

HOLME ROBERTS & OWEN LLP  
Blaine J. Benard #5661  
Cory A. Talbot #11477  
299 South Main Street, Suite 1800  
Salt Lake City, Utah 84111-2263  
Telephone: (801) 521-5800  
Facsimile: (801) 521-9639  
blaine.benard@hro.com  
cory.talbot@hro.com

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
JUL - 8 2010  
BY D. MARK JONES, CLERK  
DEPUTY CLERK

*Attorneys for Defendants Business Recovery Services, LLC, and Brian Hessler*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

WASATCH SUMMIT, LLC dba  
PROFESSIONAL MARKETING  
INTERNATIONAL,

Plaintiff,

v.

BUSINESS RECOVERY SERVICES, LLC,  
and BRIAN HESSLER,

Defendants.

**ORDER DENYING  
PLAINTIFF'S MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Case No. 2:10cv00584

Judge Dee Benson

The Court has reviewed and considered Plaintiff's June 16, 2010 Motion for Temporary Restraining Order and Preliminary Injunction; the June 16, 2010 Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction; the July 6, 2010 Memorandum in Opposition to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction; the Declaration of Ken Von Ebers filed July 6, 2010; and the Declaration of Jon Fotheringham filed July 6, 2010. The Court has also considered the arguments of counsel made at the July 7, 2010 hearing in this matter, and all other papers and proceedings on file in this action.

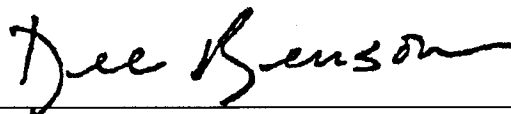
Having considered the foregoing, and good cause appearing, the Court finds as follows:

1. Plaintiff Wasatch Summit, LLC dba Professional Marketing International (“PMI”) has not met its burden of establishing that it will suffer irreparable harm without the issuance of a preliminary injunction;
2. PMI has not met its burden of establishing that it has a substantial likelihood of success on the merits of its claims;
3. PMI’s threatened injury does not outweigh the harm caused to Defendants if an injunction were to issue; and
4. The preliminary injunctive relief requested by PMI is adverse to the public interest.

Therefore, it is ORDERED that, in accordance with Federal Rule of Civil Procedure 65, Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction is DENIED.

DATED this 8<sup>th</sup> day of July, 2010.

UNITED STATES DISTRICT COURT



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Honorable Dee Benson  
United States District Court Judge