

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 09-23507-GOLD/MCALILEY

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Kirkland Young, LLC, a limited liability
company, and

David Botton, individually and as manager of
Kirkland Young, LLC,

Defendants.

RECEIVER'S MOTION TO EMPLOY LEGAL COUNSEL

Receiver Mark F. Raymond, not individually, but solely in his capacity as Receiver (the "Receiver") for Kirkland Young, LLC ("Kirkland"), by his attorneys, Broad and Cassel, hereby files his Motion to Employ Legal Counsel, and alleges as follows:

1. This action was initiated by the Federal Trade Commission on November 18, 2009. The next day, the Court entered its Order to Show Cause and Ex Parte Temporary Restraining Order With Asset Freeze and Other Equitable Relief which named Mark F. Raymond as Temporary Receiver for Kirkland (the "Receivership Order").

2. Pursuant to the Receivership Order, the Receiver is obligated to, among other things, take custody, control and possession of Kirkland's assets for the benefit of its customers and consumers. In order to assist the Receiver in his efforts to recover and take control of Kirkland's assets for the benefit of its customers and consumers, the Receivership Order, at Section XII, Page 18, Paragraph H allows the Receiver to "[c]hoose, engage, and employ

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

attorneys, accountants, appraisers, investigators, and other independent contractors and technical specialists, as the Temporary Receiver deems advisable or necessary in the performance of duties and responsibilities.” Accordingly, the Receiver seeks to appoint and retain the law firm of Broad and Cassel (the “Firm”) to provide the Receiver with legal advice, counsel and assistance in this matter.

3. In consideration for the Firm representing the Receiver, the Receiver shall pay the Firm attorneys’ fees based on the time expended by lawyers and paralegals of the Firm. David Rosenberg, Esq. will be principally responsible for representing the Receiver in this matter. Mr. Rosenberg’s services and those performed by other professionals will be billed at steeply discounted rates.

WHEREFORE, the Receiver respectfully requests that this Court enter the attached proposed order appointing Broad and Cassel as legal counsel for the Receiver and for such other and further relief as the Court deems just and proper.

Dated: November 25, 2009

BROAD AND CASSEL

Attorneys for Receiver
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By: s/David Rosenberg
David B. Rosenberg, Esq.
Florida Bar No. 0582239

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 25, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record 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 who are not authorized to receive electronically Notices of Electronic Filing.

s/David Rosemberg
David B. Rosemberg, Esq.

SERVICE LIST

<p>Chris M. Couillou, Esq. Sana C. Chriss, Esq. Federal Trade Commission 225 Peachtree Street, Suite 1500 Atlanta, GA 30303 Tel: (404) 656-1353 (Couillou) (404) 656-1364 (Chriss) Fax: (404) 656-1379 e-mail: ccouillou@ftc.gov; schriss@ftc.gov <i>(via facsimile and U.S. Mail)</i></p>	<p>Rafael S. Garcia, Esq. Conrad & Scherer, LLP Attorneys for Kirkland Young, LLC and David Botton 633 South Federal Highway Fort Lauderdale, FL 33301 Tel: (954) 462-5500 Fax: (954) 463-9244 e-mail: rgarcia@conradscherer.com <i>(via facsimile and U.S. Mail)</i></p>
<p>Mark F. Raymond, Temporary Receiver One Biscayne Tower, 21st Floor 2 South Biscayne Tower Miami, FL 33131 Tel: (305) 373-9400 Fax: (305) 373-9443 e-mail: mraymond@broadandcassel.com <i>(via e-mail)</i></p>	

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_____ /

ORDER

This matter comes before the Court on the Receiver's Motion to Employ Legal Counsel filed November 25, 2009. Receiver Mark F. Raymond requests that the Court appoint the law firm of Broad and Cassel to serve as legal counsel for the Receiver in this case, at the rates set forth in the motion. Upon review, the Court finds that the Motion should be granted.

Accordingly, it is now

ORDERED:

Receiver's Motion to Employ Legal Counsel is **GRANTED**. The law firm of Broad and Cassel is appointed to serve as legal counsel to the Receiver, at the rates set forth in the motion.

DONE AND ORDERED at Miami, Florida, this ___ day of _____, 2009.

HON. ALAN S. GOLD
U.S. DISTRICT JUDGE

Copies:

Counsel of record