

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, Attorney Aid, LLC, a limited liability company, April Botton Krawiecki and Samy Botton,

Defendants.

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**RECEIVER'S MOTION FOR AUTHORIZATION TO  
DISTRIBUTE PROOFS OF CLAIM AND ESTABLISH CLAIMS BAR DATE**

Mark F. Raymond, in his capacity as court-appointed receiver (the "Receiver") for Defendants Kirkland Young, LLC, Attorney Aid, LLC and ABK Consultants, Inc. (collectively, the "Receivership Entities"), files this Motion to Distribute Proofs of Claim and Establish Claims Bar Date. In support of this Motion, the Receiver states as follows:

1. On November 19, 2009, the Federal Trade Commission initiated Civil Action No.: 09-23507 styled *Federal Trade Commission v. Kirkland Young, LLC et al.* (the "FTC Proceeding") and, in connection therewith, sought the appointment of a receiver as to each of the named defendant entities.<sup>1</sup> On the same day, the Court issued its Order Appointing Receiver in the FTC Proceeding pursuant to which Mark F. Raymond was named Receiver ("Receiver"). Under the terms of the Receivership Order, the Receiver is authorized to investigate the pre-

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<sup>1</sup> On January 6, 2010, the Receivership was extended to include Defendants Attorney Aid, LLC and ABK Consultants, Inc. [DE 100].

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receivership affairs of Kirkland Young and to marshal and safeguard its assets for the protection and benefit of defrauded investors and creditors.

2. The Receiver has undertaken an investigation to locate and secure assets owned by the Receivership Entities.

3. The Receiver has already located several bank Trust and Escrow accounts owned by one or more of the Defendants and has secured such assets for the benefit of the Receivership's customers and creditors. The Receiver continues to search for other assets that may be used to satisfy creditor claims.

4. The Receiver has reviewed thousands of pages of documents and computer files and has discovered what he believes are all of the names of Kirkland Young's current customers (i.e., those customers whose request for a loan modification is currently pending and whose funds are currently being held in escrow accounts controlled by the Receivership). The Receiver has already corresponded with hundreds of these customers via telephone, e-mail and through the Receiver's website. The Receiver is currently in the process of requesting that these customers and creditors submit a claim on a form to be supplied to them by the Receiver. A sample copy of the form is attached as Exhibit "A."

5. The Receiver expects to receive as many as one thousand completed claim forms from current customers and creditors. The Receiver will verify the accuracy of all claims with a goal of seeking the Court's authority to eventually make a distribution to these current customers and creditors upon further order of the Court.

6. The Receiver has identified a separate class of former Kirkland Young customers who may also be victims of the Kirkland Young business, as set forth in detail in the FTC's Amended Complaint [DE 57]. These former customers include, but are not limited to,

individuals who, prior to the Receivership, obtained a loan modification, were declined a loan modification, voluntarily cancelled their service agreement with Kirkland Young or whose services were cancelled by Kirkland Young, or paid an upfront fee to Kirkland Young in violation of state or Federal law and/or were the recipients of misrepresentations in the course of their dealings with Kirkland Young. Due to the sheer number of these former customers (more than 4,500 former customers), and the limited resources currently available to the Receivership Estate, the Receiver does not believe that it is in the best interest of the Receivership Estate to solicit claims from these former customers due to the cost of mailing such Proof of Claim Forms and the amount of time and effort that would be involved to evaluate all of the potential claims that these former customers could file.

7. The Receiver will mail and e-mail the forms to current customers and creditors no later than thirty (30) business days from the date this Motion is approved.

8. The Receiver proposes that the Court set a fixed claims bar date that is approximately sixty (60) days from the date of initial mailing of the forms for the customers and creditors to send in a response. Such a date will give the Receiver sufficient time to give customers and creditors sufficient time to file a claim with the Receiver. The Receiver proposes that any claim not filed on or before the claims bar date be extinguished.

9. Subsequent to the claims bar date, the Receiver will attempt to verify all filed claims. Thereafter, the Receiver shall file a motion with this Court, noticed to all known customers and creditors, setting forth the Receiver's determination of the appropriate amount, if any, it should pay on each customer or creditor's claim and seeking authorization to make an initial distribution to customers and creditors on a basis to be proposed by the Receiver, and approved by this Court.

CASE NO. 09-23507-GOLD/MCALILEY

**WHEREFORE**, the Receiver respectfully requests this Court enter an Order: (a) authorizing the Receiver to distribute proofs of claim; (b) setting a claims bar date that is sixty (60) days from the date of initial mailing of the forms for the customers and creditors to send in a response; and (c) granting such further relief as is just and proper.

Respectfully submitted,

**BROAD AND CASSEL**

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By: /s/ David B. Rosemberg  
David B. Rosemberg, Esq.  
Florida Bar No.: 0582239

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 5, 2010, 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 B. Rosemberg  
David B. Rosemberg, Esq.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION,

Case No.: 09-23507

Plaintiff,

v.

**PROOF OF CLAIM FORM**

KIRKLAND YOUNG, LLC, a limited liability company, ATTORNEY AID, LLC, a limited liability company, DAVID BOTTON, individually and as manager of KIRKLAND YOUNG, LLC, APRIL BOTTON KRAWIECKI, and SAMY BOTTON,

Defendants.

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**INSTRUCTIONS**

Mark F. Raymond, the Federal Court-Appointed Receiver is responsible for reviewing Proofs of Claim Forms, and when appropriate, objecting to Proofs of Claim, and making distributions on account of Allowed Claims. **The purpose of the Proof of Claim Form is to help the Receiver learn who you are, how much you are owed, and reason(s) you have a claim, and how the Receiver can contact you.**

If you believe you are owed money from Kirkland Young or its related entities, including Michael Botton, P.A., RMG Law, PLLC, Brian Rokaw P.A. and Attorney Aid, LLC (collectively "Kirkland Young"), you **must** complete a Proof of Claim Form in order to be eligible for a possible distribution on your Claim. The more information you provide, the more quickly and cheaply the Proof of Claim Form can be reviewed.

Your completed Proof of Claim Form and supporting documentation (*do not send originals of supporting* documentation) may be submitted by mailing paper copies to:

Mark F. Raymond, Receiver  
One Biscayne Tower, Suite 2100  
2 South Biscayne Blvd.  
Miami, Florida 33131

Your completed Proof of Claim must be received **no later than \_\_\_\_\_ to be considered timely. Failure to timely submit a Proof of Claim Form may result in you being denied the right to share in distributions under the Distribution Plan involving the Kirkland Young Receivership.** If the Receiver has questions about or objections to your Proof of Claim Form, you will be contacted by the Receiver or his agents.

**PROOF OF CLAIM FORM**

**CLAIMANT CONTACT INFORMATION:**

Name of Claimant: \_\_\_\_\_

Name of Person Submitting Form  
(if different from Claimant): \_\_\_\_\_

Name and Address Where Notices Should be Sent:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fax No.: \_\_\_\_\_

*Note that communications and any objections to your Proof of Claim will be transmitted by the Receiver to you via email at the Contact name above. It is the preferred method of communication.*

**Please check all boxes that apply to you and provide the requested information at the end of this Proof of Claim For or attach separate sheets:**

**1. Customer Claim.**

**A.  Kirkland Young Customer.** *(For example, if you paid money to obtain a loan modification with the assistance of Kirkland Young. Please provide the amount of payment(s), the date(s), what you assert you are owed, and any documents that support your claim.*

**B.  Michael Botton, P.A.** *(For example, if you paid money to obtain a loan modification with the assistance of Michael Botton, P.A. Please provide the amount of payment(s), the date(s), what you assert you are owed, and any documents that support your claim.*

**C.  RMG Law, PLLC.** *(For example, if you paid money to obtain a loan modification with the assistance of RMG Law, PLLC. Please provide the amount of payment(s), the date(s), what you assert you are owed, and any documents that support your claim.*

**D.  Brian Rokaw, P.A.** *(For example, if you paid money to obtain a loan modification with the assistance of Brian Rokaw, P.A. Please provide the amount of payment(s), the date(s), what you assert you are owed, and any documents that support your claim.*

E.  **Attorney Aid, LLC.** (For example, if you paid money to obtain a loan modification with the assistance of Attorney Aid, LLC. Please provide the amount of payment(s), the date(s), what you assert you are owed, and any documents that support your claim.

F.  **Employee.** (For example, an obligation to an employee of Kirkland Young or one of its related entities for unpaid employee services in accordance with the terms of employment). Please provide a job title and description, the employer name, the amount owed, the date of the obligation, the date of the last payment on account of employment, and any documents that support your claim.

G.  **Creditor.** (For example, you contend Kirkland Young or any of its related entities owes you money unrelated to any of the categories listed. Please describe the facts giving rise to the alleged obligation of Kirkland Young, the dollar amount you claim you are owed, the date the alleged obligation(s) arose, and any documents that support your claim.

**Please provide the information requested in the space below or attach separate sheets:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check box if additional pages are attached.

DATE:

\_\_\_\_\_, 2010

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

The person filing this Claim must sign it. Sign and print name and title, if any, of the Claimant or other person authorized to file this Proof of Claim and state address and telephone number if different from the address above. Attach a Power of Attorney, if any.