

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

CASE NO. 06-61851-CIV-UNGARO

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

RANDALL L. LESHIN, et al.,
Defendants.

**CORRECTED FINAL JUDGMENT OF DISGORGEMENT AND CONSUMER
REDRESS**

Pursuant to Federal Rule of Civil Procedure 60(a), the Court enters this Corrected Final Judgment of Disgorgement and Consumer Redress to correct mistakes in the Order entered on the Docket on January 26, 2010 and incorporate the modification made by the Order of Clarification entered January 28, 2010:

THIS CAUSE is before the Court upon the Court-Appointed Monitor's Ninth Report to the Court, filed on January 15, 2010. (D.E. 483.) Based on the Corrected Findings of Fact and Conclusions of Law and Order on Request to Modify Stipulated Injunction and Extending the Monitor's Tenure, entered on April 6, 2009 (D.E. 395); the Order on Court-Appointed Monitor's Sixth Report to the Court and Objections Thereto, entered on October 27, 2009 (D.E. 449); the Order on Court-Appointed Monitor's Seventh Report to the Court, entered on October 29, 2009 (D.E. 451); the Order Pursuant to Telephonic Conference on November 12, 2009, entered on November 16, 2009 (D.E. 461); the calculations submitted by the Court-Appointed Monitor in the Monitor's Final Disgorgement Calculations, filed November 9, 2009 (D.E. 456); the Court-Appointed Monitor's Eighth Report, filed on December 15, 2009 (D.E. 477); and the Court-Appointed Monitor's Ninth Report, filed January 15, 2010 (D.E. 483), it is hereby

ORDERED AND ADJUDGED as follows:

1. Defendants Randall L. Leshin, Randall Leshin, P.A., Express Consolidation, Inc., and Charles Ferdon and non-party Debt Management Counseling Center, Inc. (collectively "Contempt Defendants") are jointly and severally liable in the amount of \$594,987.90 in gross receipts collected or obtained from consumers in violation of the Stipulated Injunction and Order as to Defendants Randall L. Leshin, Randall Leshin P.A., Express Consolidation, Inc., and Charles Ferdon entered on May 5, 2008 ("Final Order") (D.E. 321). Contempt Defendants are ordered to disgorge the amount of \$594,987.90, within thirty (30) days of January __, 2010 to compensate the consumers whose money was taken in violation of the Final Order. This order is to remedy contempt via disgorgement and is not a money judgment. Therefore, Contempt Defendants are hereby notified that failure to timely disgorge the amount ordered may be punished by civil contempt.

2. Within three (3) days of January 26, 2010, counsel for the FTC shall provide counsel for the Contempt Defendants with instructions concerning the financial institution and account to which the Contempt Defendants' payments shall be sent to satisfy their disgorgement obligation. Contempt Defendants shall disgorge these funds to satisfy their disgorgement obligation to this account by electronic transfer payable to the US Federal Trade Commission. Written Confirmation of the transfer shall be delivered to: Associate Director for Enforcement, Federal Trade Commission, 601 New Jersey Avenue, NW, Washington, D.C. 20580, Attn: FTC v. Randall Leshin, et al.

3. The FTC is ordered to use the disgorged funds to pay consumer redress to each affected consumer in the amount listed for each consumer in the "Totals" column in the attachments to the Monitor's Ninth Report. (D.E. 483.)

4. As outlined in the FTC's Statement Regarding the Effect of Alleged Payments to Creditors on Consumer Refunds and Proposal to Identify Consumers and Disburse Consumer

Redress, filed November 16, 2009 (D.E. 460), the FTC shall disburse the redress funds listed in the attachments to the Monitor's Ninth Report and the costs of administration of that redress, in accordance with the following provisions:

- a. The FTC will hire a Redress Administrator, consistent with its existing contracts with candidates who regularly serve as Redress Administrators.
- b. The FTC and the Redress Administrator may open accounts that they deem necessary for handling the redress fund.
- c. Any funds received by the FTC from the Contempt Defendants pursuant to this order will be deposited into a redress fund to be used for consumer redress and any attendant expenses for the administration of the redress fund.
- d. The FTC will provide copies of the attachments to the Monitor's Ninth Report to the Redress Administrator.
- e. The Redress Administrator will make one or more distribution(s), in the form of checks, to consumers listed on the attachments to the Monitor's Ninth Report.
- f. To the extent the amount of the redress fund at the time of a distribution equals less than the full amount ordered to be paid as consumer redress for violations of the Stipulated Injunction and Order, the amounts shall be distributed to consumers on a pro rata basis.
- g. The Redress Administrator will account for all funds paid to each consumer listed in the attachments to the Monitor's Ninth Report, and will provide reports to the FTC on amounts distributed and expenses incurred in administration of the redress.
- h. The Redress Administrator's entitlement to payment for reasonable fees and expenses for the administration of redress will be governed by its contract with

the FTC, and all payments for those fees and services will come from the redress fund, upon invoice from the Redress Administrator and approval by the FTC.

5. No consumer shall be entitled to more redress than is listed for that consumer in the "Totals" column on the attachments to the Monitor's Ninth Report.

6. This judgment provides monetary relief for civil contempt, is solely remedial in nature, and is not a fine, penalty, punitive assessment, or forfeiture.

7. Contempt Defendants relinquish all dominion, control, and title to any funds disgorged to the fullest extent permitted by law.

8. After disgorgement and any attendant contempt enforcement are complete, the FTC may apply to the Court to convert any unpaid balance of this civil contempt remedy to a money judgment.

9. This Court shall retain jurisdiction of this cause to assure compliance with this Judgment and for all other purposes related to this action.

DONE AND ORDERED in Chambers at Miami, Florida, this 28 day of Jan,

2010.


URSULA UNGARO
UNITED STATES DISTRICT JUDGE

copies provided:
Counsel of record