

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 09-23507-CIV-GOLD/MCALILEY

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Kirkland Young, LLC, a limited liability
company,

Attorney Aid, LLC, a limited liability
company,

David Botton,

April Botton Krawiecki, and

Samy Botton,

Defendants.

**PLAINTIFF FEDERAL TRADE COMMISSION'S MOTION FOR
ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION
SHOULD NOT ALSO BE ENTERED AGAINST DEFENDANTS
ATTORNEY, AID, LLC, APRIL BOTTON KRAWIECKI, AND SAMY BOTTON**

Plaintiff Federal Trade Commission ("Commission" or "FTC"), pursuant to Rule 65 of the Federal Rules of Civil Procedure, moves this Court for an Order to show cause why a preliminary injunction should not issue as to Defendants Attorney, Aid, LLC, April Botton Krawiecki, and Samy Botton. These three defendants were added in Plaintiff's amended

complaint filed on December 8, 2009. (DE 52). The Court has already issued an *ex parte* temporary restraining order and order to show cause (DE 19) as to the other defendants in this matter, Defendants Kirkland Young, LLC, (“Kirkland”) and David Botton. A show cause hearing has already begun as to Defendants Kirkland and David Botton with the initial day of hearings on November 30, 2009. The Court ordered the hearing to reconvene on December 30, 2009. (DE 42). Plaintiff moves the Court to combine the show cause hearing already scheduled with a show cause hearing as to the defendants who are the subject of the instant motion. Plaintiff seeks similar preliminary injunctive relief against the newly-added defendants including the following relief:

1. Prohibiting Defendants from making, or assisting others in making, false or misleading representations of material fact in connection with advertising, marketing, promotion, offering for sale or sale of any mortgage loan modification service, and from violating the Telemarketing Sales Rule, 16 C.F.R. Part 310;
2. Freezing all of the assets of Defendants, wherever located;
3. Appointing Mark Raymond, who is already the Temporary Receiver of Defendant Kirkland Young, LLC, as Receiver for Defendant Attorney Aid, LLC, and its successors and assigns and d/b/a’s;
4. Requiring Defendants Attorney Aid, LLC, April Botton Krawiecki, and Samy Botton to provide the FTC with completed financial disclosure statements; and
5. Providing other ancillary equitable relief.

As explained in the material submitted in support of this Motion, Defendants have engaged, and are likely to engage, in deceptive acts and practices in or affecting commerce, in

violation of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and in violation of the FTC's Telemarketing Sales Rule, 16 C.F.R. Part 310.

In support of its Motion, Plaintiff FTC files contemporaneously herewith:

- A. A memorandum of law supporting the motion;
- B. A volume of exhibits including declarations, including all of the exhibits and declarations that were introduced at the preliminary injunction hearing on November 30, 2009, as well as one additional declaration and some additional exhibits; and
- C. A proposed show cause order.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Motion For An Order To Show Cause Why A Preliminary Injunction Should Not Also Be Entered Against Defendants Attorney Aid, LLC, April Botton Krawiecki, and Samy Botton.

Respectfully submitted,

WILLARD K. TOM
General Counsel

Dated: December 11, 2009

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Certificate of Service

I hereby certify that on December 11, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Chris M. Couillou
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