

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

CASE NO.: 15-80446-CIV-COHN/SELTZER

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ECAREER HOLDINGS, INC.;
ECAREER, INC.; JOSEPH J. AZZATA;
DEAN A. ESPOSITO; JOSEPH DEVITO, and
FREDERICK J. BIRKS,

Defendants,

VIPER ASSET MANAGEMENT, LLC;
ESPO CONSULTING, LLC;
DJC CONSULTING, LLC;
J & D MARKETING, LLC;
GRYPHON ASSET MANAGEMENT, LLC, and
CARLA AZZATA,

Relief Defendants.

**RECEIVER'S UNOPPOSED MOTION FOR APPROVAL OF SALES BROKER'S
COMMISSION**

David M. Levine, not individually, but solely in his capacity as the court-appointed receiver (the "Receiver") for Defendants eCareer Holdings, Inc. and eCareer, Inc. (the "Corporate Defendants"), pursuant to the Court's Order Granting Plaintiff's Motion for Appointment of Receiver (the "Receivership Order") [D.E. 72] and Order Granting Motion for Sale of Personal Property and to Employ Sales Broker (the "Order to Employ Sales Broker") [D.E. 96], requests the Court's approval to compensate its sales broker, Trustee Services, Inc.

LEVINE KELLOGG LEHMAN SCHNEIDER + GROSSMAN LLP

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(“Trustee Services”), and states:

1. After his appointment, and pursuant to the responsibilities with which he is charged, the Receiver identified and took control of certain personal property of the Corporate Defendants, including 65 domain names (the “Domain Names”).¹

2. The Receiver believed the Domain Names had substantial value and, on July 2, 2015, he filed a motion seeking the Court’s approval to sell the Domain Names and employ Trustee Services as a broker to market and sell the Domain Names by public auction (the “Motion to Employ Sales Broker”). [D.E. 93].

3. In the Motion to Employ Sales Broker, the Receiver proposed the following commission-based compensation structure for the public auctions hosted by Trustee Services, which the Receiver, in his business judgment, believed to be reasonable and appropriate:

Public Auction Hosted by Trustee Services, Inc.

DOMAIN SALE PRICE	COMMISSION
\$0 - \$5,000	20%
\$5,001 - \$25,000	15%
\$25,000 +	10%

Online Auction Hosted by GoDaddy.com (or similar auction site)

DOMAIN SALE PRICE	COMMISSION
\$0 - \$5,000	35%
\$5,001 - \$25,000	\$1,000 + 30%
\$25,000 +	\$4,000 + 25%

Id. at 5.

4. On July 6, 2016, the Court entered the Order to Employ Sales Broker authorizing the Receiver to sell the Domain Names by public auction and retain Trustee Services as a sales

¹ An inventory of the 65 Domain Names is found at [D.E. 93-1].

broker in accordance with the terms set forth in the Motion to Employ Sales Broker. [D.E. 96].²

5. From September 28 to 30, 2016, Trustee Services, with the assistance of Fisher Auction Co., Inc., conducted a public auction for the sale of the Domain Names (the “Public Auction”).³

6. In the Public Auction, the Domains Names were placed into nine separate groups based on similarity (*i.e.*, cardiologisy.com, cardiologiststoday.com and cardiologisttoday.com were placed in the same group) and auctioned together.

7. The Public Auction generated a total of \$81,350.00 in sales proceeds. A copy of Trustee Services’ Accounting for the sale of the Domain Names is attached hereto as Exhibit 1. The commission for the sales in the Public Auction is \$12,235.00. [See Ex. 1; D.E. 93 at 5].

8. In addition, an online auction generated a total amount of \$549.00 in sales proceeds. Ex. 1. The commission for the sale by online auction is \$192.15. [See Ex. 1; D.E. 93 at 5].

9. Thus, the total amount of proceeds from the sale of the Domain Names is \$81,899.00, and the total commission for these sales is \$12,427.15. See Ex. 1. Accordingly, the net amount of sales proceeds for the benefit of the Receivership Estate is \$69,471.85.

10. In accordance with the Receivership Order and Order to Employ Sales Broker [D.E. 72, 96], the Receiver submits Trustee Services’ Accounting (Ex. 1) and requests the

² Since then, the Receiver moved for limited modifications to the specific procedures for the sale of the Domain Names based on Trustee Services’ revised marketing strategies. [See D.E. 123, 144]. The Receiver did not request a modification to the commission-based compensation structure. [See *id.*]. The Court approved the modifications to the sale procedures. [See D.E. 125, 145].

³ Prior to the Public Auction, Trustee Services sold one of the Domain Names by online auction for \$549.00.

Court's approval of Trustee Services' commission of \$12,427.15, which is the amount of commission based on the commission-based compensation structure set forth in the Motion to Employ Sales Broker. [D.E. 93 at 5].

11. The Receiver understands that Trustee Services will, in turn, pay a portion of this commission to its agents who assisted with the auction process, including Fisher Auction Co., Inc.

12. Counsel for the Securities and Exchange Commission (the "SEC") has reviewed this motion and has no objection to Trustee Services' commission.

WHEREFORE, the Receiver respectfully request that this Court enter an Order approving Trustee Services' Accounting and authorizing \$12,427.15 in commission to Trustee Services and any of its agents for the sale of the Domain Names. A proposed Order is submitted herewith as Exhibit 2, which counsel for the SEC has reviewed and has no objection to its form or contents.

CERTIFICATION

Pursuant to Local Rule 7.1.A.3, undersigned counsel hereby certifies that he has conferred with counsel for SEC, and the SEC has no objection to the relief requested herein.

Dated: October 28, 2016

Respectfully submitted,

**LEVINE KELLOGG LEHMAN
SCHNEIDER + GROSSMAN LLP**

Counsel for the Receiver
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By: /s/ Matthew J. McGuane
MATTHEW J. MCGUANE
FL Bar No. 0084473
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CERTIFICATE OF SERVICE

I hereby certify that, on October 28, 2016, a true and correct copy of the foregoing has been served upon all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF and to all *pro se* parties identified on the attached Service List.

/s/ Matthew J. McGuane
MATTHEW J. MCGUANE

SERVICE LIST

<p>Arthur C. Koski Arthur C Koski P.A. Counsel for DJC Consulting, LLC, Espo Consulting, LLC, J & D Marketing, LLC, Viper Asset Management, LLC, Dean A. Esposito, and Joseph Devito 101 N Federal Highway Suite 602 Boca Raton, FL 33432 561-362-9800 362-9870 (fax) akoski@koskilaw.com</p>	<p>Christopher E. Martin Securities & Exchange Commission 801 Brickell Avenue Suite 1800 Miami, FL 33131 305-982-6386 536-4154 (fax) martinc@sec.gov</p>
<p>Mark C. Perry Counsel for Joseph J. Azzata 2400 East Commercial Blvd Suite 201 Fort Lauderdale, FL 33308 954-351-2601 954-351-2605 (fax) markperryesq@yahoo.com</p>	<p>James D. Sallah Sallah Astarita & Cox, LLC Counsel for Carla Azzata One Boca Place 2255 Glades Road Suite 300E Boca Raton, FL 33431 561 989-9080 561-989-9020 (fax) jds@sallahlaw.com</p>
<p>Frederick J. Birks Defendant 3685 Cassia Drive Orlando, FL 32828 fredbirks1@gmail.com</p>	<p>Gryphon Asset Management, LLC Defendant Attention: Frederick J. Birks 3685 Cassia Drive Orlando, FL 32828 fredbirks1@gmail.com</p>

Exhibit

Domains	Sales Price	Method	Commission
cardiologists.com cardiologiststoday.com cardiologisttoday.com	\$15,000.00	Public Auction	\$2,250.00
radiologists.com radiologiststoday.com radiologisttoday.com	\$18,000.00	Public Auction	\$2,700.00
anesthesiologist.com	\$17,700.00	Public Auction	\$2,655.00
proctologist.com	\$20,000.00	Public Auction	\$3,000.00
pathologists.com pathologiststoday.com	\$10,000.00	Public Auction	\$1,500.00
pharmaciststoday.com pharmacisttoday.com	\$150.00	Public Auction	\$30.00
clinicalcoderstoday.com cliniciancoders.com dermatologisttoday.com doctorsrule.com endodontiststoday.com, gqnurse.com hctraveler.com healthcarecoders.com healthcaretravelerjobs.com hematologisttoday.com hospitalisttoday.com icd10careers.com icunursetoday.com labclinicians.com locumstoday.com malenursetoday.com massivemedical.com medicaljobsrus.com medicaltourismcareers.com medicaltourismjobs.com medicalwebster.com medwebster.com micujobs.com micutoday.com oncologiststoday.com ophthalmologisttoday.com orthodontisttoday.com physicianjobstoday.com physiciansrule.com therapistschat.com	\$300.00	Public Auction	\$60.00

13weektraveler.com certifiedtraveler.com traveler13.com travelergossip.com travelscrubs.com	\$100.00	Public Auction	\$20.00
biofuelzone.com cablenewsjobs.com hottechtalent.com hydropowerzone.com jobsrule.com omegacapitalsolutions.biz omegacapitalsolutions.com omegacapitalsolutions.info omegacapitalsolutions.net omegacapitalsolutions.us railstalent.com realityshowcareers.com realityshowjobs.com rubyonrailstalent.com rubytalent.com solarsystemjobs.com thehottesttechtalent.com	\$100.00	Public Auction	\$20.00
monstermedical.com	\$549.00	Online Auction	\$192.15
TOTAL	\$81,899.00		\$12,427.15

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GRYPHON ASSET MANAGEMENT, LLC, and
CARLA AZZATA,

Relief Defendants.

**ORDER GRANTING RECEIVER'S UNOPPOSED MOTION
FOR APPROVAL OF SALES BROKER'S COMMISSION**

THIS MATTER is before the Court upon the Receiver's Unopposed Motion for Approval of Sales Broker's Commission (the "Motion") [D.E.]. The Court having reviewed the Motion, being advised that the Motion is not opposed by the Securities and Exchange Commission, and otherwise being duly advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Motion is **GRANTED**.

2. The Court **AUTHORIZES** a total commission in the amount of \$12,427.15 to Trustee Services, Inc.'s and its agents for the services rendered as sales broker for the sale of the domain names.

DONE AND ORDERED in Chambers in Broward County, Florida, this ____ day of _____ 2016.

JAMES I. COHN
United States District Judge

cc: Counsel of Record & Pro Se Parties