

**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 MOTION TO EMPLOY COUNSEL

Receiver David M. Levine, not individually, but solely in his capacity as the court-appointed receiver for Corporate Defendants eCareer Holdings, Inc. and eCareer, Inc. (the "Corporate Defendants"), files this Motion to Employ Counsel pursuant to the Court's May 22, 2015 Order Granting Plaintiff's Motion for Appointment of Receiver (the "Receivership Order") [ECF No. 72].

Pursuant to the Receivership Order, the Receiver is authorized to employ legal counsel, and to fix the rates for their reasonable compensation. *See* Receivership Order, at 3, ¶ 4. The Receiver believes it is necessary to employ counsel to assist in carrying out his duties as Receiver as set forth in the Receivership Order. Specifically, counsel will assist in the marshalling of the Corporate Defendants' assets, aid in the investigation of the Corporate

Defendants' affairs, and institute legal proceedings to recover assets for the benefit of the Corporate Defendants' investors.

For these reasons, the Receiver seeks to employ the law firm of Levine Kellogg Lehman Schneider + Grossman, LLP ("LKLS+G"), of which he is a Partner and Co-Chair of the Receivership Practice Group. As set forth in the Receiver's proposal to the SEC, LKLS+G has agreed to reduce its billing rates by almost 50 percent, and to cap billing at \$300.00 per hour for partners, \$200.00 per hour for associates, and \$125.00 per hour for paralegals. [ECF No. 68-2]. LKLS+G has extensive experience in receivership and insolvency work. In accordance with the Receivership Order, the Receiver will seek the Court's approval and provide an accounting prior compensating counsel.

WHEREFORE, for the foregoing reasons, the Receiver requests that the Court grant his Motion to Employ Counsel, effective as of May 22, 2015. The Receiver has conferred with Christopher Martin, counsel for the SEC, and he has advised that the SEC has no objection to the relief requested herein. A proposed order is submitted herewith.

Respectfully submitted,

**LEVINE KELLOGG LEHMAN
SCHNEIDER + GROSSMAN LLP**
Counsel for the Receiver
Miami Center, 22nd Floor
201 South Biscayne Blvd.
Miami, Florida 33131
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By: /s/Stephanie Hauser
Stephanie Hauser, Esq.
FL Bar No. 92765
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CERTIFICATE OF SERVICE

I hereby certify that, on June 9, 2015, 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 via U.S. mail.

/s/Stephanie Hauser
Stephanie Hauser, Esq.

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</p>	<p>Gryphon Asset Management, LLC Defendant Attention: Frederick J. Birks 3685 Cassia Drive Orlando, FL 32828</p>

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ORDER GRANTING RECEIVER'S MOTION TO EMPLOY COUNSEL

THIS MATTER is before the Court on the Receiver's Motion to Employ Counsel, filed June 9, 2015.

The Court, having reviewed the Motion and being fully advised in the premises, hereby **ORDERS and ADJUDGES** that the Receiver's Motion to Employ Counsel is **GRANTED**, effective May 22, 2015.

DONE and ORDERED in Chambers in Ft. Lauderdale, Florida, this ____ day of June, 2015.

JAMES I. COHN
District Court Judge
Southern District of Florida

cc: *Counsel of record & Pro Se Parties*