managing the operations of the company, including customer service, onboarding,
23 tax preparation, the legal department, case management, sales, and marketing. During that time, I
24 worked collaboratively with other tax professionals in developing extensive policies and
25 procedures for all the departments and handbooks and training materials for all departments.

26 7. Training was of utmost importance to all departments, and in my capacity as Vice
27 President of Operations I conducted, with other tax professionals, numerous training classes for all
28

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1 departments of our employees, making sure they were all more than competent to complete their
2 respective jobs.

3 8. I have personal knowledge that within our company's records are historic
4 documents substantiating the above and current materials and documents showing the amount of
5 training our employees receive, in contrast to the complaint. This includes extensive emails with
6 the managers and department heads about departmental efficiencies, proposed changes, and
7 improvements to the resolution process, to better serve our clients.

8 9. As a company policy, the company routinely paid for continuing education for all
9 of our employees, including enrolled IRS agent training/certification, MBA and other higher
10 education, and even advanced post graduate law degrees for our tax professionals (LLM).

11 10. The company was committed to having high employee retention rate because of the
12 amount of training and expertise involved in each of the positions. How the company was able to
13 do this was by offering very competitive benefits packages, including paying for 100% of
14 healthcare and above market salaries. Because of this, the company enjoyed extremely low
15 turnover.

16 11. On numerous occasions, we had extensive trainings from our tax attorneys and
17 enrolled agents to our staff to perform to our high standards of excellence. In addition, there was
18 extensive daily contact and interaction between our resolution staff and the attorneys, CPAs, EAs,
19 and other tax professionals.

20 12. I have personal knowledge that David Boyd, JD LLM, and other licensed attorneys
21 engaged in multi-hour one on one training sessions with many employees.

22 13. I was actively involved with recruitment on a daily basis with HR in the continual
23 hiring of new talented tax preparers, case managers and other professionals to constantly keep our
24 workforce excellent.

25 14. In collaboration with other tax professionals, I established a tier system to most
26 effectively manage and complete our cases. The tier system is a case assignment structure the
27 company has been developing to categorize matters based on the nature of the tax issue, case
28 complexity, and the client's payment arrangement. The intent is to ensure each case is appropriately

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1 matched with a case manager and caseworker who have the specific expertise needed for that type
2 of resolution, allowing for more efficient and effective handling. A critical component of
3 implementing this system is additional staffing. To support the projected case volume and to ensure
4 smoother case flow under the tiered model, we've planned to hire 20 additional caseworkers.
5 Recruitment efforts were underway, and job postings for these positions have already been
6 published.

7 15. During my tenure there were thousands of clients that became dormant due to lack
8 of cooperation or communication despite our best efforts. In order to address this dormant client
9 problem, with assistance from our attorneys, we developed a system; a sequence of letters, 30 day,
10 60 day, and 90 day, giving clients adequate notice prior to case closure

11 16. I oversaw a firm company policy to answer every customer service call and this was
12 strictly enforced. If a client called our company, their call was answered, or called back shortly
13 thereafter. An early complaint of our company was unanswered calls, and by my tenure our
14 company had a strict no missed call company policy. In addition, every client received a welcome
15 call to discuss their case, and to introduce the team to the client. The employees are directed not to
16 make any monetary promises regarding the potential client's tax debt and to consult with
17 management before onboarding the potential client.

18 17. Our client onboarding process was 1. ONB (POA processing, Compliance calls,
19 THS reports). 2. Welcome call within 48 hours. 3. Case assignment to either tax prep or resolution.
20 and 4. Assignment of Case Manager.

21 18. As of last week, we had 19 case managers and 10 Tax Prep workers. We have
22 always, since the inception of the company, had a CPA overseeing the tax prep department, up to
23 and including the present day. Our tax prep professionals included licensed and credentialed tax
24 preparers. During my tenure, thousands upon thousands of tax returns were prepared. I cannot give
25 an accurate number without access to our data. In total, there were approximately 113 employees
26 before the shutdown.

27 19. Refund requests and client satisfaction were taken very seriously, and we had four
28 full-time staff members in the client retention department. To the best of my knowledge, we had

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1 roughly \$2 million dollars in tax refunds given to our clients this year, despite what the complaint
2 alleges. Since the beginning of the company, I would estimate that we have saved clients \$10 to
3 \$30 million dollars and that we have served approximately 15,000 customers. Clients were
4 generally pleased with the services from ATS.

5 20. We have stopped our relationship with any consumer loan companies, as we had
6 decided they were not in our or our clients' best interests. When we used them, they accounted for
7 less than 5% of our revenue, and their trouble was not worth their small, if any, benefit.

8 21. If any employee was ever suspected of lying to our clients they were terminated.

9 22. Client information was highly segmented and protected. Sales personnel were
10 limited to their cases only, and did not have access to other cases.

11 23. Under no circumstances were origination sales representatives allowed to sell
12 additional services to our clients.

13 24. As a matter of policy, I strictly enforced the sales script, and, in a number cases,
14 sales representatives were fired for not adhering to the sales script.

15 25. If I had access to our records, I could definitively and unequivocally substantiate
16 everything above.

17
18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct.

20
21 Executed this 23rd day of October 2025, at Las Vegas, Nevada.

22
23 /s/ Greg Paragh
24 Greg Paragh

EXHIBIT 7

*Declaration of Rodrigo De Moraes in Support
of Opposition to Plaintiffs' Ex Parte Motion
for Temporary Restraining Order and the
Court's Order to Show Cause Why A
Preliminary Injunction Should Not Issue*

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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF RODRIGO DE
MORAES IN SUPPORT OF
OPPOSITION TO PLAINTIFFS’ *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT’S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

23 I, Rodrigo De Moraes, declare as follows:

24 1. I am over the age of 18 and am qualified to make this declaration. I make this
25 declaration in support of the Opposition to Plaintiffs’ *Ex Parte* Motion for Temporary Restraining
26 Order and the Court’s *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
27 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
28 Injunction Should Not Issue (“Opposition”). Except where indicated, the facts stated herein are

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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I am both the CFO and Director of Tax Preparation at American Tax Service, Inc.
4 In addition, I had significant heavy involvement with client service-related issues. I have over ten
5 years' experience in tax preparation and senior business management at Jackson Hewitt and VITA.
6 I specialize in compliance, regulations, and client satisfaction and retention.

7 3. I have significant professional experience in the preparation and oversight of 1040s,
8 1120s, 1120-Ss, 940s, 941s, as well as both State and Local Tax Returns, both personal and
9 business.

10 4. I estimate I have completed and reviewed approximately 2,100 tax returns during
11 my most recent career.

12 5. I have obtained three Associates of Arts Degrees from the LACCD, including
13 accounting, management and real estate. In addition, I successfully graduated with honors from
14 CSUN with a BA in Management. Lastly, I hold an MBA degree from the University of La Verne.

15 6. I began working for ATS on May 5, 2025.

16 7. In my capacity as CFO, I have developed and/or hired professional and experienced
17 accounting staff, and established written policies, procedures, and internal controls for the entire
18 accounting department of ATS. My accounting staff and I have sole and exclusive access to our
19 books and records including but not limited to QuickBooks.

20 8. In my dual capacity as Director of the Tax Preparation Department, I managed and
21 directed 1 CPA, as well as 5 Tax Preparers and 5 Tax Prep Case Workers.

22 9. In addition to the foregoing, myself and my staff had heavy and significant direct
23 daily involvement with clients and other professionals in the resolution and retention departments
24 of ATS, which consisted of approximately 75 non-sales client services employees.

25 10. I can attest that at least two thirds of our workforce are in no way related to sales.

26 11. I reviewed many of the tax returns drafted by the tax prep department before sending
27 them to the clients/ submitting to the IRS. I also reviewed client returns from other firms and found
28 ways to correct them and to significantly reduce our client's tax liabilities.

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1 12. As a tax professional and an accountant, I was actively involved in racing to
2 complete our clients' several hundred tax returns due on the October 15, 2025 deadline. In fact,
3 when the investigators shut the business down and demanded us to walk away from our clients, I
4 was actively working on client tax returns in order to meet deadlines.

5 13. I am very concerned about the repercussions to our clients from the IRS and state
6 governments in unnecessary penalties and fines for being prevented by the plaintiff in completing
7 these clients' tax returns on time. These clients hired us and are relying upon us to complete these
8 returns by the deadline. In some cases, we have worked for the last several months collecting data
9 and information from the clients to accurately prepare these returns. Preventing us from completing
10 these returns will cause these clients and ATS irreparable harm.

11 14. I am absolutely certain that if I had access to our emails and files, I could definitively
12 prove that our company is actively working on completing tax returns for several hundred of our
13 clients due October 15, 2025.

14 15. Since I have been employed by ATS, we have submitted an average of 300 tax
15 returns every month. This is a service that is always required by our clients in our efforts to make
16 them compliant with Federal and State authorities.

17 16. In addition, many clients' resolution with the state and Federal authorities hinges on
18 preparation and completion of correct tax returns, this freeze in business operations will negatively
19 affect potential client resolution results and cause a negative backlog of workload, further
20 snowballing adverse results to clients, attorneys, the IRS, and everyone else involved.

21 17. I have a direct knowledge of all consumer loan activity we have offered to our
22 clients. Based upon my best knowledge, both during my tenure and before my time at ATS, no
23 more than 5% of our gross revenues are based on consumer loans, and less than 1% of our clients
24 receive a consumer loan.

25 18. In our entire history we have worked with three lending companies. Two of these
26 were dopped over a year ago, and the third was dropped prior to October 1. Upon my
27 recommendation to senior management, we made the decision to stop all consumer loan activities
28

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due to their excessive cost to both the client and the company. Therefore, by the date of this seizure, we have zero active consumer lending partner affiliations.

19. In the best of my knowledge and belief, we have never paid clients’ tax obligations nor collected payments for that purpose.

20. As a matter of policy, our company was extremely receptive to client refund requests. Part of my responsibility was to ensure that clients received refunds they were entitled to. When a client asked for a refund, we analyzed the contract they signed outlining the scope of services, and the work we performed, and made a determination as to the unused portion of collected fees and where appropriate, gave refunds. We also gave clients discounts in many situations. In addition, I am aware of many other refund requests that were effectively addressed and resolved by the client retention department.

21. I was responsible for internal audits on client account receivables and making sure signed service agreements for incoming and existing clients were properly in place.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of October 2025, at Las Vegas, Nevada.

/s/ Rodrigo De Moraes
Rodrigo De Moraes

EXHIBIT 8

*Declaration of Michelle Nunez in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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2 Blakeley E. Griffith, Esq. (NV Bar #12386)
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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF MICHELLE
NUNEZ IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

22 I, Michelle Nunez, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
28

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Las Vegas, Nevada 89135-1865
702.784.5200

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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I began working with American Tax Service at the beginning of 2023.

4 3. I started as a Tax Prep Caseworker and advanced to Senior Tax Prep Supervisor.

5 4. My team and I help clients get back into compliance and ensure their tax returns
6 are filed accurately.

7 5. On a daily basis, our team contacts clients, follows up to collect necessary
8 documentation, ensures due diligence, and assists them in properly filing their returns.

9 6. The team also contacts IRS for Wage and Income transcripts to ensure accuracy
10 on income.

11 7. Many of our clients come to us with multiple years of unfiled taxes and significant
12 stress, and our guidance makes a meaningful difference in helping them regain peace of mind
13 and compliance with the IRS and state agencies.

14 8. Back in January, the team filed extensions for all of our clients from the previous
15 year. I want to say around 3,500 to 4,000 1040 extensions were filed.

16 9. The tax prep team has 3 caseworkers, and each of them handled about 350-400
17 tasks. Some were just for 2024, but most were multiple years returns needed (2019-2024).

18 10. For the tax preparers (6), the number of cases varied, with some having 60-100
19 tasks. Again, some clients only for 2024 to other clients needing more than one year filed to be in
20 compliance for us to work on their resolution.

21 11. By what I remember from the last time I checked, the team had filed around 1200+
22 returns since January. The plan was to file a lot more before the deadline on Oct 15.

23 12. I do have a few Excel sheets in my work computer that I created that helped me
24 keep track on KPI's and team's workload based off number of TASKS on logics (each task can
25 have 1-6 years of tax returns needed.) 1 excel was number of tasks caseworkers had & one of
26 them had how many returns the preparers were filing.

27 13. These excel sheets were based off numbers on Logics, Drake Software & IRS Ptin
28 Website.

1 14. This is an approximate number based on my memory. The best way to get an
2 accurate number would be through drake, logics & adobe. (Adobe for pending tax returns that
3 were sent out for signatures).

4 15. Unfortunately, our office was shut down just five days before the 2024 tax
5 deadline, which has severely impacted our clients.

6 16. Many were expecting us to file their returns before October 15, and our team
7 had already planned to work through the weekend to ensure this.

8 17. The longer we remain closed, the more penalties and interest our clients will
9 face-something we have always strived to help them avoid.

10 18. For these reasons, I respectfully request that American Tax Service be allowed
11 to reopen as soon as possible. Doing so will allow our Tax Prep team to continue serving our
12 clients and helping them remain in compliance.

13
14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct.

16 Executed this 23rd day of October 2025, at Las Vegas, Nevada.

17
18
19 /s/ Michelle Nunez
Michelle Nunez

Snell & Wilmer

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EXHIBIT 9

*Declaration of Hunter Burnett in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

1 Bradley T. Austin, Esq. (NV Bar #13064)
2 Blakeley E. Griffith, Esq. (NV Bar #12386)
3 SNELL & WILMER L.L.P.
4 1700 South Pavilion Center Drive, Suite 700
5 Las Vegas, Nevada 89135
6 Telephone: 702.784.5200
7 Facsimile: 702.784.5252
8 baustin@swlaw.com
9 bgriffith@swlaw.com

7 Benjamin W. Reeves, Esq. (*pro hac vice pending*)
8 SNELL & WILMER L.L.P.
9 1 East Washington St., Suite 2700
10 Phoenix, AZ 85004
11 Telephone: 602-382-6000
12 breeves@swlaw.com

11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF HUNTER
BURNETT IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

22 I, Hunter Burnett, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I am one of the three team leads for the LA office with American Tax Service.

4 3. I have been with the company about four years. I started at the very bottom and
5 worked my way up to a team lead position with my colleagues Lenox Myette and William Haskell.

6 4. The three of us report directly to the founders of American Tax Service, Terry Selb
7 and Tyler Bennett.

8 5. From my first day of employment up until this current time there has always been a
9 very strict policy to follow company policies. I have seen employees terminated by not sticking to
10 that simple rule.

11 6. The purpose of my statement is to reinforce who we are and what we do and the
12 standards of ethical transparency to which we are committed.

13 7. The three of us (team leads) oversee daily operations for the LA office which
14 include:

- 15 • training
- 16 • monitoring calls
- 17 • analyzing cases
- 18 • reporting issues to the founders or Human Resources
- 19 • general communication from the Las Vegas headquarters to the Los Angeles sales floor
- 20 • running a safe and professional work environment

21 8. Any new hire starts at our training desk for a minimum of a month using various
22 scripts and our guidance. Once they are ready, they go onto the sales floor and are constantly
23 monitored to ensure they adhere to company policies.

24 9. It is our job to share company policies with all settlement officers and make sure
25 they understand that, for any prospective client they speak to, they are required to say that we are
26 not the IRS/State or any government entity within the first 30 seconds - that has always been a clear
27 cut policy set forth by the owners.

28 10. We have never had an employee in the LA office state that we are a government
entity and if we did, that would lead to termination of that employee.

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1 11. All sales representatives, including the three team leads thoroughly explain who we
2 are (Private firm of Tax Attorney's, CPA's and IRS Enrolled Agents) what we do (Protection,
3 Compliance, Resolution) to each and every caller that calls in - no exceptions, no shortcuts.

4 12. For those that are interested in seeking assistance, we go through a rigorous
5 consultation analyzing each and every aspect of the potential client's tax problem to see what we
6 can or cannot offer. There is no shortcut with the consultation, an average call is about 45 minutes
7 to 1 hour long. Some clients simply have late tax filings, some owe back taxes, some need
8 transcripts, and some need an entity structured - every call is different.

9 13. Not all clients are fully aware of their tax problem and how severe the issue really
10 is. Some are also not fully honest and expect us to work magic.

11 14. We help people from all walks of life that have a tax issue for different reasons.

12 15. In some cases, we call the IRS directly with the client on the line to get a live
13 compliance check at no cost.

14 16. We are realistic and upfront with these taxpayers about what we can and cannot
15 achieve and seek to manage their expectations so that they are happy, while still fixing their
16 problems.

17 17. In terms of fees, they can drastically vary depending on the type of tax problem,
18 however most fees are fixed. For example, a simple W-2 filing is \$350. The majority of our clients
19 are in financial distress and cannot pay in full, so we create an in-house payment scheduler, even if
20 that means \$100 a month to cover the balance.

21 18. Once documents are signed and payment is made, the back office team gets assigned
22 to the case.

23 19. We handle each case with integrity and care to ultimately resolve their tax problem.

24 20. I want to conclude my statement with this: I believe this temporary restriction is
25 completely unwarranted, unnecessary and disturbingly frivolous. For many of our clients, their tax
26 issues are just the tip of the iceberg of financial mayhem and a life spiraling out of control. The
27 founders have created an amazing and professional operation that empowers people to regain
28

1 control of their finances, relieve themselves of debt and become compliant in accordance with US
2 Tax law.

3

4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct.

6 Executed this 23rd day of October 2025, at Los Angeles, California.

7

8

/s/ Hunter Burnett

Hunter Burnett

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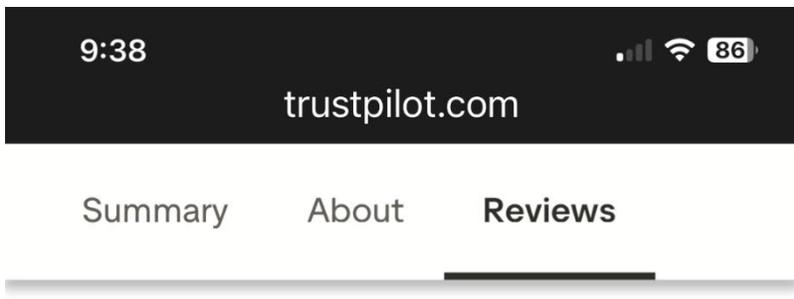
27

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EXHIBIT 10

Copies of Positive Reviews from Customers



Eden

Aug 9, 2024

US • 1 review



✓ Verified

I cannot express my gratitude enough to...

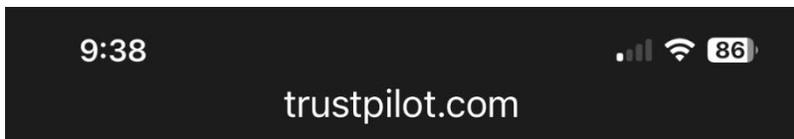
I cannot express my gratitude enough to ATS for the incredible work they did to resolve my tax issues. Their team is professional, knowledgeable, and always available to answers any questions or concerns. If you're looking for help with back taxes ATS is the way to go.

August 7, 2024

Useful
 Share

[Previous](#)
 [Next page](#)

The Trustpilot Experience



Summary About **Reviews**



Zerbino
US • 1 review

Aug 9, 2024



✓ Verified

ATS is truly a game-changer when it...

ATS is truly a game-changer when it comes to tax help. They were able to resolve my back taxes and lien in a timely and efficient manner, and their communication was excellent throughout the entire process. I highly recommend them to anyone in need of tax assistance.

July 29, 2024

👍 Useful 🔗 Share 🚩

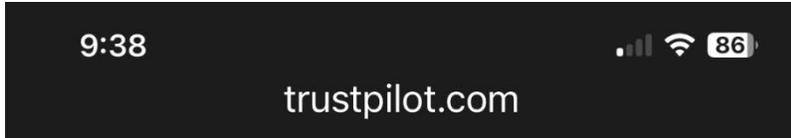


Eden
US • 1 review

Aug 9, 2024



✓ Verified



Summary About **Reviews**



Jones
US • 1 review

Sep 5, 2024



✓ Verified

American Tax Service turned a

American Tax Service turned a potentially disastrous situation into a manageable one. They resolved our tax issues quickly and professionally, allowing us to refocus on our business. Their service is worth every penny.

August 21, 2024

👍 Useful 🔗 Share 🚩



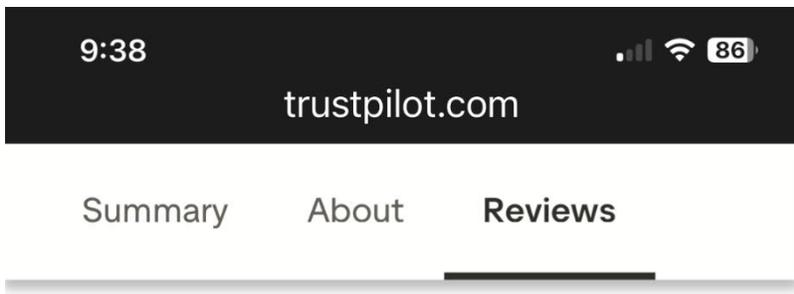
Zerbino
US • 1 review

Aug 9, 2024



✓ Verified

ATS is truly a game-changer when it...



Mauricio Osinski Sep 29, 2024
US • 1 review



✓ Verified

American Tax Service made an...

American Tax Service made an overwhelming situation manageable. They were with me every step of the way, explaining the process and making sure I felt comfortable. They reduce my debt significantly, and I couldn't be more pleased. A big thank you to their amazing team.

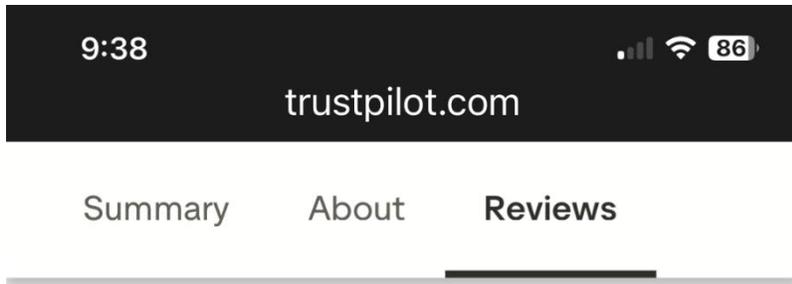
September 23, 2024

👍 Useful 🔗 Share 🚩



Jones Sep 5, 2024
US • 1 review





Margarett Franecki Sep 29, 2024
US • 1 review



✓ Verified

Excellent Tax Resolution Experts.

I had a complex tax issue, and I was nervous about resolving it. American Tax Service made everything so much easier. They were professional, timely, and managed to negotiate a fantastic settlement with the IRS. I highly recommend them for anyone who needs tax relief.

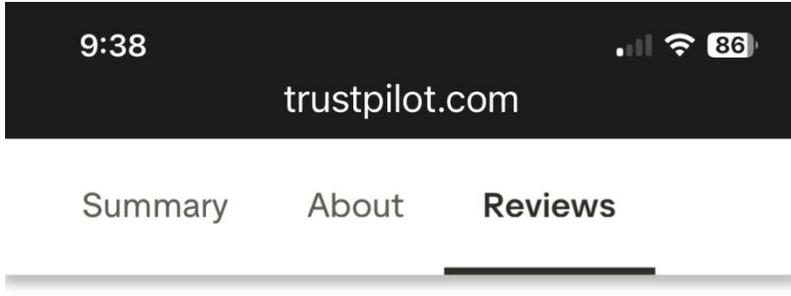
September 11, 2024

👍 Useful 🔗 Share 🚩



Mauricio Osinski Sep 29, 2024
US • 1 review





Maybell Leuschke Sep 29, 2024
US • 1 review



✓ Verified

Efficient and Stress-Free"

I've never felt so supported by a company before. American Tax Service handled everything with professionalism and care. They kept me informed throughout the process, and the outcome was better than I could have imagined. I'm so glade I reached out to them!

September 24, 2024

👍 Useful 🔗 Share 🚩



Margarett Franecki Sep 29, 2024
US • 1 review



9:38 📶 86

trustpilot.com

Summary About **Reviews**



LH
Lenora Howell
US • 1 review

Updated Sep 30,
2024



✓ Verified

Highly Recommend.

After dealing with tax issues for years, American Tax Service helped me finally resolve everything. They were incredibly knowledgeable and worked quickly to get my case sorted. I wish I had found them sooner! They saved me thousands of dollars.

August 28, 2024

👍 Useful 🔗 Share 🚩

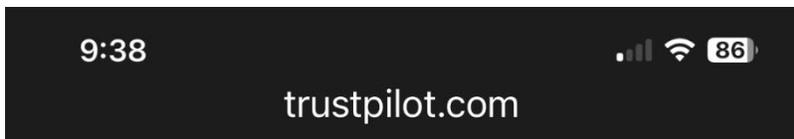


ML
Maybell Leuschke
US • 1 review

Sep 29, 2024



✓ Verified



Summary About **Reviews**



aGUSTIN
US • 1 review

Oct 16, 2024



✓ Verified

I was embarrassed about my tax...

I was embarrassed about my tax situation, but this team never made me feel judged. They were so compassionate and professional. Now, my personal taxes are in order, and I have peace of mind again!

October 3, 2024

👍 Useful 🔗 Share 🚩



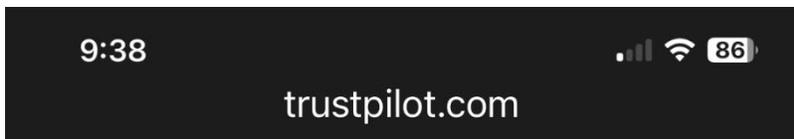
Lenora Howell
US • 1 review

Updated Sep 30, 2024



✓ Verified

Highly Recommend



Summary About **Reviews**



Giovanni N.
US • 6 reviews

Feb 8, 2025



✓ Verified

They helped me reduce my \$30,000 tax

They helped me reduce my \$30,000 tax debt to just \$3,000! I never thought that was possible.

January 6, 2025

👍 Useful 🔗 Share 🚩



Reply from American Tax Service
Mar 21, 2025

American Tax Service appreciates you!!

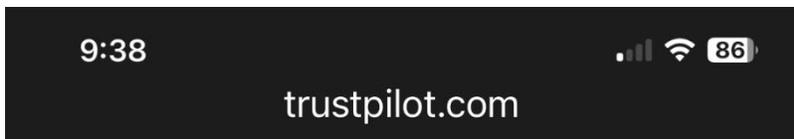


aGUSTIN
US • 1 review

Oct 16, 2024



✓ Verified



Summary About **Reviews**



Kyle Foster
US • 4 reviews

Feb 16, 2025



✓ Verified

They negotiated with the IRS and

They negotiated with the IRS and reduced my penalties by over \$15,000! I didn't even know that was possible until they explained my options and handled everything for me.

January 4, 2025

👍 Useful 🔗 Share 🚩



Reply from American Tax Service
Mar 21, 2025

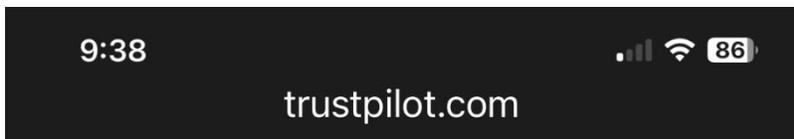
American Tax Service appreciates you!!



Giovanni N.
US • 6 reviews

Feb 8, 2025





Summary About **Reviews**



Simon Whitaker Feb 17, 2025
US · 3 reviews



✓ Verified

My tax lien was blocking my ability to

My tax lien was blocking my ability to refinance my home, and I was running out of options. Thanks to their expertise, the lien was lifted, and I was able to move forward with my financial plans.

December 7, 2024

👍 Useful 🔗 Share 🚩

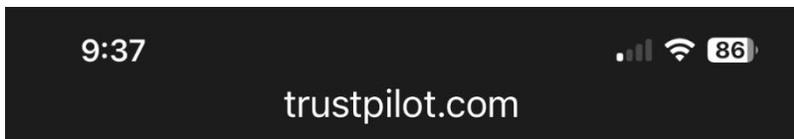


ATS Reply from American Tax Service
Mar 21, 2025

American Tax Service appreciates you!!



Kyle Foster Feb 16, 2025
US · 4 reviews



Summary About **Reviews**



Darius Beckford Feb 26, 2025
US • 4 reviews



✓ Verified

They refunded part of my money when

They refunded part of my money when they couldn't reduce my debt as much as I had hoped. That kind of honesty is rare!

February 3, 2025

👍 Useful 🔗 Share 🚩

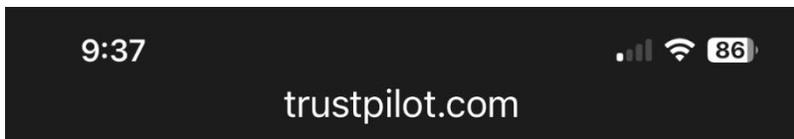
 **Reply from American Tax Service**
Mar 21, 2025

Thank You so much!!



Simon Whitaker Feb 17, 2025
US • 3 reviews





Summary About **Reviews**



Olive Dunne
US • 2 reviews

Feb 26, 2025



✓ Verified

I trusted them with my financial

I trusted them with my financial future, and they didn't let me down. Thanks to them, I'm in a much better position today.

February 5, 2025

👍 Useful 🔗 Share 🚩



ATS Reply from American Tax Service
Mar 21, 2025

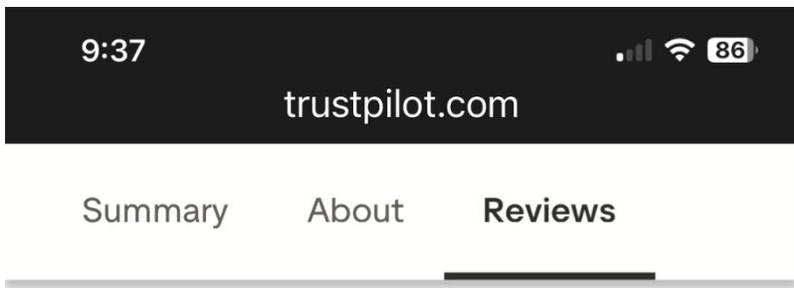
Thank You so much, we aim to please!!



Darius Beckford
US • 4 reviews

Feb 26, 2025





Anne S.
US · 2 reviews

Feb 27, 2025



✓ Verified

From start to finish

From start to finish, they were reliable, and professional. I would recommend them to anyone struggling with tax debt.

December 6, 2024

👍 Useful 1 🔗 Share 🚩



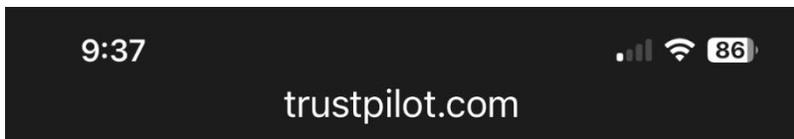
Reply from American Tax Service
Mar 21, 2025

"Reliable and Professional", words we can get behind!!! Thank You!!



Olive Dunne
US · 2 reviews

Feb 26, 2025



Summary About **Reviews**



Christopher Beck Jul 19, 2025
US · 1 review



Retired and on a fixed income

Retired and on a fixed income, I needed someone I could trust. ATS delivered.

July 12, 2025

Unprompted review

Useful Share



Reply from American Tax Service

Jul 21, 2025

ATS and Trust. Two words that go together!!

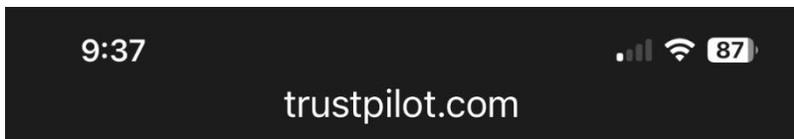


John Q. Customer Mar 21, 2025
US · 3 reviews



Lee Evans saved me from drowning.

The fact that i was left high and dry by my accountant and didn't know where



Summary About **Reviews**



Richard Ostby
US · 1 review

Jul 19, 2025



With a side hustle and a W-2 job

With a side hustle and a W-2 job, my taxes were complicated. Not for ATS they nailed it!!

July 12, 2025

Unprompted review

Useful Share



Reply from American Tax Service
Jul 21, 2025

Thank you so much for your kind words!



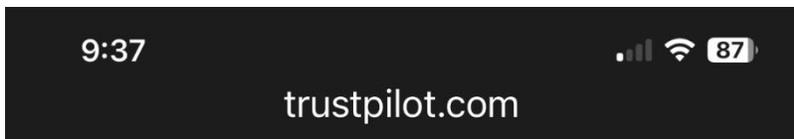
Christopher Beck
US · 1 review

Jul 19, 2025



Retired and on a fixed income

Retired and on a fixed income, I needed someone I could trust. ATS delivered



Summary About **Reviews**



Luther Frailey

Jul 20, 2025

US • 1 review



As an immigrant

As an immigrant, I wasn't sure about filing correctly. They were patient and incredibly helpful.

July 13, 2025

Unprompted review



Useful



Share



Reply from American Tax Service

Jul 21, 2025

We try and always be helpful and patient!



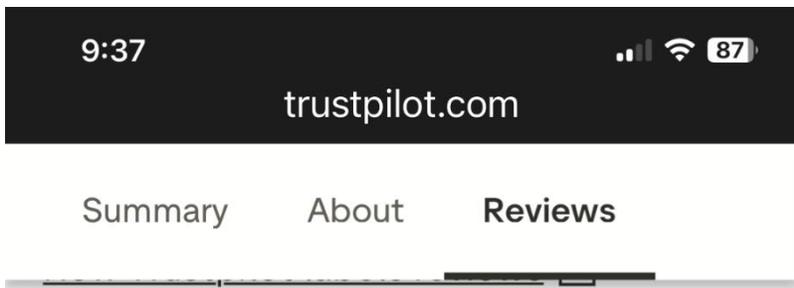
Richard Ostby

Jul 19, 2025

US • 1 review



With a side hustle and a W-2 job



Jay Brinker
US • 1 review

Jul 20, 2025



My husband and I had different income...

My husband and I had different income streams and ATS made it all come together seamlessly.

July 14, 2025

Unprompted review

Useful Share



Reply from American Tax Service
Jul 21, 2025

We appreciate your comments!!



Kaylee Johnson
US • 1 review

Jul 20, 2025



Nathalia was ~~amazing~~ knowledgeable

9:36

📶 📶 📶 88

bbb.org

 **Wilbert C**

Date: 01/06/2023



I left Ataimate tax relief last year 2022 around August. I reach out to American Tax Services. They handled my case like I was part of there family. Ms Davis handled my case from start to finish. They are very personal people anything they asked for I gave them. I owed will over 432,000. They got my case settled for under 50,000. I'm am back in business and doing well. I highly recommend them to anyone who is having problems with there taxes. I couldn't have done this with out Ms Davis staying on my case. I thank you from the bottom of my heart.



American Tax Service is

9:36

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bbb.org

 **Hakim H**

Date: 04/24/2023



Four years ago I went through a divorce and everything feel apart. I did not file taxes for the last 3 years and received a garnishment notice. I called American Tax Service, and was asked a lot of questions regarding my past fillings and current state of income, savings etc. I figured the government was already sending me notices so I decided to give this place a shot. **BEST DECISION EVER!!!!!!!!!!!!!! I WILL REPEAT,,BEST DECISION EVER!** There was a fee that I had to pay, but the money they negotiated down for me was well worth it. I could not do this on my own. You should not do this on your own. Let this place **HELP YOU.** (I just wanted to tell my experience.) Thank you for the **AWESOME WORK** American Tax Service.

 **Wilbert C**

Date: 01/06/2023

9:35

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bbb.org

 **Elizabeth C**

Date: 09/07/2023



I have been using American Tax Service for two years now. I owed back taxes and was very afraid, but I called them anyway. Now, I don't owe back taxes, and no longer afraid! I wholeheartedly recommend this company! I would give them TEN stars if I could!

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American Tax Service is NOT a BBB Accredited Business.

To become accredited, a business must agree to [BBB Standards for Trust](#) and pass

9:35



bbb.org

 **Steven M**

Date: 09/09/2023



Last year, I received a notice from IRS. They stated that my wife and I owes them \$62,486. We panicked and didn't know what to do. An associate of mine recommended that I contact American Tax Service. I was leering, but I finally made the call. The person that I talked to, was extremely kind and helpful. He had a gentleman named Mike get on the phone with me. Mike was very knowledgeable and put our mind at ease. He told us what the procedure was, and what to expect. We paid Mike and started the process. Kela was our case worker and she had us follow up with what we had to do. Around a month later we were informed that our missing returns were filed and I R S had accepted them. After all was said and done, we owed the government \$5739. I would highly recommend American Tax Service, and I have to my associates at work

9:35

88

bbb.org

 **Jay W**

Date: 09/13/2023



My experience with American Tax Service was excellent. They care about their customers and provide prompt, professional service. I would definitely recommend them to others.

 **Richard S**

Date: 09/11/2023



I had a debt with the IRS over 60,000 dollars and had no idea what to do. I went out of business due to this inflation we are inheriting as a country and paying it off nearly seemed impossible until I was referred to ATS by a previous business partner of mine. It took a while however they got me approved for an offer in compromise, and got my debt reduced to only 2500 dollars also they have been filing my taxes for me since then and it has been a

9:35

88

bbb.org

 **Jack E**

Date: 09/19/2023



I am a Small Business Owner, and the staff at American Tax Service has made it so much easier to navigate through the Tax Process from the Business Owner side of the scale. Their staff is knowledgeable and friendly, and they are always ready to answer any questions I have and always get back to me in a timely fashion. Definitely would recommend!

 **Jay W**

Date: 09/13/2023



My experience with American Tax Service was excellent. They care about their customers and provide prompt, professional service. I would definitely recommend them to others.

9:35



bbb.org

 **Sharon W**

Date: 12/30/2023



Excellent service at the best price. A trustworthy company. Very knowledgeable about tax resolution. I come back every year to do my taxes and accounting services with this place.

9:35



bbb.org

 **Jordan D**

Date: 01/16/2024



Francis helped us with our Trust and was very responsive and helpful. Thank you Francis.



American Tax Service

Date: 01/18/2024

Our Trust department does great work, thanks for your compliment.

 **Tim S**

Date: 01/12/2024



American Tax Service has been a life saver. I retained their service to help with my business taxes for the last two years. They have been prompt and responsive to all of my inquiries and even helped me restructure my company to a LLC.

9:35



bbb.org

 **Mike B**

Date: 01/26/2024



I can't say enough good things about Geoff and Elizabeth, ATS started working on my case in 2020 and by Jan 2024, everything was resolved, all without additional cost or effort on my part. You have to be patient when dealing with the franchise tax board and be prepared to have proper documentation for your case, but if you do that and have ATS on your side, in my experience, you will come out with a win. A++++



American Tax Service

Date: 01/29/2024

Our attorney staff including Elizabeth do great work and have a passion for what they do, not surprised in the excellent results here! -Director of Resolution

9:34



bbb.org

 **Robert J**

Date: 01/27/2024



Excellent service at the best price. A trustworthy company. Mike was Very knowledgeable about tax resolution. I come back every year to do my taxes and accounting services with American Tax Service.

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**American Tax Service is
NOT a BBB Accredited
Business.**

To become accredited, a business must agree to [BBB Standards for Trust](#) and pass

9:34



bbb.org

 **Bob M**

Date: 01/29/2024



Great place nick was great he got me Taken care of.

 **Thomas W.**

Date: 01/28/2024



The IRS knocked on my ex's door and my teenage daughter answered. Pretty embarrassing and scary situation. Mike from American Tax was able to quickly stop the IRS from collecting and got me on a payment plan for less than what the feds were offering. I also had them get me all caught up on my state returns. Legit firm, reasonable cost, good people.

 **Robert J**

Date: 01/27/2024

9:34



bbb.org

 **Jarrold D**

Date: 01/30/2024



I went through a messy, costly divorce and battled depression back in 2019. Taxes were the last thing on my mind, even though I owned a business. Before I knew it, my debt to the IRS was up to \$48,000 and they were threatening to put a lien on my business. That's when I called American Tax service in sheer desperation. They immediately blocked the lien and assured me that it wasn't going to be as bad as it seemed. They were right! It took a while for the red tape to clear, but I saved \$43,000 settling with an offer in compromise. Very professional experts. They also helped me protect myself by establishing an LLC instead of a sole proprietorship. I wish I would have done this sooner!

 **Bob M**

Date: 01/29/2024



9:34



bbb.org

 **Miranda D.**

Date: 01/31/2024



They were very helpful with getting my taxes filed and removing the garnishment I was going through. I would recommend them and will use them in the future if I have more tax issues

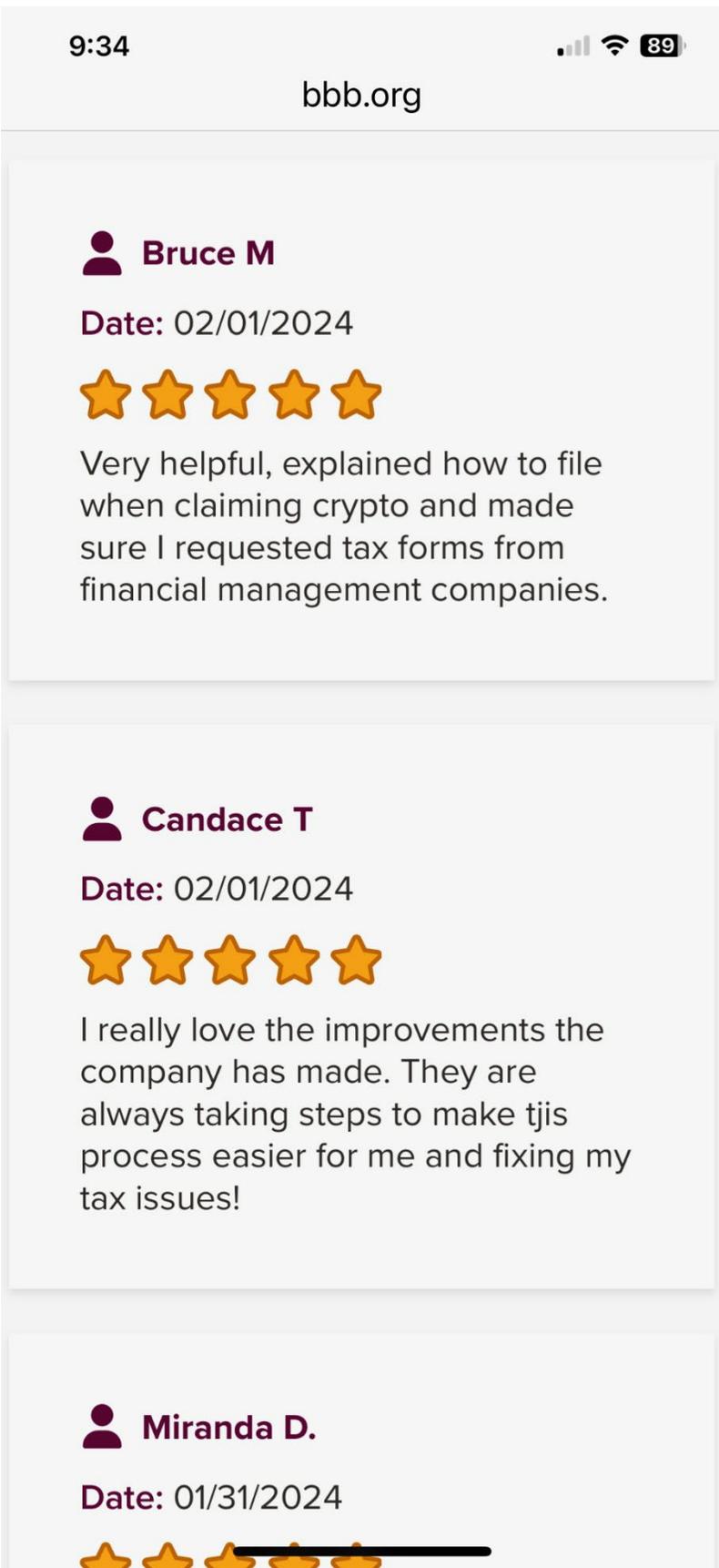
 **Buddy B**

Date: 01/31/2024



These Folks are truly amazing, not only did they get my taxes squared away from previous years but they somehow how got me a refund for this year which I haven't seen a refund since the cowboys made it to a superbowl... Long *** time, Thank you guys so much.

Buddy *****



9:34



bbb.org

 **EJ W**

Date: 02/03/2024



Amazing work, Anthony helped me settle my debt and clear my back taxes with the IRS.



American Tax Service

Date: 02/08/2024

"Amazing work" is kind of our jam. But we love it when people notice! So thanks11

 **Lannie P**

Date: 02/02/2024



Very happy with my experience. They were very helpful and

9:33



bbb.org

 **Corey W**

Date: 02/03/2024



Perfect place to get your taxes resolved. Easy and user friendly staff. Great communication.

 **Porsha V**

Date: 02/03/2024



Great place, the answer machine was terrific and got me connected to a rep very fast. Great customer service.



American Tax Service

Date: 02/08/2024

Our customer service is great.

9:33



bbb.org

 **Deja J**

Date: 02/03/2024



Amazing staff! I am so happy to have heard about American tax Service through a ***** Ad. Great service and will contact them again in the future.



American Tax Service

Date: 02/08/2024

We specialize in you!

 **Lori S**

Date: 02/03/2024



Own an established construction company and my taxes were very high. I was able to have American Tax Service at my expense and they helped me get everything sorted out

9:33



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 **Deja J**

Date: 02/03/2024



Amazing staff! I am so happy to have heard about American tax Service through a ***** Ad. Great service and will contact them again in the future.



American Tax Service

Date: 02/08/2024

We specialize in you!

 **Lori S**

Date: 02/03/2024



Own an established construction company and my taxes were very high. I was able to have American Tax Service at my expense and they helped me get everything sorted out

9:33



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 **Yolanda M**

Date: 02/04/2024



The service was one of a kind! They really take the time to train their employees well! Everyone was informative and helpful. Will be using them again!



American Tax Service

Date: 02/08/2024

Your patronage is appreciated!

 **Deja J**

Date: 02/03/2024



Amazing staff! I am so happy to have heard about American tax Service through a ***** Ad. Great service and will contact them again

9:33



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 **Josiah H**

Date: 02/06/2024



They assisted me comprehensively with my bookkeeping needs and expertly resolved my tax concerns. I highly recommend!



American Tax Service

Date: 02/12/2024

"Expertly Resolved" is what we aim for! Thank You!

 **Roger W**

Date: 02/06/2024



As a self employed person, I have tried several tax preparation firms over the years. The professionals at American Tax Service are head and shoulders ~~above the rest.~~ Their

9:33



bbb.org

 **John T**

Date: 02/06/2024



As a high net worth individual, I am very selective who I hire to do my taxes. One of my colleagues who I respect recommended American Tax Service. I was very pleased with the result. They were competent, responsive, and transparent.



American Tax Service

Date: 02/12/2024

Thank you very much for your kind words!

 **Josiah H**

Date: 02/06/2024



They assisted me comprehensively with my bookkeeping needs and expertly resolved my tax concerns. I

9:33



bbb.org

 **J'Lynn C**

Date: 02/06/2024



ATS helped me with all my tax needs! So grateful to have such an amazing company and an excellent team!



American Tax Service

Date: 02/08/2024

We appreciate you too!!

 **John T**

Date: 02/06/2024



As a high net worth individual, I am very selective who I hire to do my taxes. One of my colleagues who I respect recommended American

9:33



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Sort by

Most recent



 **Mary G**

Date: 02/12/2024



I've been going to American Tax Service for the past 5 years. They are always very nice, courteous, and always do a very good job. I love the fast service! Thank you Angelica!



American Tax Service

Date: 02/13/2024

Thank You very much!! We have loved providing you with, and I quote, " very nice, courteous service"!

 **J'Lynn C**

EXHIBIT 11

*Declaration of Karen Maciel in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

1 Bradley T. Austin, Esq. (NV Bar #13064)
2 Blakeley E. Griffith, Esq. (NV Bar #12386)
3 SNELL & WILMER L.L.P.
4 1700 South Pavilion Center Drive, Suite 700
5 Las Vegas, Nevada 89135
6 Telephone: 702.784.5200
7 Facsimile: 702.784.5252
8 baustin@swlaw.com
9 bgriffith@swlaw.com

7 Benjamin W. Reeves, Esq. (*pro hac vice pending*)
8 SNELL & WILMER L.L.P.
9 1 East Washington St., Suite 2700
10 Phoenix, AZ 85004
11 Telephone: 602-382-6000
12 breeves@swlaw.com

11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF KAREN MACIEL
IN SUPPORT OF OPPOSITION TO
PLAINTIFFS' EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER AND THE COURT'S ORDER
TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

22 I, Karen Maciel, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
28

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702.784.5200

1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I have been employed with American Tax Service since July 2018, approximately
4 one month after its inception. I began as an administrative assistant with no tax experience and have
5 had the privilege of witnessing this firm’s growth from its early beginnings to the established,
6 professional organization it is today.

7 3. From the start, the company has emphasized education, ethics, and excellence. My
8 employment was conditioned on pursuing higher education, which motivated me to go back to
9 school for my bachelor’s degree and later become a licensed Enrolled Agent. The firm has
10 continuously supported my professional development and that of my colleagues through training,
11 continuing education, and attendance at industry ethics seminars, including professional
12 development conferences in Las Vegas.

13 4. Throughout my employment, I have personally observed the firm’s dedication to
14 building and refining operational systems that ensure clients are represented accurately, ethically,
15 and efficiently. Running a tax resolution department is complex, yet the company has consistently
16 invested in hiring sufficient and qualified staff, partnering with outside consultants for fresh
17 perspectives, and implementing improvements based on employee and client feedback. We also
18 hold monthly or quarterly trainings in every department and encourage cross-training between
19 departments, ensuring that all employees are well-versed in multiple areas of the tax resolution
20 process and can better serve our clients.

21 5. Our mission has always been to help taxpayers: to educate them on their rights and
22 responsibilities and to guide them toward compliance with integrity and transparency. The
23 company has established strong internal controls to protect clients and maintain trust. Every client
24 engagement is documented with signed authorizations and disclosures, and each case is reviewed
25 by licensed professionals. We always maintain open communication with our clients—our standing
26 rule is to answer every client call within the first three rings—and we meet all IRS and state revenue
27 officer deadlines promptly. Our team of attorneys and enrolled agents collaborate daily to resolve
28

1 cases under the authority of our clients’ Powers of Attorney, ensuring that each taxpayer receives
2 qualified and ethical representation.

3 6. As a result of this dedication, our firm has helped the IRS recover thousands of
4 dollars in back taxes while helping taxpayers regain compliance and financial stability. At no time
5 have I ever been asked to perform any action that would violate the Internal Revenue Code or
6 professional standards.

7
8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct.

10 Executed this 23rd day of October 2025, at Las Vegas, Nevada.

11
12 /s/ Karen Maciel
13 Karen Maciel

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EXHIBIT 12

*Declaration of Stacy Loquaio in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

1 Bradley T. Austin, Esq. (NV Bar #13064)
2 Blakeley E. Griffith, Esq. (NV Bar #12386)
3 SNELL & WILMER L.L.P.
4 1700 South Pavilion Center Drive, Suite 700
5 Las Vegas, Nevada 89135
6 Telephone: 702.784.5200
7 Facsimile: 702.784.5252
8 baustin@swlaw.com
9 bgriffith@swlaw.com

7 Benjamin W. Reeves, Esq. (*pro hac vice pending*)
8 SNELL & WILMER L.L.P.
9 1 East Washington St., Suite 2700
10 Phoenix, AZ 85004
11 Telephone: 602-382-6000
12 breeves@swlaw.com

11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF STACY
LOQUAIO IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

22 I, Stacy Loquaio, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
28

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Las Vegas, Nevada 89135-1865
702.784.5200

1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. Our office specializes in assisting individuals who are facing aggressive actions
4 from the IRS and various state revenue departments.

5 3. Every day, we help clients navigate complex and high-stakes situations, including
6 levies, wage garnishments, and back tax issues, often under urgent time constraints.

7 4. Using the Taxpayer’s Bill of Rights as our foundation, we advocate for fair treatment
8 and resolution, ensuring that no client is left vulnerable simply because they lack the knowledge or
9 resources to defend themselves.

10 5. As a Senior Case Manager, I personally dedicate hours to analyzing financials,
11 making phone calls to the IRS and state agencies, and negotiating solutions.

12 6. Our work includes pursuing installment agreements, penalty abatements, non-
13 collection status, and Offers in Compromise — resolutions that can settle a person’s debt for less
14 than what they owe.

15 7. We do not misrepresent ourselves in any way; we act solely as advocates to protect
16 taxpayers' rights.

17 8. Unfortunately, we are currently being blocked from providing these essential
18 services. At this moment, our office is unable to address several active levy cases requiring
19 immediate attention.

20 9. The urgency is especially dire with the IRS’s Automated Collection System (ACS),
21 which has increased levy actions recently. While the IRS allows 21 calendar days to resolve a levy,
22 our goal is always to intervene much earlier to avoid irreparable harm. State revenue departments,
23 such as New York’s, often give even less time — sometimes as little as 7 days — to present a
24 successful argument for levy release.

25 10. We understand that not every resolution is ideal from the client’s perspective, but
26 our commitment is unwavering: we advocate for the fairest outcome possible. No case is ever truly
27 closed.
28

1 11. We continually review and reassess our clients’ situations to ensure they are getting
2 the resolution they deserve — not just what benefits the IRS.

3 12. Our clients are currently in the dark and left unprotected. These are time-sensitive
4 cases that grow more difficult the longer we are restricted from working on them.

5 13. We humbly ask the Court to consider the rights of our clients — taxpaying citizens
6 who have paid for and depend on our representation. By keeping our office closed, their access to
7 justice and protection is being denied.

8
9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11 Executed this 23rd day of October 2025, at Las Vegas, Nevada.

12
13 /s/ Stacy Loquaio
14 Stacy Loquaio

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EXHIBIT 13

*Declaration of Sarah Talavera in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

1 Bradley T. Austin, Esq. (NV Bar #13064)
2 Blakeley E. Griffith, Esq. (NV Bar #12386)
3 SNELL & WILMER L.L.P.
4 1700 South Pavilion Center Drive, Suite 700
5 Las Vegas, Nevada 89135
6 Telephone: 702.784.5200
7 Facsimile: 702.784.5252
8 baustin@swlaw.com
9 bgriffith@swlaw.com

7 Benjamin W. Reeves, Esq. (*pro hac vice pending*)
8 SNELL & WILMER L.L.P.
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10 Phoenix, AZ 85004
11 Telephone: 602-382-6000
12 breeves@swlaw.com

11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF SARAH
TALAVERA IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

23 I, Sarah Talavera, declare as follows:

24 1. I am over the age of 18 and am qualified to make this declaration. I make this
25 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
26 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
27 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
28 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are

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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I have been employed by American Tax Service since November 15, 2023. My title
4 within the company is Enrolled Agent.

5 3. A brief background on myself. I started working at a Tax Resolution company back
6 in 2015 as a case manager. I would contact clients to gather their documents for the tax prep team
7 which would include gathering W2s/1099s, tax organizers as well as wage and income transcripts
8 from the IRS. Eventually as time progressed, I was very intrigued by preparing tax returns.

9 4. In 2016 I studied tax laws and how to prepare tax returns and I got my CTEC in
10 California. CTEC is a certificate stating I have completed the necessary education by the state of
11 California to prepare tax returns. My goal was to become a tax attorney at some point in my life. I
12 then started studying to become an Enrolled Agent so I can help taxpayers by representing them in
13 front of the IRS and the states. I took the tests in 2019-2020 and got my Enrolled Agent certification.

14 5. True and correct copies of my CTEC Certificates (I have lost my 2016 paper), each
15 Enrolled Agent test I took, and my Enrolled Agent Certification are attached hereto collectively as
16 “Exhibit A.”

17 6. Overall, I have ten years of experience in taxation. I have successfully helped
18 taxpayers withhold taxes properly, educated taxpayers on tax laws, have over 100 accepted Offer
19 in Compromise, and have completed upwards 5,000 tax returns ranging from 1040s, 1065s, 1120s,
20 1120Ss, 940s, and 941s. I take pride in my work and love to help taxpayers. My daily duties include
21 calling the IRS and states for balance information or any missing returns that may need to be filed.
22 Request transcripts on the taxpayers behalf, review tax returns and prepare them.

23 7. The shutdown of operations within American Tax Service will affect hundreds of
24 taxpayers. In fact, more specifically I currently have five cases with Revenue Officers who are at
25 the brink of levying my clients. I have many very close deadlines coming this week so it is
26 imperative American Tax Service reopens so that I may continue to represent my clients before
27 they are levied. I have a sworn duty to my clients, the American taxpayers, to protect them and
28 guide them out of tax debt without causing a financial burden on their families.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of October 2025, at Las Vegas, Nevada.

/s/ Sarah Talavera
Sarah Talavera

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EXHIBIT A
CTEC CERTIFICATES



California Tax Education Council Registered Tax Preparer

2019

CTEC ID #A290895
SARAH TALAVERA
PO BOX 2351
FRAZIER PARK, CA 93225-2351



California Tax Education Council
P.O. Box 2890
Sacramento, CA 95812-2890
Toll free: 1-877-850-CTEC (2832)
www.ctec.org

Registration valid through October 31, 2019

*Established by the Governor and Legislature
of the State of California, July 1, 1997*

REQUIRED TO POST AT WORKPLACE

*This certificate is issued pursuant to California
Business and Professions Code Section 22250 et seq.*

4129



California Tax Education Council Registered Tax Preparer

2018

CTEC ID #A290895
SARAH TALAVERA
PO BOX 5496
PINE MOUNTAIN CLUB, CA 93222-5496



California Tax Education Council
P.O. Box 2890
Sacramento, CA 95812-2890
Toll free: 1-877-850-CTEC (2832)
www.ctec.org

Registration valid through October 31, 2018

*Established by the Governor and Legislature
of the State of California, July 1, 1997*

REQUIRED TO POST AT WORKPLACE

*This certificate is issued pursuant to California
Business and Professions Code Section 22250 et seq.*

631



California Tax Education Council Registered Tax Preparer

2017



CTEC ID #A290895
SARAH TALAVERA
18036 ANNES CIRCLE #22-104
SANTA CLARITA, CA 91387

California Tax Education Council
P.O. Box 2890
Sacramento, CA 95812-2890
Toll free: 1-877-850-CTEC (2832)
www.ctec.org

Registration valid through October 31, 2017

*Established by the Governor and Legislature
of the State of California, July 1, 1997*

REQUIRED TO POST AT WORKPLACE

*This certificate is issued pursuant to California
Business and Professions Code Section 22250 et seq.*

Sarah M Talavera



Test Date: Jan 18, 2020
Confirmation Number: 000000092847905

Special Enrollment Examination Part 1 - Individuals

Congratulations! You passed the Special Enrollment Examination Part 1 - Individuals.

Candidates who pass the test are not provided with a score, but your score was within the passing range of 105 - 130. General information about how you performed in the main topic areas of the test is shown below, as well as your level of proficiency ratings. For a list of subtopics in each of the topic areas, see the candidate information bulletin at www.prometric.com/SEE.

Topic Areas	Level of Proficiency
Preliminary Work with Taxpayer Data	2
Income and Assets	1
Deductions and Credits	1
Taxation and Advice	2
Specialized Returns for Individuals	2

Level of Proficiency Definitions

- Level 1:** Weak. You may want to consider taking a continuing education course in this area.
- Level 2:** Acceptable. You may want to review this area.
- Level 3:** Strong. You clearly demonstrated an understanding of this subject area.

If you have not yet passed the other two parts of the examination, you have two years from the date you passed this part to pass the other parts or you lose credit for this part. See the candidate information bulletin for further details.

Upon passing all parts of the examination you will be eligible to apply for enrollment to practice before the Internal Revenue Service. To do so, complete Form 23, Application for Enrollment Before the Internal Revenue Service, and file it with the Internal Revenue Service. You may electronically file Form 23 and pay the application fee at www.Pay.gov (click "Find an Agency", click "T" for Treasury, select "Treasury (UST): Internal Revenue Service (IRS)", then click "Continue to Form" under "Application for Enrolled Agents".)

You have one year to apply for enrollment once you have passed all parts of the examination. If you have questions about the examination, please visit www.prometric.com/SEE or call 1-800-306-3926. If you have questions about the Enrolled Agent Program, please refer to www.irs.gov/tax-professionals/enrolled-agents. Please note that tax practitioners who have passed the Special Enrollment Exam Part I within the past two years will be allowed to apply for the Annual Filing Season Program with a reduced continuing education requirement. To learn more, visit www.irs.gov/Tax-Professionals/Annual-Filing-Season-Program.

Congratulations on this achievement.





Test Date:: Aug 15, 2020
Confirmation Number: 000000094368209

Special Enrollment Examination Part 2 - Businesses

Congratulations! You passed the Special Enrollment Examination Part 2 - Businesses.

Candidates who pass the test are not provided with a score, but your score was within the passing range of 105 - 130. General information about how you performed in the main topic areas of the test is shown below, as well as your level of proficiency ratings. For a list of subtopics in each of the topic areas, see the candidate information bulletin at www.prometric.com/SEE.

Topic Areas	Level of Proficiency
Specialized Returns and Taxpayers	2

Level of Proficiency Definitions

Level 1: Weak. You may want to consider taking a continuing education course in this area.

Level 2:

Acceptable. You may want to review this area.

Level 3:

Strong. You clearly demonstrated an understanding of this subject area.

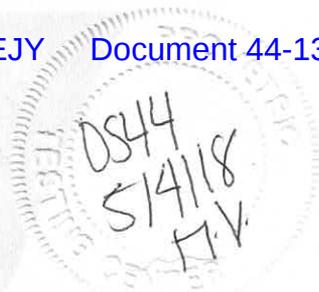
If you have not yet passed the other two parts of the examination, you have two years from the date you passed this part to pass the other parts or you lose credit for this part. See the candidate information bulletin for further details.

Upon passing all parts of the examination you will be eligible to apply for enrollment to practice before the Internal Revenue Service. To do so, complete Form 23, Application for Enrollment Before the Internal Revenue Service, and file it with the Internal Revenue Service. You may electronically file Form 23 and pay the application fee at www.Pay.gov (click "Find an Agency", click "T" for Treasury, select "Treasury (UST): Internal Revenue Service (IRS)", then click "Continue" under "Application for Enrolled Agents".)

You have one year to apply for enrollment once you have passed all parts of the examination. If you have questions about the examination, please visit www.prometric.com/SEE or call 1-800-306-3926. If you have questions about the Enrolled Agent Program, please refer to www.irs.gov/tax-professionals/enrolled-agents.

Congratulations on this achievement.

Handwritten signature and date: 08/14/2020



Test Date: May 04, 2018
Confirmation Number: 000000087203308

Special Enrollment Examination Part 3 - Representation, Practices, and Procedures

Congratulations! You passed the Special Enrollment Examination Part 3 - Representation, Practices and Procedures.

Candidates who pass the test are not provided with a score, but your score was within the passing range of 105 - 130. General information about how you performed in the main topic areas of the test is shown below, as well as your level of proficiency ratings. For a list of subtopics in each of the topic areas, see the candidate information bulletin at www.prometric.com/SEE.

Topic Areas	Level of Proficiency
Completion of the Filing Process	1
Practices and Procedures	2
Representation before the IRS	3
Specific Types of Representation	2

Level of Proficiency Definitions

Level 1: Weak. You may want to consider taking a continuing education course in this area.

Level 2: Acceptable. You may want to review this area.

Level 3: Strong. You clearly demonstrated an understanding of this subject area.

If you have not yet passed the other two parts of the examination, you have two years from the date you passed this part to pass the other parts or you lose credit for this part. See the candidate information bulletin for further details.

Upon passing all parts of the examination you will be eligible to apply for enrollment to practice before the Internal Revenue Service. To do so, complete Form 23, Application for Enrollment Before the Internal Revenue Service, and file it with the Internal Revenue Service. You may electronically file Form 23 and pay the application fee at www.Pay.gov (click "Find an Agency", click "T" for Treasury, select "Treasury (UST): Internal Revenue Service (IRS)", then click "Continue to Form" under "Application for Enrolled Agents".)

You have one year to apply for enrollment once you have passed all parts of the examination. If you have questions about the examination, please visit www.prometric.com/SEE or call 1-800-306-3926. If you have questions about the Enrolled Agent Program, please refer to www.irs.gov/tax-professionals/enrolled-agents.

Congratulations on this achievement.



Department of the Treasury
Internal Revenue Service

ENROLLED AGENT

SARAH M TALAVERA

has met the requirements to become an enrolled agent. Enrolled agents demonstrate significant tax knowledge either by passing a comprehensive test or by the virtue of specific experience gained as an IRS employee.

Enrolled Agents are required to demonstrate special competence in tax matters, adhere to ethical standards, and stay current with tax law and regulations by completing a minimum amount of continuing education annually.

September 3, 2020

Granted on this day

Carol A. Campbell
Director, IRS Return Preparer Office

141328-EA

Enrolled Agent #

EXHIBIT 14

*Declaration of William Haskell in Support of
Opposition to Plaintiffs' Ex Parte Motion for
Temporary Restraining Order and the Court's
Order to Show Cause Why A Preliminary
Injunction Should Not Issue*

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11 *Attorneys for the Individual Defendants*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 FEDERAL TRADE COMMISSION, and
15 STATE OF NEVADA,

16 Plaintiffs,

17 vs.

18 AMERICAN TAX SERVICE LLC, et al,

19 Defendants.

Case No.: 25-CV-1894-GMN-EJY

**DECLARATION OF WILLIAM
HASKELL IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' *EX
PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND THE
COURT'S ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

22 I, William Haskell, declare as follows:

23 1. I am over the age of 18 and am qualified to make this declaration. I make this
24 declaration in support of the Opposition to Plaintiffs' *Ex Parte* Motion for Temporary Restraining
25 Order and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of
26 a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary
27 Injunction Should Not Issue ("Opposition"). Except where indicated, the facts stated herein are
28

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1 based upon my own personal knowledge, and if called upon to testify, I could and would
2 competently testify thereto.

3 2. I began working with ATS Tax Group in June 2022 as a Sales Representative. I
4 currently serve as the Team Lead of the Los Angeles Sales Department, along with Lenox Myette
5 and Hunter Burnett. The purpose of this letter is to provide a professional and factual overview of
6 our firm’s operational standards, compliance practices, and the scope of our work assisting
7 taxpayers.

8 3. Our firm’s work centers around three key objectives for our clients:
9 1. Protection – Ensuring that clients are safeguarded from collection activity while their case is
10 being reviewed. 2. Compliance – Assisting clients in bringing all state and federal filings up to date
11 in accordance with tax law. 3. Resolution – Working toward an achievable and compliant resolution
12 with the IRS or state taxing authority, such as installment agreements, hardship status, or other
13 available programs.

14 4. From the beginning of my employment with ATS, it was made clear that the
15 company upholds strict guidelines regarding communication, disclosure, and ethical representation.
16 All representatives are provided a standardized script that must be followed explicitly. One of our
17 most important policies, stated to me directly by Managing Partner Tyler Bennett, is that all
18 representatives must identify ATS Tax Group as a private tax resolution firm within the first 30
19 seconds of each call. Failure to do so is considered a serious violation and grounds for immediate
20 termination. This policy remains firmly enforced to this day.

21 5. As Team Lead, I ensure that this standard is upheld across the Los Angeles sales
22 floor. Any misrepresentation, misleading statement, or overpromising of results is not tolerated.
23 Representatives found to be in violation are immediately removed from their position.

24 6. Our management team, led by Terry Selb and Tyler Bennett, requires that every
25 potential client undergo a comprehensive consultation before engagement. During these
26 consultations, our representatives conduct a detailed review of the taxpayer’s financial
27 situation — including income, expenses, and assets — to determine whether we can genuinely
28 assist. We are transparent that not all taxpayers qualify for our programs, and we decline to take

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1 cases that do not meet the necessary criteria. These consultations are thorough and typically last
2 between 45 minutes to an hour and a half, ensuring that every client is properly assessed and
3 informed.

4 7. ATS Tax Group also places significant emphasis on training and compliance. Before
5 being allowed to communicate with prospects, each sales representative completes a minimum one-
6 month training program. This includes extensive education on compliance standards, supervised
7 practice calls, and daily feedback sessions. Ongoing daily training and call review are also required
8 to maintain adherence to both FTC guidelines and state regulations.

9 8. In my experience, ATS Tax Group has consistently demonstrated integrity,
10 professionalism, and a genuine commitment to helping taxpayers regain financial stability. I am
11 proud to represent a firm that values honesty, regulatory compliance, and ethical business practices
12 at every level.

13 9. Beyond their professional leadership, Terry Selb and Tyler Bennett have
14 demonstrated an exceptional level of care and dedication to both their clients and their employees.
15 Their commitment extends far beyond business — they are deeply invested in the personal and
16 professional growth of every member of the ATS team. Both maintain an open-door policy, offering
17 mentorship, financial guidance, and personal support whenever it is needed. They take time to
18 understand their employees' individual goals and challenges, often going above and beyond to help
19 them succeed both inside and outside of work.

20 10. Personally, I can say that working under Terry and Tyler has had a profound impact
21 on my life. Their mentorship, encouragement, and leadership have not only shaped my professional
22 skills but have also inspired meaningful positive change in my personal development. I am
23 genuinely grateful for the opportunity to work for two individuals who lead with such integrity,
24 compassion, and purpose.

25 11. In closing, I want to emphasize that I believe the temporary restraining order issued
26 against ATS Tax Group is entirely unfounded and unwarranted.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of October 2025, at Los Angeles, California.

/s/ William Haskell
William Haskell

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