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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Daniel H Ehrenfried,
10 Plaintiff,

11 v.

12 Dana J Brothers, et al.,
13 Defendants.
14

No. CV-24-00421-TUC-SHR

**Order Granting Application
For Provisional Remedy Under
A.R.S. § 12-2402 Without Notice**

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16 After filing his Verified Complaint (Doc. 1) alleging fraudulent transfers of real
17 property, camels, and a camel trailer by Defendants and related civil conspiracies, Plaintiff
18 filed an “Application for Provisional Remedy—Attachment” (Doc. 11). “Plaintiff is
19 requesting an Order by the Court directing the [U.S.] Marshall or any law enforcement
20 officer in the State of Arizona to attach a lien securing Plaintiff’s claims, upon the filing
21 by Plaintiff of an appropriate bond.” (Doc. 11 at 6.) Moreover, the Application requests
22 the Court issue the provisional writ of attachment without notice to Defendants because
23 “Defendants intend to defraud Plaintiff.” (*Id.*) Having reviewed the filings, including
24 Plaintiff’s Affidavit (Doc. 11-1), and relevant authorities, the Court will grant the
25 Application.

26 Rule 64 of the Federal Rules of Civil Procedure allows parties to seek a remedy to
27 seize “property to secure satisfaction of the potential judgment,” so long as the remedy is
28 available “under the law of the state where the court is located.” Fed. R. Civ. P. 64. Under

1 Arizona law, in certain circumstances and upon complying with certain conditions, a
2 plaintiff “may have the property of a defendant attached as security for satisfaction of any
3 judgment which may be recovered.” See A.R.S. §§ 12-1521, 12-2402. This Court can
4 order the provisional remedy of attachment without notice when a “party has disposed of
5 property, wholly or in part, with intent to defraud creditors” or “is about to dispose of
6 property with intent to defraud creditors.” A.R.S. § 12-2402(A)(2).

7 The Court finds the facts included in Plaintiff’s Application and Affidavit are
8 sufficient to satisfy the requirements of A.R.S. § 12-2402. Therefore, Plaintiff is entitled
9 to the provisional remedy requested.

10 Accordingly,

11 **IT IS ORDERED** Plaintiff shall file a Bond for Attachment in the sum of **THREE**
12 **HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000.00)**, and an
13 affidavit under A.R.S. § 12-1522.

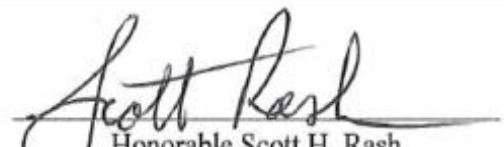
14 **IT IS FURTHER ORDERED**, upon the filing of the \$375,000 bond and affidavit
15 described above, a Writ of Attachment shall issue for the real property located in Cochise
16 County at 2251, 2261, and 2271 North Sands Ranch Road, Huachuca City, Arizona 85616
17 (Cochise County Assessor Parcels 106-11-006A, 106-11-006B, 106-08-009C, and 106-08-
18 010D), two camels, and a camel trailer that are believed to be located on the real property
19 (collectively, the "Property").

20 **IT IS FURTHER ORDERED** the U.S. Marshall, or any law enforcement officer
21 in the State of Arizona where the above-described Property is located, shall attach an
22 amount sufficient to satisfy the demand of Plaintiff, together with probable costs of this
23 action.

24 **IT IS FURTHER ORDERED** the Clerk of Court shall issue the notices filed by
25 Plaintiff (Docs. 11-2, 11-3).

26 Dated this 24th day of September, 2024.

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Honorable Scott H. Rash
United States District Judge