

**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' CUMULATIVE 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”), request the Court modify the asset freeze in the Temporary Restraining Order (“TRO”) to pay attorneys’ fees and costs incurred between June 1, 2022 and August 31, 2022 in the amount of \$245,172.43<sup>1</sup> for the instant matter, and \$71,632.71 for a separate criminal matter relating to the Defendants, for a combined total of \$316,805.14. Redacted invoices for both matters are attached hereto as Exhibits 1—6.

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<sup>1</sup> Fees incurred by Defendants for the services of Gunster in the instant matter total \$242,039.93. Fees incurred by Defendants for the services of Sandline (explained further below) total \$950. Fees incurred by Defendants for the services of David Goldman (explained further below) total \$2,182.50.

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 represents certain of the Defendants with respect to a contemporaneous criminal investigation in the Middle District of Florida of which those Defendants received notice only days after they received notice of the instant action.

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) through June 6, 2022.

4. On August 15, 2022, Defendants filed their second Motion for Attorneys’ Fees. (Doc. 81). On September 20, 2022 Defendants filed an amended second Motion for Attorneys’ Fees. (Doc. 97).

5. During the September 21, 2022 hearing, the Court requested Defendants file this current motion to explain the cumulative amount of outstanding legal fees incurred by the undersigned counsel. As requested by the Court, this present motion serves to supersede the Second Motion for Attorneys’ Fees (Doc. 81) and the Amended Second Motion for Attorneys’ Fees (Doc. 97).

6. The undersigned counsel is requesting the total amount of their legal fees in the current matter, and a separate criminal investigation, in the amount of \$316,805.14.<sup>2</sup>

**Current Fees for FTC Litigation**

7. The total amount for the instant matter from June 1, 2022 until August 31, 2022 incurred by Defendants for the services of Gunster is \$242,039.93. In addition, the Defendants' incurred fees from Sandline<sup>3</sup> in the amount of \$950.00 and David Goldman<sup>4</sup> in the amount of \$2,182.50. Ex. 1. Therefore, the total amount owed in the current matter is \$245,172.43.

8. This total amount of \$242,039.93 incurred by Defendants for the services of Gunster reflects an initial discount of \$40,877.00. As represented to the Court at the September 21, 2022, Gunster also deducted an additional \$35,000.00 to render the total \$242,039.93.

9. The outstanding fees for the instant matter encompass three invoices billed to the client. The first invoice billed as of 07/20/22 is \$106,944.50 for fees. Ex. 2. The second invoice billed as of 08/12/2022 is \$63,980.73. Ex. 3. The third invoice billed as of 09/12/2022 is \$71,114.70. Ex. 4.

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<sup>2</sup> Fees incurred by Defendants for the services of Gunster in the instant matter total \$242,039.93. Fees incurred by Defendants for the services of Sandline total \$950. Fees incurred by Defendants for the services of David Goldman total \$2,182.50. Fees incurred by Defendants for the services of Gunster in the separate criminal investigation total \$71,632.71.

<sup>3</sup> 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, we required by the TRO.

<sup>4</sup> Fees incurred by Defendants for the services of David Goldman include professional services regarding trust documents for the settlement conference.

**Current Fees for Criminal Investigation**

10. The total amount of fees for the criminal matter from June 1, 2022 to August 31, 2022 is \$71,632.71.

11. That amount reflects a discount of \$36,074.38.

12. The outstanding fees for the criminal matter encompass two invoices billed to the client. The first invoice billed as of 07/21/22 is \$65,789.71. Ex. 5. The second invoice billed as of 08/12/2022 is \$5,843.00. Ex. 6.

WHEREAS the Defendants respectfully request that the Court grant this Motion and modify the asset freeze to permit a payment to Gunster in the amount of \$316,805.14; order that the total amount of \$316,805.14 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 21st, 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 23, 2022

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

By: /s/ Michael R. Freed

Nathan W. Hill

Florida Bar No. 91473

200 South Orange Ave, Suite 1400

Orlando, Florida 32801

[nhill@gunster.com](mailto:nhill@gunster.com)

Michael R. Freed

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[smedina@gunster.com](mailto:smedina@gunster.com)

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 23<sup>rd</sup> 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/ Michael R. Freed

# **Exhibit 1**

**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 &amp; 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





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

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Valerie Rando

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## INVOICE

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

Legal Fees Subtotal: \$2,182.50

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<b>Discount</b>	\$416.25
<b>Total Billed</b>	\$2,182.50
<b>Payment Applied</b>	\$0.00
<b>Total Due</b>	\$2,182.50

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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 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

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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

*Amount Due this Bill*

\$106,944.50

Invoice No. 714847

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: 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

## **Exhibit 3**



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

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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*

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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:* 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 Worked</u>	<u>Billed 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 4**



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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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*

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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:* 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</u>	<u>Billed</u>	<u>Bill Amount</u>
<u>Freed, Michael</u>	<u>54.40</u>	<u>\$625.00</u>	<u>34,000.00</u>

CLIENT COPY

Page 10

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>	<b>TOTAL DISBURSEMENTS</b>

## **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

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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*

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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

*Amount Due this Bill*

\$65,789.71

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



## **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

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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*

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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:* August 12, 2022

For Legal Services Rendered Through July 31, 2022

*Amount Due this Bill*

\$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