

**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.

**DEFENDANT’S AMENDED 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 request the Court modify the asset freeze in the Temporary Restraining Order (“TRO”) to pay attorneys’ fees and costs incurred between June 1 and August 31, 2022 in the amount of \$138,227.93 for the instant matter, and \$71,632.71 for fees incurred with respect to a separate criminal investigation. This Motion amends Defendants’ Second Motion to Modify Asset Freeze to Permit Payment of Attorneys’ Fees, filed on August 15, 2022, to reflect updated fees and costs incurred up to the date of the upcoming hearing. (Doc. 81). Redacted invoices for both matters are attached hereto as Exhibits 1—6.

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 contemporaneous criminal investigation in the Middle District of Florida.

2. Section IV of the TRO freezes all of the assets of the Defendants but allows the Defendants to retain counsel.

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 their reasonable attorneys’ fees and costs incurred between June 1 and August 31, 2022.

5. The fee amounts reflected in the invoices are already discounted by greater than 10%.

MEMORANDUM OF LAW

Undersigned counsel has diligently represented the Defendants in this matter and the overlapping criminal investigation. Fees billed in July through August of 2022 include preparation for settlement efforts and continued cooperation with the Receiver. Fees billed by David Goldman include professional services regarding trust documents for the settlement conference. Ex. 3. Sandline served as electronic discovery support in the present action and assisted in imaging devices and coordinating service of the TRO to customers of the Defendant entities, as required by

the TRO. Ex. 4. 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 Gunster in the amount of \$212,993.14;¹ order that the total amount of \$212,993.14 shall no longer be frozen, may be applied to attorneys' fees incurred on behalf of the Defendants; 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 September 19, 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 opposes this Motion.

Dated: September 20, 2022

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

By: /s/ Nathan W. Hill
Nathan W. Hill
Florida Bar No. 91473
200 South Orange Ave, Suite 1400

¹ The amount of fees incurred in instant matter by the undersigned counsel total \$138,227.93 and \$71,632.71 in the separate criminal matter. The amount of fees incurred by Sandline total \$950.00 and the amount of fees incurred by David Goldman total \$2,182.50.

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Florida Bar No. 69205
1 Independent Drive, Suite 2300
Jacksonville, FL 32202
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L.T. Lafferty
Florida Bar No. 975575
401 East Jackson Street, Suite 2500
Tampa, FL 33602
ltlafferty@gunster.com
Jonathan K. Osborne
Florida Bar No. 95693
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Florida Bar No. 1030933
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450 East Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301
Telephone: (954) 462-2000
Facsimile: (954) 523-1722

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 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

Exhibit 1



GUNSTER

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

August 12, 2022

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

Please remit with payment

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: August 12, 2022

For Legal Services Rendered Through July 31, 2022

Amount Due this Bill

\$63,980.73

Invoice No. 717683

56156.1

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

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



Invoice Date: August 12, 2022

FEE SUMMARY OF PROFESSIONAL SERVICES RENDERED

<u>Professional</u>	<u>Hours</u> <u>Worked</u>	<u>Billed</u> <u>Per Hour</u>	<u>Bill Amount</u>
Freed, Michael	54.40	\$625.00	34,000.00

Invoice No. 717683

56156.1

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

Invoice Date: August 12, 2022

FEE SUMMARY OF PROFESSIONAL SERVICES RENDERED

<u>Professional</u>	<u>Hours Worked</u>	<u>Billed Per Hour</u>	<u>Bill Amount</u>
Hill, Nathan W.	20.30	\$550.00	11,165.00
Lacross, Denise L.	1.40	\$320.00	448.00
Lafferty, Latour LT	2.90	\$685.00	1,986.50
Medina, Samantha V.	12.00	\$330.00	3,960.00
Osborne, Jonathan K.	13.20	\$575.00	7,590.00
Sweet, Christine B.	1.70	\$395.00	671.50
Van Lenten, Jason P.	0.20	\$495.00	99.00
Total all Professionals	106.10	\$564.75	\$59,920.00

DISBURSEMENTS

06/14/22	\$203.14	Cost advanced for transcript expedited
06/14/22	\$153.30	Cost advanced for copy of transcript
06/29/22	\$2,527.69	Cost advanced for Video deposition of Adam Rottner 6-13-22
06/30/22	\$14.10	Computer Research - Support Databases, Pacer
07/12/22	\$1,162.50	Cost advanced for Discovery data
	<u>\$4,060.73</u>	TOTAL DISBURSEMENTS

Exhibit 2



GUNSTER

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

September 12, 2022

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

Please remit with payment

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: September 12, 2022

For Legal Services Rendered Through August 31, 2022

Amount Due this Bill

\$71,114.70

Invoice No. 721008

56156.1

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

Invoice Date: September 12, 2022

FEE SUMMARY OF PROFESSIONAL SERVICES RENDERED

<u>Professional</u>	<u>Hours Worked</u>	<u>Billed Per Hour</u>	<u>Bill Amount</u>
Freed, Michael	54.40	\$625.00	34,000.00

Invoice No. 721008

56156.1

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

Invoice Date: September 12, 2022

FEE SUMMARY OF PROFESSIONAL SERVICES RENDERED

<u>Professional</u>	<u>Hours Worked</u>	<u>Billed Per Hour</u>	<u>Bill Amount</u>
Hill, Nathan W.	25.20	\$550.00	13,860.00
Lacross, Denise L.	6.10	\$320.00	1,952.00
Medina, Samantha V.	1.50	\$330.00	495.00
Osborne, Jonathan K.	33.40	\$575.00	19,205.00
Sweet, Christine B.	2.90	\$395.00	1,145.50
Total all Professionals	123.50	\$572.13	\$70,657.50

DISBURSEMENTS

07/12/22	\$453.75	Cost advanced for payment for transcripts
07/31/22	\$2.40	Computer Research - Support Databases, Pacer
08/31/22	\$1.05	Telephone, postage, and imaging
		(detail available upon request)
	<u>\$457.20</u>	TOTAL DISBURSEMENTS

Exhibit 3



Law Office of David M. Goldman PLLC
4115 Hendricks Ave.
Jacksonville, FL 32207

Valerie Rando

INVOICE

Invoice #: 1638
Date: 07-28-2022
Due On: 07-28-2022

Legal Fees Subtotal: \$2,182.50

Discount	\$416.25
Total Billed	\$2,182.50
Payment Applied	\$0.00
Total Due	\$2,182.50

Remaining funds held in Trust Account \$0.00

Legal Fees Account Balance \$0.00

Total Client Balance \$2,182.50

Total Matter Balance \$2,182.50

Please make all amounts payable to: Law Office of David M. Goldman PLLC

Exhibit 4

Sandline Discovery LLC

105 North Virginia Ave

Suite 302

Falls Church, VA 22046 US

+1 7033493588

Finance@sandlinediscovery.com

Invoice**BILL TO**

Nathan Hill

Gunster Yoakley & Stewart, PA

200 South Orange Ave., Suite 1400

Orlando, FL

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
6903	06/07/2022	\$950.00	07/07/2022	Net 30	

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

CLIENT MATTER

00056156-00001

BALANCE DUE

\$950.00

All amounts are in USD (\$)

Remit To: Sandline Discovery, LLC | 105 North Virginia Ave, Suite 302 Falls Church, VA 22046

Bank Info: PNC Bank | 402 W Broad St, Falls Church, VA 22046

Wire To and ACH: Routing#: 054000030 | Account#: 5342107054 | SWIFT code: PNCCUS33

Exhibit 5



GUNSTER

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

August 12, 2022

Michael Rando
Mike Rando, Valerie Rando, Prosperity Training
Technology, LLC, et al.
E-Mailed to : Paytonv01@gmail.com

Please remit with payment

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: August 12, 2022

For Legal Services Rendered Through July 31, 2022

Total Fees Due \$5,843.00

Invoice No. 717684

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: August 12, 2022

FEE SUMMARY OF PROFESSIONAL SERVICES RENDERED

<u>Professional</u>	<u>Hours Worked</u>	<u>Billed Per Hour</u>	<u>Bill Amount</u>
Freed, Michael	0.80	\$625.00	500.00
Lafferty, Latour LT	7.80	\$685.00	5,343.00
Total all Professionals	8.60	\$679.42	\$5,843.00

Exhibit 6



GUNSTER

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

July 21, 2022

Michael Rando
Mike Rando, Valerie Rando, Prosperity Training
Technology, LLC, et al.
E-Mailed to : Paytonv01@gmail.com

Please remit with payment

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

Total Fees \$75,647.50

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