

**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.

**DEFENDANTS' SECOND MOTION TO MODIFY ASSET FREEZE TO  
PERMIT PAYMENT OF ATTORNEYS' FEES**

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, et al. (“Defendants”), by and through undersigned counsel, respectfully requests the Court to modify the asset freeze in the Temporary Restraining Order (“TRO”) to pay attorneys’ fees incurred between June 1 and June 30, 2022 in the amount of \$141,944.50 for the instant matter, and \$69,572.09 for fees incurred with respect to a separate criminal investigation. Redacted invoices for both matters are attached hereto as Exhibits 1 and 2.

1. The Court entered an *ex parte* Temporary Restraining Order (“TRO”) against all Defendants on May 3, 2022. (Doc. 12). The Defendants retained the undersigned counsel on Friday, May 6, 2022. Undersigned counsel also represent Defendants

Michael Rando and Valerie Rando with respect to a potentially overlapping investigation by the United States Attorney's Office for the Middle District of Florida.

2. Section IV of the TRO freezes all of the assets of the Defendants, but contains a provision allowing the Defendants to retain counsel to represent them.

3. On June 29, 2022, the Court granted Defendants' first Motion for Attorney's Fees (Doc. 62).

4. The Defendants respectfully request the Court modify the asset freeze provision in Section IV of the TRO to permit the Defendants to pay the undersigned counsel reasonable attorneys' fees incurred during the month of June, 2022.

5. Undersigned counsel are not seeking reimbursement for costs. The fee amounts reflected in the invoices are already discounted by greater than 10%.

#### **MEMORANDUM OF LAW**

Undersigned counsel has diligently worked to represent the Defendants effectively and efficiently in this matter and with respect to the overlapping criminal investigation. Fees billed in June of 2022 include preparation for and attendance at the hearing on the Motion for Temporary Injunction, cooperating with the Receiver, and preparing for the settlement conference. For the above-stated reasons, the Defendants respectfully submit to the Court that there is good cause for the requested relief.

WHEREAS the Rando Defendants respectfully request that the Court grant this Motion and modify the asset freeze to permit a payment to the trust account of the undersigned law firm in the amount of \$211,516.59, order that the total amount of \$211,516.59 shall no longer be frozen, may be applied to attorneys' fees incurred on

behalf of the Defendants, and that the disbursement of the funds described above shall not be deemed a violation of this Court's May 4, 2022 Temporary Restraining Order and Asset Freeze, and such further relief the Court deems appropriate.

**LOCAL RULE 3.01(g) CERTIFICATE OF CONFERRAL**

I certify that, on July 28, 2022, and August 11, 2022 counsel for the Defendants conferred with counsel for Plaintiff and the Receiver. Counsel for the Plaintiff indicated that the Plaintiff opposes this Motion. Counsel for the Receiver indicated that the Receiver does not oppose the distribution or amount of requested fees, but that the Receiver does take a position on how, and from what account(s), those fees should be paid and intends to file a response directed to that issue.

Dated: August 15, 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 15th day of August, 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



777 South Flagler Drive, Suite 500  
West Palm Beach, Florida 33401  
Phone (561) 655-1980  
Fax No. (561) 655-5677  
Taxpayer ID No. 59-1450702

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July 20, 2022

Mike Rando, Valerie Rando, Prosperity Training  
Technology, LLC, et al.  
3556 Highland Glen Way West  
Jacksonville, FL 32224

*Please remit with payment*

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**Invoice for Professional Services**

*Client Name:* Mike Rando, Valerie Rando, Prosperity Training Technology, LLC, et al.

*Matter Name:* Temporary Restraining Order with Asset Freeze Issued in Federal Trade Commission v. Rando, et al, No. 3:22-cv-487-TJC-MCR

*Invoice Date:* July 20, 2022

For Legal Services Rendered Through June 30, 2022

*Total Fees Due* \$141,944.50

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Invoice No. 714847  
 56156.1  
 Mike Rando, Valerie Rando, Prosperity Training Technology  
 et al.  
 Temporary Restraining Order with Asset Freeze Issued in Fed  
 Trade Commission v. Rando, et al, No. 3:22-cv-487-TJC-MC



Invoice Date: July 20, 2022

**FEE SUMMARY OF PROFESSIONAL SERVICES RENDERED**

<u>Professional</u>	<u>Hours Worked</u>	<u>Billed Per Hour</u>	<u>Bill Amount</u>
Englund, Ashley J.	1.70	\$330.00	561.00
Freed, Michael	82.20	\$625.00	51,375.00
Hill, Nathan W.	44.40	\$550.00	24,420.00
Lacross, Denise L.	19.90	\$320.00	6,368.00
Lafferty, Latour LT	17.50	\$685.00	11,987.50
Maturo, Rebecca A.	12.50	\$325.00	4,062.50
Medina, Samantha V.	20.20	\$330.00	6,666.00
Osborne, Jonathan K.	47.20	\$575.00	27,140.00
Reynolds, Sarah	1.20	\$325.00	390.00
Sweet, Christine B.	14.10	\$395.00	5,569.50
Van Lenten, Jason P.	4.80	\$495.00	2,376.00
Wiggins, Logan T.	2.10	\$490.00	1,029.00
Total all Professionals	267.80	\$530.04	\$141,944.50



777 South Flagler Drive, Suite 500  
West Palm Beach, Florida 33401  
Phone (561) 655-1980  
Fax No. (561) 655-5677  
Taxpayer ID No. 59-1450702

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July 21, 2022

Michael Rando  
Mike Rando, Valerie Rando, Prosperity Training  
Technology, LLC, et al.

*Please remit with payment*

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**Invoice for Professional Services**

*Client Name:* Mike Rando, Valerie Rando, Prosperity Training Technology, LLC, et al.

*Matter Name:* Department of Justice vs Michael and Valerie Rando and Prosperity Training Tech., LLC

*Invoice Date:* July 21, 2022

For Legal Services Rendered Through June 30, 2022



Invoice No. 715311  
 56156.2  
 Mike Rando, Valerie Rando, Prosperity Training Technology  
 et al.  
 Department of Justice vs Michael and Valerie Rando and Pro  
 Training Tech., LLC



Invoice Date: July 21, 2022

**FEE SUMMARY OF PROFESSIONAL SERVICES RENDERED**

<u>Professional</u>	<u>Hours Worked</u>	<u>Billed Per Hour</u>	<u>Bill Amount</u>
Ciulla, Samuel J.	0.80	\$325.00	260.00
Freed, Michael	23.00	\$625.00	14,375.00
Hill, Nathan W.	4.30	\$550.00	2,365.00
Lafferty, Latour LT	76.50	\$685.00	52,402.50
Osborne, Jonathan K.	10.60	\$575.00	6,095.00
Scheer, Matthew J.	0.30	\$500.00	150.00
Total all Professionals	115.50	\$654.96	\$75,647.50