

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No. 3:22-cv-487-TJC-MCR

MICHAEL RANDO, et al.,

Defendants.

**DEFENDANTS' EXPEDITED UNOPPOSED MOTION TO
CONVERT PRELIMINARY INJUNCTION HEARING INTO A
STATUS, OR SCHEDULING, CONFERENCE AND CONTINUE
CERTAIN DEADLINES**

COMES NOW, Defendants Michael Rando, Valerie Rando, Prosperity Training Technology, LLC, Digital Business Scalling, LLC, First Coast Matchmakers, Inc., First Coast Matchmakers, LLC, and Financial Consulting Management Group, LLL (hereinafter "the Rando Defendants"),¹ by and through undersigned counsel, and respectfully requests the Court convert the May 12, 2022, preliminary injunction hearing in this case to a status, or scheduling, conference, and to continue

¹ The undersigned counsel does not represent Defendants Elite Customer Services, LLC and Resource Management Investments, LLC who are actively attempting to retain counsel.

the deadline for the Rando Defendants' to file its response to the Plaintiff's Motion for Preliminary Injunction no later than May 24, 2022. In support hereof, the Rando Defendants would show as follows:

1. The Court entered an *ex parte* Temporary Restraining Order ("TRO") against all Defendants on May 3, 2022. [Dkt. 12].

2. The Plaintiff effectuated service of process on the Rando Defendants on Wednesday, May 4, 2022, and provided them with copies of all pleadings, motions and exhibits.

3. The Rando Defendants retained the undersigned counsel on Friday, May 6, 2022.

4. Plaintiff filed a sealed Complaint and Motion for Preliminary Hearing. Although the case docket is to be unsealed, it remains non-public as of Monday night, May 9, 2022.

5. Counsel for the Rando Defendants obtained a copy of all pleadings, motions and exhibits on Monday, May 9, 2022, which contains voluminous documentary evidence in support of Plaintiff's Motion for Preliminary Injunction.

5. The Court's TRO ordered Defendants to submit a response to Plaintiff's Motion for a Preliminary Injunction by Tuesday, May 10, 2022, which is just one day after receipt of the voluminous documentary evidence

in support of the Motion for Preliminary Injunction.

6. The Court's TRO permits expedited discovery and both the Receiver, and the Plaintiff have noticed the Randos individually for depositions on Wednesday, May 11, 2022 (Receiver) and Thursday, May 12, 2022 (Plaintiff) respectively.

7. The Court's TRO scheduled a non-evidentiary preliminary injunction hearing on Thursday, May 12, 2022.

8. The undersigned counsel has spoken with counsel for the Plaintiff and the Receiver who do not oppose the requested relief with the following stipulations:

- a. The Court's TRO shall remain in effect until the date of the rescheduled non-evidentiary preliminary injunction hearing;
- b. The Receiver respectfully requests protection from scheduling the hearing from May 24 through June 8 due to her unavailability because of a previously scheduled commitment;
- c. The Receiver's and Plaintiff's notices of deposition remain in effect pending the Court's ruling on this motion;
- d. The Rando Defendants shall file a response to the Plaintiff's Motion for Preliminary Injunction no later than May 24, 2022;
and

e. All other deadlines in the Court's TRO shall remain in effect.

9. The individual Rando Defendants contacted the owners of the non-Rando Defendants referenced in footnote 1 above and they represented to the individual Rando Defendants that they agree to the requested relief herein.

MEMORANDUM OF LAW

For the above-stated reasons, the Rando Defendants respectfully submit to the Court that there is good cause for the requested relief. The Court has good cause to continue any current case filing or hearing deadlines and redesignate the upcoming Preliminary Injunction Hearing to a status conference. *See* Fed. R. Civ. P. 6(b)(1) (a court may, for good cause, extend court-ordered deadlines so long as the request is made before the deadline's expiration.). Accordingly, the requested relief is within the sound discretion of the Court.

The undersigned counsel has diligently worked to review the Court's TRO, the Plaintiff's motion for preliminary injunction and the voluminous exhibits submitted in support of both. However, due the expedited *ex parte* nature of these proceedings, the non-public docket and the extremely short time period between our engagement, receipt of the voluminous documentary evidence, the expedited discovery and the scheduled date for

the preliminary injunction, it is near impossible to conduct the herculean effort necessary to adequately prepare for the hearing and competently represent the Rando Defendants' case in defense to the Motion for Preliminary Injunction. In addition, it is readily apparent that the nature of this case has significant, if not fatal, implications for the Rando Defendants and their business. Accordingly, the Rando Defendants respectfully submit that there is good cause to grant this Motion and provide the requested relief with the above delineated stipulations among the Rando Defendants, Plaintiff and Receiver.

WHEREAS the Rando Defendants respectfully request that the Court grant this Motion.

Respectfully submitted,

/s/ Latour Lafferty

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CERTIFICATE OF CONFERRAL

I certify that, on May 9, 2020 counsel for the Rando Defendants conferred with counsel for Plaintiff, and the Receiver, and the requested relief is unopposed.

By: /s/ Latour Lafferty

CERTIFICATE OF SERVICE

I CERTIFY that on May 10, 2022, a copy of this document was filed with the Clerk of Court via the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

By: /s/ Latour Lafferty