

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

CASE NO. 3:22-cv-00487-TJC-MCR

FEDERAL TRADE COMMISSION,

Plaintiffs,

v.

MICHAEL RANDO, et al.,

Defendants.

**MOTION TO MODIFY THE TEMPORARY RESTRAINING ORDER AND
ASSET FREEZE TO RELEASE FUNDS FOR
DEFENDANTS' LIVING EXPENSES**

Defendants Michael Rando and Valerie Rando (the “Individual Defendants”), move the Court to modify the asset freeze and permit the disbursement of \$25,000 from the Fifth Third Account ending in XXXXX 1169 for their personal expenses during the pendency of Temporary Restraining Order.

1. On May 4, 2022, the Court entered an *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue (“TRO”) (Doc. 12).

2. Section IV of the TRO froze all assets of the Individual Defendants, but noted that “[p]rovisions shall be made to allow the Individual Defendants to incur reasonable personal expenses during the pendency of this Order.”

3. On May 26, 2022, the Court granted the Individual Defendants' first request for living expenses (*See Joint Motion*, at Doc. 35). In that Order, the Court released \$36,000 for their living expenses. (Doc. 33). On June 29, 2022, the Court ordered a second disbursement of \$25,000 for the Individual Defendants' living expenses. (Doc. 62).

4. The Individual Defendants' assets remain frozen during the pendency of the TRO. They respectfully request that the Court order an additional disbursement of \$25,000 to continue paying their monthly living expenses.

5. The Individual Defendants have conferred with counsel for the Plaintiff, Federal Trade Commission ("FTC") and the Temporary Receiver about an additional disbursement for their ongoing living expenses. The Temporary Receiver does not oppose the release of \$25,000.¹ Counsel for the FTC opposes this Motion.

WHEREFORE, the Individual Defendants respectfully request that the Court modify the TRO and asset freeze to permit the disbursement of \$25,000 from Michael Rando's Fifth Third Account ending XXXXX1169 to the Individual Defendants to pay their personal expenses during the pendency of the TRO. Individual Defendants also request that the order indicate the \$25,000 shall no longer be frozen and may be applied to living expenses incurred on behalf of Michael and Valerie Rando, and that

¹ The Individual Defendants maintain that \$36,000 is the minimum amount required to meet their monthly obligations. For the sake of expediency in light of the Temporary Receiver's position, the Individual Defendants are limiting their request to \$25,000 at this time.

the disbursement of these funds (\$25,000) shall not be deemed a violation of this Court's May 4, 2022, Temporary Restraining Order and Asset Freeze.

LOCAL RULE 3.01(g) CERTIFICATE OF CONFERRAL

I certify that, on July 28, 2022, counsel for the Individual Defendants conferred with counsel for the FTC and the Receiver. Counsel for the FTC indicated that the FTC opposes this Motion. Counsel for the Receiver indicated that the Receiver does not oppose this Motion.

Dated: July 28, 2022

**GUNSTER, YOAKLEY &
STEWART, P.A.**

By: /s/ Nathan W. Hill

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28 day of July, 2022 a true and correct copy of the foregoing document was electronically filed with the United States District Court for the Middle District of Florida using the CM/ECF system which will send notification of such filing to all counsel of record.

By: /s/ Nathan W. Hill