

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

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No. 3:22-cv-0487-TJC-MCR

MICHAEL RANDO, et al.,

Defendants.

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**RECEIVER MARIA M. YIP'S RESPONSE TO DEFENDANTS ELITE  
CUSTOMER SERVICES, LLC AND RESOURCE MANAGEMENT  
INVESTMENTS, LLC'S MOTION TO MODIFY ASSET FREEZE  
FOR PAYMENT OF ATTORNEY'S FEES [DOC 90]**

Receiver Maria M. Yip ("Receiver"), by and through her undersigned counsel, hereby responds to Defendant Elite Customer Services, LLC and Resource Management Investments, LLC's (collectively "Abel Bean Defendants") Motion to Modify the Asset Freeze to Permit the Payment of Attorney's Fees. On May 3, 2022, in its Temporary Restraining Order ("TRO"), the Court appointed Maria M. Yip as Temporary Receiver for all the Corporate Defendants in the case, include Elite Customer Services, LLC and Resource Management Investments, LLC. Since that date, the Receiver stands in the shoes of those Corporate Defendants.

The TRO also provides for an asset freeze of all assets of the Defendants, including Elite Customer Services and Resource Management Investments. As part of the Receiver's duties, she submitted a report to the Court regarding the

accounts frozen pursuant to the Court's TRO. Of the many accounts frozen, there is only one account for Elite Customer Service: Fifth Third account ending in x8167. As of May 9, 2022, that account had a balance of \$2,161.07.<sup>1</sup> The Receiver has not located any account in the name of Resource Management Investments.

In relation to the Asset Freeze, the Court stated specifically, "Provision shall also be made to allow Defendants to hire counsel to represent them in this action." To that end, the law firm of Abel Bean entered an appearance on behalf of Elite Customer Services and Resource Management Investments on May 19, 2022. The Receiver, who was appointed to take control of these entities, was not involved in the retention of counsel. Presumably, the law firm was retained by Deborah Rando, who executed the Notice to Receiver and FTC of Assets and Accounts on May 26, 2022 as well as the Financial Disclosures required the TRO for both entities.

Although the Court's TRO allows for the retention of counsel, it does not require the Receiver to pay the fees incurred on behalf of those defendants. To date, defendants Michael and Valerie Rando have made various requests of the Court to modify the asset freeze to allow them living expenses and monies to pay their attorneys. When the Court has granted those motions, the monies have been paid from those accounts titled in the name of Mr. and Mrs. Rando.

Contrary to this, the Abel Bean Defendants, who have frozen assets of \$2,161, ask this Court to require the Receiver to pay their attorney's fees in the

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<sup>1</sup> On May 26, 2022, Elite Customer Services notified the Receiver that the account had a balance of \$1,553.53.

amount of \$27,316 from monies having no connection to either Elite Customer Services or Resource Management Investments. As this Court is well aware, the Receiver's duty is to marshal assets for the Receivership Estate potentially for the benefit of wronged consumers or the Receivership Entities that survive the receivership. This request by the Abel Bean Defendants flies in the face of this duty. The alleged victims in this case, who may have claims to the Receivership Estate, or the other Defendants, should not be required to foot the bill for the Abel Bean Defendants beyond their frozen assets.

Respectfully submitted,

/s/ Katherine C. Donlon  
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*Attorneys for Receiver Maria M. Yip*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 15, 2022, a true and correct copy of the foregoing was electronically filed by using the CM/ECF System, which will serve a copy on all counsel of record.

/s/ Katherine C. Donlon  
Attorney