

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICHAEL RANDO, et al.,

Defendants.

Case 3:22-cv-487-TJC-MCR

**JOINT PROPOSED
SETTLEMENT
CONFERENCE STRUCTURE**

Pursuant to the Court’s Order, Plaintiff, the Federal Trade Commission (“FTC”), and Defendants Michael Rando, Valerie Rando, Prosperity Training Technology LLC, Digital Business Scaling LLC, First Coast Matchmakers Inc., First Coast Matchmakers LLC, Financial Consulting Management Group LLC, Elite Customer Services LLC, and Resource Management Investments LLC propose the following settlement conference structure:¹

1. **Parties Exchange and Submit Draft Permanent Injunctions** – The parties will confer and submit joint draft injunctions as to each represented party group.² The parties’ joint submissions should clearly identify, via the “track

¹ The parties agree that any statements made pursuant to this process will not be admissible at trial pursuant to Fed. R. Evid. 408.

² Defendants Michael Rando, Valerie Rando, Prosperity Training Technology LLC, Digital Business Scaling LLC, First Coast Matchmakers Inc., First Coast Matchmakers LLC, and Financial Consulting Management Group LLC are one party group represented by Gunster, Yoakley & Stewart, PA. Defendants Elite Customer Services LLC and Resource Management Investments LLC are a separate party group represented by Abel Bean Law, P.A.

changes” function of a Microsoft Word document, terms of the proposed injunction about which they agree and about which they disagree. Where the parties are unable to reach an agreement on a particular term, the document should record each party’s proposed version of that term, respectively. The draft permanent injunctions are to be submitted to the Magistrate Judge 14-days prior to the settlement conference.

2. **Parties Submit Confidential *Ex Parte* Letters** – Each party group shall email a confidential *ex parte* letter to the Magistrate Judge. The letters should be no more than 10-pages single-spaced, include no exhibits, and be submitted to the Magistrate Judge 10-days prior to the settlement conference. The letters should discuss:

- a. the facts each party group believes it can prove at trial;
- b. a candid discussion of both the strengths and weaknesses of their case; and
- c. an estimate of how much time the Magistrate Judge should set aside for the settlement conference.

3. **Pre-Settlement Conference Call** – The Magistrate Judge will hold a brief administrative phone or video conference call with all counsel approximately 4-days prior to the settlement conference. In addition to any additional information the parties may wish to share concerning the status of the case, this conference call will also serve as an opportunity to finalize any outstanding details, such as the format of the conference. After review of the submissions, the Magistrate Judge

should reserve the right to cancel the settlement conference if settlement appears unlikely.

4. **Settlement Conference** – The settlement conference should open in a joint session with remarks by the Magistrate Judge, followed by a brief presentation (no more than 10 minutes) by each represented group. Then each represented group will break out into separate meetings before the Magistrate Judge to discuss their stances on outstanding issues.

5. **Proposed Schedule** – The parties propose the following schedule, subject to the Magistrate Judge’s availability:

- a. Submit Draft Permanent Injunctions by July 8, 2022.
- b. Submit Confidential *Ex Parte* Letters by July 12, 2022.
- c. Pre-Settlement Conference Call held on July 18, 2022.
- d. Settlement Conference held on July 22, 2022.

6. **Note Regarding the FTC’s Ability to Have a Representative with Full Settlement Authority Present** – The FTC notes that, as an independent federal agency, it has unique procedures for approving settlements in litigation that include a majority vote among its presidentially-appointed Commissioners. The Commissioners cannot delegate that authority. Accordingly, the FTC cannot produce at a conference a representative with full settlement authority. However, undersigned FTC counsel have authority to recommend a settlement to the Associate Director of the Enforcement Division. Undersigned counsel, including lead counsel

of record, can participate and commit to advocating for a final Commission approval of any settlement proposal agreed upon during a conference. The Associate Director of the Enforcement Division will also be available by telephone, as needed, during the conference. If agreement on a proposed settlement is reached, FTC counsel would then forward the settlement recommendation to the Director of the Bureau of Consumer Protection, who generally must approve the recommendation before forwarding the proposed settlement to the Commission. The Commission typically gives great weight to the settlement recommendations made by its staff, but there have been instances where the Commission has rejected settlement proposals. However, although FTC counsel cannot make any guarantee of ultimate approval, we will only advance settlements that we expect to win approval.

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Respectfully submitted,

Dated: June 22, 2022,

/s/ Brian M. Welke

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2022, I served a true and correct copy of the foregoing via CM/ECF to those listed on the CM/ECF system.

/s/ Brian M. Welke

Brian M. Welke