

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No. 3:22-cv-00487-TJC-MCR

MICHAEL RANDO, VALERIE
RANDO, PROSPERITY TRAINING
TECHNOLOGY LLC, ELITE
CUSTOMER SERVICES, LLC,
DIGITAL BUSINESS SCALING
LLC, FIRST COAST
MATCHMAKERS INC.,
FIRST COAST MATCHMAKERS
LLC, FINANCIAL CONSULTING
MANAGEMENT GROUP LLC,
RESOURCE MANAGEMENT
INVESTMENTS, LLC,

Defendants.

**RECEIVER'S UNOPPOSED MOTION TO APPROVE
PAYMENT OF ATTORNEY'S FEES TO DAVID GOLDMAN**

Maria M. Yip, as Receiver over the assets of the corporate defendants (the "Receiver" and the "Receivership" or "Receivership Estate"), moves the Court to approve the Receiver's payment of attorney's fees to David Goldman in the amount of \$3,217.50. As explained below, the Receiver believes the payment of these fees is the most cost-effective and efficient way for the

Receiver to liquidate certain assets to be transferred under this Court's January 10, 2023 Final Judgment ("Final Judgment") (Doc. 116).

BACKGROUND

David Goldman is an attorney hired by Michael and Valerie Rando prior to the FTC bringing this case. Mr. Goldman provided legal services to the Randos to create various land and protection trusts, specifically the Kensington Lakes 202 Land Trust, the Sondra Cove Land Trust, the VR Protection Trust and the MR Protection Trust. Mr. Goldman is the Trustee of both Land Trusts. Due to unpaid legal fees of \$3,217.50,¹ Mr. Goldman has given notice that he intends to step down as trustee if his fees are not paid.

Pursuant to the Court's Final Judgment, the Randos are to "take all steps necessary to surrender to the Receiver all control, title, dominion, and interest" in the two Land Trusts including the underlying real properties – 12311 Kensington Lakes Drive, Unit 202, Jacksonville, FL 32246 and 285 Sondra Cove Trail East, Jacksonville, FL 32225. If Mr. Goldman steps down as trustee of the Land Trusts, the successor trustee is Keith Payton, Mrs. Rando's brother, who is not conversant regarding the transfer of such assets. The Receiver believes that retaining Mr. Goldman as the trustee of these two

¹ The unpaid fees (invoices attached as Composite Exhibit 1) cover services provided from March 22, 2022 to January 18, 2023.

Land Trusts will ensure the most efficient and cost-effective means of transferring these assets as intended by this Court's orders.

A portion of Mr. Goldman's outstanding fees were previously requested as part of Defendants' Motion to Modify Asset Freeze (Doc. 99). That motion was granted in part allowing the payment of \$150,000 to the Gunster firm but the Order did not address the request for the Goldman fees. (Doc. 107)

THE COURT HAS BROAD POWER OVER THIS RECEIVERSHIP, AND THE PAYMENT OF THESE FEES IS IN THE RECEIVERSHIP ESTATE'S BEST INTEREST.

The Court's power to supervise an equity receivership and to determine the appropriate actions to be taken in the administration of the receivership is extremely broad. *S.E.C. v. Elliott*, 953 F.2d 1560, 1566 (11th Cir. 1992); *S.E.C. v. Hardy*, 803 F.2d 1034, 1038 (9th Cir. 1986). The Court's wide discretion derives from the inherent powers of an equity court to fashion relief. *Elliott*, 953 F.2d at 1566; *S.E.C. v. Safety Finance Service, Inc.*, 674 F.2d 368, 372 (5th Cir. 1982). A court imposing a receivership assumes custody and control of all assets and property of the receivership, and it has broad equitable authority to issue all orders necessary for the proper administration of the receivership estate. *See S.E.C. v. Credit Bancorp Ltd.*, 290 F.3d 80, 82-83 (2d Cir. 2002); *S.E.C. v. Wencke*, 622 F.2d 1363, 1370 (9th Cir. 1980). The court may enter such orders as may be appropriate and necessary for a receiver to fulfill his duty to preserve and maintain the property and funds within the receivership

estate. See, e.g., *Official Comm. Of Unsecured Creditors of Worldcom, Inc. v. S.E.C.*, 467 F.3d 73, 81 (2d Cir. 2006). Any action taken by a district court in the exercise of its discretion is subject to great deference by appellate courts. See *United States v. Branch Coal*, 390 F. 2d 7, 10 (3d Cir. 1969). Such discretion is especially important considering that one of the ultimate purposes of a receiver's appointment is to provide a method of gathering, preserving, and ultimately liquidating assets to return funds to creditors. See *S.E.C. v. Safety Fin. Serv., Inc.*, 674 F.2d 368, 372 (5th Cir. 1982) (court overseeing equity receivership enjoys "wide discretionary power" related to its "concern for orderly administration") (citations omitted).

Given these principles, the Court should approve the Receiver's payment of Mr. Goldman's outstanding fees of \$3,217.50 in order to proceed with the most cost-effective and efficient transfer of properties held in the two Land Trusts.

CONCLUSION

The Receiver moves the Court for entry of the proposed order, attached as Exhibit 2, authorizing the Receiver to pay the outstanding fees of \$3,217.50 to David Goldman on behalf of Defendants Valerie and Michael Rando.

LOCAL RULE 3.01(g) CERTIFICATION

Undersigned counsel for the Receiver has conferred with counsel for the FTC and Defendants and there is no objection to the relief sought.

Respectfully submitted,

/s/ Katherine C. Donlon

Katherine C. Donlon, FBN 0066941

kdonlon@jclaw.com

JOHNSON, CASSIDY, NEWLON &
DECORT P.A.

3242 Henderson Blvd., Ste 210

Tampa, FL 33609

Tel: (813) 291-3300

Fax: (813) 324-4629

Attorneys for Receiver Maria M. Yip

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 27, 2023, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court through the CM/ECF system, which served counsel of record.

/s/ Katherine C. Donlon

COMPOSITE
EXHIBIT 1



Law Office of

David M. Goldman

PLLC

INVOICE

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

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

Valerie Rando
 2378 Bentwater Drive W
 Jacksonville, FL 32246

Legal Fees

Date	Atty	Description	Time	Rate	Discount	Total
03-22-22	BG	Email Correspondence: RE: Fwd: Insurance checks made out to Mr. Goldman.	0.25	165.00	-	\$41.25
04-05-22	EN	Email Correspondence: Kensington Condo - Presuit Mediation Letter	0.25	150.00	100.00%	\$0.00
04-08-22	EN	Email Correspondence: RE: Kensington Condo - Presuit Mediation Letter	0.25	150.00	-	\$37.50
04-11-22	EN	Email Correspondence: Re: Kensington Condo - Presuit Mediation Letter	0.25	150.00	100.00%	\$0.00
04-12-22	EN	Phone call w/Valerie to discuss presuit mediation letter; they are going to try to settle without involving David as trustee, but if they are not successful, then DG will step in	0.25	150.00	-	\$37.50
04-14-22	EN	Phone call w/ Katie Norton to discuss the sale of Kensington Lakes & Email Correspondence: 12311 Kensington Lakes Drive, Unit 202	0.25	150.00	-	\$37.50
04-14-22	EN	Email Correspondence: Re: 12311 Kensington Lakes Drive, Unit 202	0.25	150.00	100.00%	\$0.00
04-14-22	EN	Email Correspondence: Re: 12311 Kensington Lakes Drive, Unit 202	0.25	150.00	-	\$37.50

04-26-22	EN	Email Correspondence: Re: 12311 Kensington Lakes Drive, Unit 202	0.25	150.00	-	\$37.50
04-27-22	EN	Email Correspondence: DocuSign	0.25	150.00	-	\$37.50
04-28-22	EN	Email Correspondence: FW: Listing Agreement - Kensington Land Trust 202	0.25	150.00	100.00%	\$0.00
04-28-22	EN	Email Correspondence: Realtor	0.25	150.00	-	\$37.50
04-28-22	EN	Email Correspondence: RE: Realtor	0.25	150.00	100.00%	\$0.00
05-02-22	EN	Email Correspondence: RE: Realtor	0.25	150.00	100.00%	\$0.00
05-03-22	EN	Email Correspondence: Re: 12311 Kensington Lakes Drive, Unit 202	0.25	150.00	-	\$37.50
05-27-22	EN	Email Correspondence: Kensington Property - notice of auction	0.25	150.00	-	\$37.50
06-01-22	EN	Email Correspondence: RE: Kensington Property - notice of auction	0.25	150.00	-	\$37.50
06-06-22	DG	Review file, trusts, conversation with Mr. Freed, email to Mike and Val re documents.	0.75	450.00	-	\$337.50
06-07-22	DG	Review of asset freeze Email Correspondence: RE: Email Introduction	0.25	450.00	-	\$112.50
06-08-22	DG	call with Michael regarding new business and Land trusts date seems to be ok but only 2 properties left. There are some multi unit apartments that more information is needed.	0.25	495.00	-	\$123.75
06-09-22	EN	Email Correspondence: Appointment with David Goldman	0.25	150.00	100.00%	\$0.00
06-15-22	BG	Email Correspondence: Link for the Video Meeting with David Goldman	0.25	165.00	100.00%	\$0.00
06-27-22	DG	Email Correspondence: 8025008 - Rando, Valerie & Rando, Michael Rando Valerie Rando: IPUGs & Land Trusts	1.00	495.00	-	\$495.00
07-19-22	DG	Email Correspondence: RE: FTC v. Rando, et al. , Case No. 3:22-cv-487-TJC-MCR	0.25	450.00	-	\$112.50
07-19-22	EN	Email Correspondence: FTC v. Rando, et al. , Case No. 3:22-cv-487-TJC-MCR	0.25	150.00	100.00%	\$0.00
07-20-22	EN	Email Correspondence: Re: FTC v. Rando, et al. , Case No. 3:22-cv-487-TJC-MCR	0.25	150.00	100.00%	\$0.00

07-22-22	DG	Email Correspondence: RE: FW: FTC v. Rando, et al. , Case No. 3:22-cv-487-TJC-MCR	0.25	450.00	-	\$112.50
07-22-22	DG	Multiple emails and file review, conversation with EN regarding check. Email Correspondence: RE: FW: FTC v. Rando, et al. , Case No. 3:22-cv-487-TJC-MCR	0.50	450.00	-	\$225.00
07-26-22	EN	Phone call & Email Correspondence: Delinquent Notice	0.25	150.00	100.00%	\$0.00
07-28-22	DG	Phone call w/ client & attorney	0.50	495.00	-	\$247.50

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 \$3,217.50

Total Matter Balance \$3,217.50

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



Law Office of

David M. Goldman

PLLC

INVOICE

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

Invoice #: 1698
Date: 01-20-2023
Due On: 01-20-2023

Valerie Rando
 2378 Bentwater Drive W
 Jacksonville, FL 32246

Legal Fees

Date	Atty	Description	Time	Rate	Discount	Total
07-28-22	EN	Email Correspondence: Michael & Valerie Rando	0.25	150.00	-	\$37.50
08-12-22	EN	Email Correspondence: RE: Michael & Valerie Rando	0.25	150.00	100.00%	\$0.00
08-12-22	EN	Email Correspondence: Re: Michael & Valerie Rando	0.25	150.00	100.00%	\$0.00
08-23-22	EN	Email Correspondence: Kensington	0.25	150.00	-	\$37.50
08-30-22	EN	Email Correspondence: 8025008 - Rando, Valerie & Rando, Michael Rando Valerie Rando: IPUGs & Land Trusts	0.25	150.00	-	\$37.50
09-16-22	EN	Email Correspondence: Re: Michael & Valerie Rando	0.25	150.00	-	\$37.50
09-16-22	EN	Email Correspondence: 285 Sondra Cove (sale offer)	0.25	150.00	-	\$37.50
09-20-22	DG	Email Correspondence: RE: FW: Rando - Amended Fee Motion	0.25	450.00	-	\$112.50
09-20-22	DG	Email Correspondence: RE: Fwd: Rando - Amended Fee Motion	0.25	450.00	-	\$112.50

09-30-22	DG	Email Correspondence: RE: Rando Receivership	0.25	450.00	-	\$112.50
10-04-22	DG	813-494-6806 kdonlon@jclaw.com	0.50	495.00	-	\$247.50
10-19-22	EN	Email Correspondence: Re: Michael & Valerie Rando	0.25	150.00	-	\$37.50
11-02-22	EN	Email Correspondence: Kensington Lakes 202	0.25	150.00	-	\$37.50
11-22-22	EN	Email Correspondence: Re: Michael & Valerie Rando	0.25	150.00	-	\$37.50
12-09-22	EN	Email Correspondence: RE: Michael & Valerie Rando	0.25	150.00	-	\$37.50
12-16-22	EN	Email Correspondence: RANDO: summons	0.25	150.00	-	\$37.50
01-11-23	EN	Email Correspondence: Kensington Lakes 202 Land Trust	0.25	150.00	-	\$37.50
01-17-23	EN	Email Correspondence: RE: Michael & Valerie Rando	0.25	150.00	-	\$37.50
01-18-23	EN	Email Correspondence: INVOICE	0.25	150.00	100.00%	\$0.00

Legal Fees Subtotal: \$1,035.00

Discount	\$112.50
Total Billed	\$1,035.00
Payment Applied	\$0.00
Total Due	\$1,035.00

Remaining funds held in Trust Account \$0.00

Legal Fees Account Balance \$0.00

Total Client Balance \$3,217.50

Total Matter Balance \$3,217.50

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

EXHIBIT 2

**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.

ORDER

THIS CAUSE comes before the Court for consideration of Receiver's Unopposed Motion to Approve Payment of Attorney's Fees to David Goldman (the "Motion"). (Dkt. ___) The Receiver seeks the Court's approval to pay \$3,217.50 in attorney's fees to David Goldman on behalf of Defendants Michael and Valerie Rando. The FTC and Defendants do not object to the relief sought in the Motion. Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court hereby ORDERS as follows:

1. The Receiver's Motion, (Dkt. ___), is GRANTED.
2. The Court authorizes the Receiver to make payment to David Goldman in the amount of \$3,217.50.

DONE and ORDERED in Jacksonville, Florida, this ____ day of _____, 2023.

TIMOTHY J. CORRIGAN
United States District Judge

Copies:
Counsel of record