

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No: 8:20-cv-394-T-35SPF

KINETIC INVESTMENT GROUP, LLC,  
MICHAEL SCOTT WILLIAMS, KINETIC  
FUNDS I, LLC, KCL SERVICES, LLC,  
SCIPIO, LLC, LF42, LLC, EL MORRO  
FINANCIAL GROUP, LLC, KIH, INC.,  
and BRANCH BANKING AND TRUST  
COMPANY,

Defendants.

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**ORDER**


**THIS CAUSE** comes before the Court for consideration of Defendant Williams' Motion to Modify the Asset Freeze Order [D.E. 33] to Unfreeze Funds to Defend This Case. (Dkt. 102) Therein, Defendant Michael Scott Williams seeks for the Court to approve counsel's reduced hourly rate of \$357.50 per hour, approve Williams' proposed litigation budget to defend this case from the date counsel made their appearances on May 27, 2020 through the conclusion of the mediation on August 28, 2020, and unfreeze \$64,350 to pay for counsels' fees to defend the case during this time. (Id.) Williams has budgeted 180 hours for three months of legal work to be performed by his defense attorneys Jon A. Jacobson, Esq. and Timothy W. Schulz, Esq. (Id.)

Defendant advises that the SEC disagrees with the proposed budget and believes that Williams' counsel should not need more than 56 hours to fully learn and understand the underlying facts of this case, respond to any filings by the SEC and Receiver, respond

to the SEC's allegations, prepare Williams' defenses, and prepare and participate in the mediation scheduled for August 28, 2020. (Id.) The Court notes, however, that the amount of funds requested by Williams is approximately 30% of the total fees and costs the Receiver incurred and was awarded, without objection from the SEC, for work performed from March 6, 2020 through March 31, 2020. (Dkt. 101)

Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court hereby **ORDERS** that Defendant Williams' Motion, (Dkt. 102), is **GRANTED**. The Court finds that the proposed rates and budget are reasonable and the Asset Freeze Order should be modified to allow for \$64,350 of funds to be made available for payment of Defendant Williams' attorneys' fees and costs through mediation. Within **seven (7) days** of the date of this Order, the SEC shall file a proposed order modifying the Asset Freeze Order to allow for said funds to be unfrozen, specifying from which account(s) they shall derive, for payment of Williams' defense costs.

**DONE** and **ORDERED** in Tampa, Florida, this 8th day of July, 2020.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel of Record  
Any Unrepresented Person