

**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.

**ELITE CUSTOMER SERVICES, LLC AND RESOURCE
MANAGEMENT INVESTMENTS, LLC MOTION TO MODIFY
ASSET FREEZE TO PERMIT PAYMENT OF ATTORNEYS' FEES**

Defendants Elite Customer Services, LLC and Resource Management Investments, LLC under Section IV of the Court's Temporary Restraining Order (Doc. 12 at 14–15) respectfully request that the Court enter an Order modifying the asset freeze and directing the Receiver to release \$27,316 to pay Customer Services and Resource Management's attorneys' fees.

On May 3, 2022, the Court entered an *ex parte* Temporary Restraining Order against all Defendants. (Doc. 12). The TRO appointed a Receiver and authorized the Receiver to marshal Defendants' assets and imposed an asset freeze. The TRO authorizes the payment of attorneys' fees. *Id.* at 15. On May 18, 2022, Customer Services and Resource Management retained this law firm. On May 23, 2022, Customer Services and Resource Management consented to

extending the TRO until the Court ruled on the FTC's motion for a preliminary injunction. The undersigned has not billed for costs or paralegal time.¹

Attached to this motion is a redacted invoice showing the fees incurred to date.

MEMORANDUM OF LAW

The TRO states that “[p]rovision shall also be made to allow Defendants to hire counsel to represent them in this action.” (Doc. 12 at 15). Customer Services and Resource Management hired the undersigned to represent them, and the Receiver has taken control of their assets. As shown in the attached invoice, the undersigned's fees are fair and reasonable. Mr. Burns's rate is \$325 an hour and Mr. Bean's rate is \$395 an hour. These rates are at or below “the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation.” Loranger v. Stierheim, 10 F.3d 776, 781 (11th Cir. 1994) (quotation marks omitted) (quoting Norman v. Hous. Auth. of City of Montgomery, 836 F.2d 1292, 1299 (11th Cir. 1988)); cf. Docs. 51-1 at 3; 81-1 at 2; 8-1 at 8. Additionally, the TRO creates a single Receivership Estate, so attempting to parse out the origin of assets is unnecessary at this juncture. Moreover, the Receiver has not

¹ The undersigned acknowledges that he informed the Court that a motion for payment of attorneys' fees was unlikely. However, as this case evolved, the instant motion became necessary.

distinguished her or her professionals' activities between the two groups of defendants. Cf. Doc. 67 (listing the categories of work completed without reference to which defendant it relates). Instead, she requested that her fees be paid indiscriminately from "the Receivership assets." (Doc. 67 at 20). Customer Services and Resource Management request the same, and the Rando defendants do not object.

Accordingly, Defendants Elite Customer Services, LLC and Resource Management Investments, LLC under Section IV of the Court's Temporary Restraining Order (Doc. 12 at 14–15) respectfully request that the Court enter an Order modifying the asset freeze and directing the Receiver to release \$27,316 to pay Customer Services and Resource Management's attorneys' fees.

LOCAL RULE 3.01(G) CERTIFICATION

Under Local Rule 3.01(g), the undersigned conferred with counsel for all parties. The Rando Defendants do not oppose the relief contained herein. The undersigned conducted a Zoom conference conferral with counsel for the FTC and Counsel for the Receiver. Both the FTC and Receiver object to the relief sought in this motion.

DATED: August 31, 2022

Respectfully Submitted,

/s/ Jared J. Burns

Daniel K. Bean, Esq.

Florida Bar No. 15539

Jared J. Burns, Esq.

Florida Bar No. 1003415

ABEL BEAN LAW, P.A.
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Jacksonville, FL 32202
Phone : 904-944-4100
dbean@abelbeanlaw.com
jburns@abelbeanlaw.com

***Counsel for Defendants,
Elite Customer Services, LLC
and Resource Management
Investments, LLC***

CERTIFICATE OF SERVICE

I certify that on August 31, 2022, I electronically filed the foregoing document with the United States District Court for the Middle District of Florida by using the CM/ECF system which will send notification of such filing to all counsel for record.

/s/ Jared J. Burns

Abel Bean Law P.A.
 100 N. Laura Street
 Suite 501
 Jacksonville, FL 32202
 United States
 (904) 944-4100



Balance \$27,316.00
Invoice # 50002550
Invoice Date August 31, 2022
Payment Terms Due on Receipt
Due Date August 31, 2022

Elite Customer Services/Resource Management Investments - Defense of FTC Action

For services rendered between
 May 18, 2022 and August 31, 2022

Time Entries

| Date | EE | Activity | Description | Rate | Hours | Line Total |
|------------|-----|------------------------|-------------|----------|-------|------------|
| 05/18/2022 | JJB | Review/Analyze | | \$325.00 | 3.2 | \$1,040.00 |
| 05/19/2022 | JJB | Review/Analyze | | \$325.00 | 2.7 | \$877.50 |
| 05/19/2022 | DKB | communications | | \$395.00 | 0.8 | \$316.00 |
| 05/20/2022 | JJB | Review/Analyze | | \$325.00 | 2.1 | \$682.50 |
| 05/20/2022 | DKB | Communications - email | | \$395.00 | 0.3 | \$118.50 |
| 05/22/2022 | JJB | Review/Analyze | | \$325.00 | 1.1 | \$357.50 |

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|------------|-----|---|--|----------|-----|------------|
| 05/23/2022 | JJB | Deposition Preparation | | \$325.00 | 4.0 | \$1,300.00 |
| 05/24/2022 | JJB | Depositions - preparation and/or attendance | | \$325.00 | 5.8 | \$1,885.00 |
| 05/25/2022 | DKB | communications | | \$395.00 | 0.3 | \$118.50 |
| 05/25/2022 | JJB | Review/Analyze | | \$325.00 | 1.6 | \$520.00 |
| 05/26/2022 | JJB | Review and revise | | \$325.00 | 3.5 | \$1,137.50 |
| 06/01/2022 | DKB | Draft/Revise | | \$395.00 | 0.3 | \$118.50 |
| 06/01/2022 | JJB | Review/Analyze | | \$325.00 | 0.9 | \$292.50 |
| 06/02/2022 | DKB | Draft/Revise | | \$395.00 | 0.2 | \$79.00 |
| 06/02/2022 | JJB | Review and revise | | \$325.00 | 0.2 | \$65.00 |
| 06/10/2022 | JJB | Communications - email | | \$325.00 | 0.2 | \$65.00 |
| 06/13/2022 | DKB | Depositions - preparation and/or attendance | | \$395.00 | 0.1 | \$39.50 |
| 06/13/2022 | JJB | Depositions - preparation and/or attendance | | \$325.00 | 1.2 | \$390.00 |
| 06/14/2022 | DKB | Review/Analyze | | \$395.00 | 0.2 | \$79.00 |
| 06/14/2022 | JJB | Review/Analyze | | \$325.00 | 1.3 | \$422.50 |
| 06/15/2022 | DKB | communications | | \$395.00 | 0.1 | \$39.50 |
| 06/15/2022 | JJB | Review/Analyze | | \$325.00 | 1.3 | \$422.50 |
| 06/16/2022 | JJB | Review/Analyze | | \$325.00 | 1.9 | \$617.50 |
| 06/17/2022 | DKB | Hearing (Prep & Attendance) | | \$395.00 | 2.0 | \$790.00 |
| 06/17/2022 | JJB | Hearing (Prep & Attendance) | | \$325.00 | 4.5 | \$1,462.50 |

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|------------|-----|-------------------|--|----------|-----|------------|
| 06/19/2022 | DKB | Review/Analyze | | \$395.00 | 0.1 | \$39.50 |
| 06/19/2022 | JJB | Strategy/planning | | \$325.00 | 0.3 | \$97.50 |
| 06/20/2022 | DKB | Review/Analyze | | \$395.00 | 0.1 | \$39.50 |
| 06/20/2022 | JJB | Review/Analyze | | \$325.00 | 0.2 | \$65.00 |
| 06/22/2022 | DKB | communications | | \$395.00 | 0.2 | \$79.00 |
| 06/22/2022 | JJB | Review/Analyze | | \$325.00 | 0.5 | \$162.50 |
| 06/29/2022 | JJB | Review/Analyze | | \$325.00 | 0.4 | \$130.00 |
| 07/05/2022 | DKB | Communication | | \$395.00 | 0.8 | \$316.00 |
| 07/05/2022 | JJB | Review/Analyze | | \$325.00 | 2.2 | \$715.00 |
| 07/06/2022 | JJB | Review/Analyze | | \$325.00 | 0.2 | \$65.00 |
| 07/07/2022 | JJB | Review/Analyze | | \$325.00 | 3.7 | \$1,202.50 |
| 07/07/2022 | DKB | communications | | \$395.00 | 0.6 | \$237.00 |
| 07/08/2022 | DKB | communications | | \$395.00 | 0.6 | \$237.00 |
| 07/08/2022 | JJB | Draft and revise | | \$325.00 | 4.8 | \$1,560.00 |
| 07/11/2022 | DKB | Draft/Revise | | \$395.00 | 0.4 | \$158.00 |
| 07/11/2022 | JJB | Draft and revise | | \$325.00 | 2.3 | \$747.50 |
| 07/12/2022 | JJB | Review/Finalize | | \$325.00 | 1.4 | \$455.00 |
| 07/14/2022 | JJB | Review and revise | | \$325.00 | 0.5 | \$162.50 |
| 07/19/2022 | JJB | Review/Analyze | | \$325.00 | 0.8 | \$260.00 |
| 07/20/2022 | DKB | communications | | \$395.00 | 0.2 | \$79.00 |

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|------------|-----|-----------------------------|--|----------|-----|------------|
| 07/20/2022 | JJB | Conference Call/Discussion | | \$325.00 | 1.1 | \$357.50 |
| 07/21/2022 | DKB | communications | | \$395.00 | 0.1 | \$39.50 |
| 07/22/2022 | DKB | communications | | \$395.00 | 0.3 | \$118.50 |
| 07/22/2022 | JJB | Conference Call/Discussion | | \$325.00 | 1.0 | \$325.00 |
| 07/25/2022 | DKB | Hearing (Prep & Attendance) | | \$395.00 | 3.8 | \$1,501.00 |
| 07/25/2022 | JJB | Attend | | \$325.00 | 7.1 | \$2,307.50 |
| 08/11/2022 | DKB | communications | | \$395.00 | 0.1 | \$39.50 |
| 08/15/2022 | JJB | Review/Analyze | | \$325.00 | 0.2 | \$65.00 |
| 08/25/2022 | JJB | Review/Analyze | | \$325.00 | 1.1 | \$357.50 |
| 08/25/2022 | DKB | Review/Analyze | | \$395.00 | 0.2 | \$79.00 |
| 08/26/2022 | DKB | Draft/Revise | | \$395.00 | 0.1 | \$39.50 |
| 08/26/2022 | JJB | Review/Analyze | | \$325.00 | 2.1 | \$682.50 |
| 08/29/2022 | JJB | Draft and revise | | \$325.00 | 1.3 | \$422.50 |
| 08/29/2022 | DKB | communications | | \$395.00 | 0.2 | \$79.00 |
| 08/29/2022 | DKB | Draft/Revise | | \$395.00 | 0.2 | \$79.00 |
| 08/30/2022 | JJB | Conference Call/Discussion | | \$325.00 | 1.1 | \$357.50 |
| 08/31/2022 | JJB | Review and revise | | \$325.00 | 1.3 | \$422.50 |

Totals: **81.4** **\$27,316.00**

| | |
|-----------------------|--------------------|
| Time Entry Sub-Total: | \$27,316.00 |
| Sub-Total: | \$27,316.00 |
| Total: | \$27,316.00 |
| Amount Paid: | \$0.00 |
| Balance Due: | \$27,316.00 |