

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:18-cv-61991-BB

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

1 GLOBAL CAPITAL LLC, and
CARL RUDERMAN,

Defendants, and

1 WEST CAPITAL LLC,
BRIGHT SMILE FINANCING, LLC,
BRR BLOCK INC.,
DIGI SOUTH LLC,
GANADOR ENTERPRISES, LLC,
MEDIA PAY LLC
PAY NOW DIRECT LLC, and
RUDERMAN FAMILY TRUST,

Relief Defendants.

**RECEIVER'S MOTION FOR APPROVAL TO
PAY SPECIAL COUNSEL IN CONNECTION WITH
COURT-APPROVED SETTLEMENT BETWEEN THE RECEIVER AND
NUTRA SPECIALISTS, INC., DEAN WAYNE, AND BLAKE RUDERMAN**

Jon A. Sale, not individually, but solely in his capacity as the Court-appointed receiver (the "Receiver") for Media Pay LLC ("Media Pay"), respectfully submits this Motion for Approval to Pay Damian & Valori LLP, the Receiver's Special Counsel, in connection with the Court-approved settlement with Nutra Specialists, Inc., Dean Wayne, and Blake Ruderman. [*See* D.E. 313].

The Securities and Exchange Commission does not object to the relief sought herein.

1. On August 21, 2019, the Court approved the Receiver's retention of Damian & Valori LLP as special counsel ("Special Counsel") for purposes of handling several clawback lawsuits on the Receiver's behalf. [D.E. 228].

2. Pursuant to Special Counsel's Court-approved retainer agreement, Special Counsel is entitled to "33% of any recovery by way of settlement, trial, or judgment after the filing of a response to [a] complaint." [D.E. 227-1].

3. On February 19, 2021, the Receiver filed a Complaint to Avoid and Recover Fraudulent Transfers against Nutra Specialists, Inc. ("Nutra"), alleging four causes of action. That case is styled *Jon Sale, Receiver v. Nutra Specialists, Inc.*, Case No. 21-cv-80356-Bloom ("Lawsuit").

4. On July 2, 2021, the Receiver filed an Amended Complaint against Nutra. The Receiver also added individuals, Dean Wayne and Blake Ruderman, as additional Defendants (together with Nutra, "Defendants").

5. To avoid the expense and risk of litigating claims, the Receiver and Defendants agreed to resolve the Lawsuit pursuant to the terms of a fully executed settlement agreement (the "Settlement Agreement").

6. The Court approved the Settlement Agreement on June 9, 2022. [D.E. 313].

7. Pursuant to the Settlement Agreement, Nutra paid the Receiver \$20,000 ("Settlement Amount").

8. Given the foregoing, pursuant to its Court-approved retainer [D.E. 227-1, 228], Special Counsel is entitled to an award of 33% of the \$20,000 Settlement Amount, or \$6,666.67, for Special Counsel's representation of the Receiver, as disclosed in the Receiver's motion for approval of the Settlement Agreement. [D.E. 312 at n.1].

9. Special Counsel is also entitled to an award of its reasonable costs in connection with this matter, pursuant to its Court-approved retainer [D.E. 227-1, 228], totaling \$728.49. An itemization of Special Counsel's costs is attached as **Exhibit A**.

CONCLUSION

Given the foregoing, the Receiver respectfully requests entry of an order approving payment to Special Counsel in the amount of \$7,395.16 for Special Counsel's representation of the Receiver in the Lawsuit.

Dated: July 26, 2022.

NELSON MULLINS BROAD AND CASSEL

Attorneys for Receiver
One Biscayne Tower, 21st Floor
2 S. Biscayne Boulevard
Miami, FL 33131
Telephone: 305.373.9400
Facsimile: 305.995.6449

By: s/Christopher Cavallo
Daniel S. Newman
Florida Bar No. 0962767
Christopher Cavallo
Florida Bar No. 0092305

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2022, 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/Christopher Cavallo
Christopher Cavallo

SERVICE LIST

<p>SECURITIES AND EXCHANGE COMMISSION Miami Regional Office 801 Brickell Avenue, Suite 1800 Miami, Florida 33131 Robert K. Levenson Chris Martin Senior Trial Counsel levensonr@sec.gov martinc@sec.gov Telephone: 305.982.6300 Facsimile: 305.536.4154</p>	<p>MARCUS NEIMAN & RASHBAUM LLP 2 South Biscayne Boulevard Suite 1750 Miami, Florida 33131 Jeff Marcus jmarcus@mnrlawfirm.com Telephone: 305.400.4262 <i>Attorneys for Defendant Carl Ruderman</i></p>
<p>GREENBERG TRAURIG, LLP 333 S.E. 2nd Ave., Suite 4400 Miami, FL 33131 Paul J. Keenan Jr. keenanp@gtlaw.com Telephone: 305.579.0500 <i>Attorneys for Defendant 1 Global Capital, LLC and Relief Defendant 1 West Capital, LLC</i></p>	

SPECIAL COUNSEL COSTS**Jon Sale, as Receiver for Bright Smile Financing, LLC, et al.****Nutra Specialist**

Date	Paid To/Received From	Explanation	Amount
2/18/2021	US Clerk of Court	Filing Fee: Complaint Jon Sale v. Nutra Specialist	\$ 400.00
3/17/2021	OTR Legal Process & Courier	Service Fee: Nutra Specialist c/o Dean T. Wayne 3/17/22	\$ 190.00
3/31/2021	Expense Recovery	Legal Research Fee	\$ 20.55
6/30/2021	Expense Recovery	Pacer/ Court Documents	\$ 26.20
6/30/2021	Expense Recovery	Legal Research Fee	\$ 43.04
6/30/2021	Expense Recovery	Pacer Photocopy	\$ 10.44
8/31/2021	Expense Recovery	Legal Research Fee	\$ 31.36
8/31/2021	Expense Recovery	Pacer/ Court Documents	\$ 2.80
9/30/2021	Expense Recovery	Pacer/ Court Documents	\$ 3.90
2/28/2022	Expense Recovery	Pacer/ Court Documents	\$ 0.20
			\$ 728.49