

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-23507-CIV- GOLD/MCALILEY

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

KIRKLAND YOUNG, LLC, a limited  
liability company, and  
ATTORNEY AID, LLC a limited liability  
company, DAVID BOTTON, APRIL BOTTON  
KRAWIECKI, AND SAMY BOTTON

Defendants.

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**DEFENDANTS DAVID BOTTON AND APRIL BOTTON KRAWIECKI'S  
OBJECTIONS TO THE RECEIVER'S MOTION FOR AUTHORIZATION TO  
DISTRIBUTE PROOFS OF CLAIM AND ESTABLISH CLAIMS BAR DATE**

Defendants David Botton, and April Botton Krawiecki ("Defendants") by and through their counsel, file and serve their objections to the Receiver's Motion for Authorization to Distribute Proofs of Claim and Establish Claims Bar Date, and state:

The Defendants have no objection to the immediate return of all escrow funds to consumers.

However, Defendants' object to the Receiver determining liability and disbursing funds prior to any settlement. Some Consumers may argue that the bar dates does not apply to them, because they had no notice. The Florida Attorney General might then assert claims on behalf of those customers. Further, the Receiver would unilaterally

determine Young's liability, which would deprive April Botton Krawiecki and David Botton of their due process rights to contest liability as to each transaction. As owners of Kirkland Young, they have a due process right to contest the Receiver's determination.

Defendants April Krawiecki and David Botton are willing to review claims and consent to refunds on a case-by-case good faith basis and even category-by-category basis. However, the Receiver is not the judge, jury and Court of Appeal as the right to determine obligations, especially since it purports to be representing consumers' interests not those of the owners of the entity. Further, the Receiver should not be permitted to waive contract payments due and owing on contracts where Kirkland Young have performed. Such actions would simply expose the individual Defendants to more liability.

Defendants request an evidentiary hearing or trial as to all such issues that have not been resolved as part of settlement or stipulation.

Respectfully submitted,

/s/ Douglas B. Brown

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Attorneys for David Botton,  
and April Botton Krawiecki

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on the 20th day of May, 2010, we electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to: Chris Couillou at [ccouillou@ftc.gov](mailto:ccouillou@ftc.gov); Sana C. Chriss at [schriss@ftc.com](mailto:schriss@ftc.com); Amanda Maxwell at [amaxw@aol.com](mailto:amaxw@aol.com); David B. Rothman at [DBR@RothmanLawyers.com](mailto:DBR@RothmanLawyers.com); Arthur Rosenberg at [arr@arosenberg.com](mailto:arr@arosenberg.com); George Rudd at [george.rudd@myfloridalegal.com](mailto:george.rudd@myfloridalegal.com); Richard Wayne Epstein at [richard.epstein@gmlaw.com](mailto:richard.epstein@gmlaw.com); Gregory R. Brthelette at [george5252@hotmail.com](mailto:george5252@hotmail.com); Richard Sharpstein at [ras@jordenusa.com](mailto:ras@jordenusa.com); David B. Rosemberg at [drosemberg@broadandcassel.com](mailto:drosemberg@broadandcassel.com); and Mark F. Raymond at [MRaymond@BroadandCassel.com](mailto:MRaymond@BroadandCassel.com). We also certify that all above counsel received the foregoing via email this 20th day of May, 2010.

/s/ Douglas B. Brown

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