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Attorneys for Plaintiff
Federal Trade Commission

FILED
CLERK, U.S. DISTRICT COURT
9/9/24
CENTRAL DISTRICT OF CALIFORNIA
BY: MRV DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Federal Trade Commission, Plaintiff, v. **Ascend Capventures Inc.**, et al., Defendants.	**No.** 2:24-cv-07660SPG(JPRx) **FILED UNDER SEAL** **PLAINTIFF'S *EX PARTE* RECOMMENDATION FOR TEMPORARY RECEIVER**

In connection with its *Ex Parte* Application for a Temporary Restraining Order, Plaintiff Federal Trade Commission ("FTC") makes the following recommendation regarding the appointment of a temporary receiver over Ascend Capventures Inc., Ascend Ecommerce Inc., Ascend Administration Inc., Ascend Ecom LLC, and Ascend Distribution LLC.

TEMPORARY RECEIVER RECOMMENDATION

1. The Plaintiff proposes that the Court appoint Stephen Donell as a temporary receiver over the Defendants in this matter. Mr. Donell is a past Co-President of the Los Angeles/Orange County Chapter of the California Receivers Forum ("CRF"), a 2023-2025 member of the CRF State Board of Directors, and former President of the National Association of Federal Equity Receivers ("NAFER"). Mr. Donell is also a Certified Property Manager and a Certified Investment Member (CCIM) of the CCIM Institute.

2. Mr. Donell is qualified to serve as a temporary receiver and has expressed a willingness to do so. A copy of his qualifications and fee schedule is attached as **Attachment A**. As reflected in Attachment A, Mr. Donell has extensive experience with complex receivership matters.

3. The receiver's responsibilities likely will involve substantial asset tracing to recover funds derived from Defendants' illegal conduct. The resources and experience of Mr. Donell make him qualified to manage such a task.

4. We are unaware of any conflicts of interest that would prevent Mr. Donnell from acting as a receiver in this matter.

5. Should the Court desire to consider additional options for temporary receiver, the FTC can provide names of additional highly qualified candidates.

Dated: September 9, 2024

Respectfully submitted,

/s/ Jody Goodman

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Attorneys for Plaintiff
Federal Trade Commission

Attachment A

FedReceiver, Inc.
state and federal court receivers — A privately held California corporation

Stephen J. Donell, CCIM, CPM®, ARM®, RCFE

President, FedReceiver®, Inc.
President, Jalmar Properties, Inc. AMO
President, Donell Expert Services, Inc.
Steve.Donell@FedReceiver.com
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12121 Wilshire Boulevard, Suite 1120
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Experience/Expertise

- Equity Receiver
- Rents, Issues and Profits Receiver
- Commercial and Residential Real Estate
- Judgment Enforcement Actions
- Gas Stations / C-Store / Car Wash
- Restaurants
- Hospitality
- Entertainment
- Condo/Single Family Residential Construction Completion
- Partition Referee
- Provisional Manager
- Provisional Director
- Residential Care Facilities for the Elderly (RCFE)
- Health and Safety Compliance Issues Involving Sub-Standard Real Estate
- Code Enforcement Actions
- Government Enforcement Receiverships
- Partnership/Business/Marital Dissolution
- Residential Development
- Leasing and Brokerage
- Expert Witness
- Asset Liquidation
- Commercial and Residential Owners Associations
- Property Management
- Dissolution Manager

Background

Stephen J. Donell, CPM®, CCIM, ARM® has been active in various fields of real estate since 1984. Since that time, Mr. Donell has been involved in the acquisition, development, marketing, and management of properties primarily located in the western United States. Property types include office, retail, industrial, multi-family, hotel, motel, mobile home parks, self-storage, land, single family, and condominiums.

Since 1990, Mr. Donell has administered and/or been appointed as a federal and state court receiver in over nine hundred cases in both state and federal court. He has extensive experience involving asset and business liquidations and operations, gas stations, restaurants, residential, retail, and commercial real estate. In addition, Mr. Donell has administered cases involving commercial and residential owners' associations, post judgment enforcement actions, marital dissolution cases, single family and condominium construction completion/entitlements, accounts receivable collections, intellectual property including trademarks and copyrights, collateral seizure cases, including medical practices and coin

laundry facilities, truck stops, parking operations, skilled nursing facilities and/or Residential Care Facilities for the Elderly (RCFE), intermediate care facilities, entertainment, ATM, EB-5, equipment rental, apparel and other types of business receivership appointments. Mr. Donell has also administered and/or been appointed in federal court as receiver in United States Securities and Exchange Commission, Federal Trade Commission, and other government enforcement actions. These cases have involved over 25,000 investors/consumers and invested funds totaling more than $750 million and involve the recovery of assets in multiple foreign jurisdictions. Mr. Donell has also served as court appointed dissolution manager, provisional director, provisional manager, and distribution agent. Mr. Donell is an industry leader serving as an equity receiver where he is appointed as receiver over the receivership entity itself. Mr. Donell is a past Co-President of the Los Angeles/Orange County Chapter of the California Receivers Forum ("CRF") and a 2023-2025 member of the CRF State Board of Directors. He was the 2nd President of the National Association of Federal Equity Receivers ("NAFER") in 2013.

Mr. Donell is the President of Jalmar Properties, Inc. AMO®, a real estate investment and property management company experienced in the acquisition, development and management of office, retail, industrial, single-family, and multi-family properties, including duplexes up to apartments with hundreds of units. In addition to being a California Licensed Real Estate Broker, he holds both a Certified Property Manager ("CPM") and an Accredited Residential Manager ("ARM") professional designation through the Institute of Real Estate Management. Mr. Donell is a Certified Investment Member ("CCIM") of the CCIM Institute, holds a Residential Care for the Elderly Administrator Certificate ("RCFE") from the State of California Department of Social Services Community Care Licensing Division, has obtained an EPA Renovator Certification from the Environmental Protection Agency, and a certification in mold remediation.

Jalmar Properties, Inc. is a full-service real estate management company which holds an Accredited Management Company ("AMO" designation) through the Institute of Real Estate Management. Jalmar, on a cumulative basis, has managed in excess of 10,000 apartment units and 9 million square feet of commercial properties having a market value in excess of two billion dollars. The company was formed in 1985 and has provided management services to owners of properties worth billions of dollars. Jalmar Properties, Inc. AMO® is licensed as a Real Estate Broker in California, Arizona and Nevada, and the company was awarded the designation of AMO® Company of the Year in 2005 by the Los Angeles/Orange County Chapter of the Institute of Real Estate Management (IREM®). Jalmar has experience in commercial tenant improvement work, sub-standard housing, rehabilitation, CAM charge analysis and code enforcement compliance including mold, lead-based paint, and asbestos remediation. Mr. Donell is also President of FedReceiver®, Inc., which employs four receivers.

Mr. Donell is President of Donell Expert Services, Inc. and he serves as an expert witness for both plaintiffs and defendants in cases related to premises liability, habitability, lease, and receivership standard of care disputes. He has served as an expert in matters including but not limited to slip and fall, parking lots, habitability, mold, roaches/bedbugs, asbestos, site-line obstruction, lead-based paint, sub-standard housing allegations, the criminal acts of third parties, real estate partnership fiduciary duty and overall standard of care issues related to the ownership, operation and management

of residential and commercial real estate. He also serves as an expert in matters involving the duties and obligations of court appointed receivers and HOA's.

Education/Training

San Diego State University - Real Estate Major

Numerous advanced level classes through the Institute of Real Estate Management (IREM®) and the CCIM Institute

Water Damage Restoration Basic Course-HAR-BRO, Inc.- Los Angeles, CA November 17, 2011

Securities Enforcement Program (Los Angeles Bar Association) - Los Angeles, CA February 16, 2012

New Law from the Madoff Case and Tips to Avoid the Next Ponzi Scheme (Beverly Hills Bar Association) - Los Angeles, CA March 26, 2012

Special Assets Management Association Annual Conference - Ojai, CA May 14, 2014 - May 16, 2014

EPA Certified Renovator Course: Lead Safety for Renovation, Repair and Painting - Los Angeles, CA October 30, 2014, October 30, 2023

Mold Awareness Seminar: An Introduction to the Principals of Inspecting, Sampling, Abating and Managing Moisture Intrusion/Mold Issues - Loma Linda, CA December 12, 2014

AIR CRE Contracts Seminar, Lease Contracts - Torrance, CA September 26, 2017

Lead and Other Hazards Awareness Training Class IREM Webinar - July 15, 2021

Back to the Basics: Controlling Cockroach Infestations: National Pest Management Association Webinar - August 1, 2021

Cockroaches and Termites: Biology, Behavior and Control: National Pest Management Association Webinar - August 1, 2021

NPMA Bed Bugs Basics: National Pest Management Association Webinar - August 1, 2021

Using Pyrethroids Responsibly in California for Better Pest Management: National Pest Management Association Webinar - August 1, 2021

Contractors State License Schools Mold Remediation Course – December 2, 2023

Qualifications, Licenses & Designations

- State of California
  - Real Estate Broker License No. 01295754
  - Dept. of Social Services RCFE Administrator Certification #6018299740
  - State Bar of California MCLE Approved Provider - *Receivership University 101 2013-2016*
- CCIM Institute
  - Certified Commercial Investment Member (CCIM)
- Institute of Real Estate Management (IREM®)
  - Certified Property Manager (CPM®)
  - Accredited Residential Manager (ARM®)
  - Accredited Management Organization (AMO®)
- California Contractors State Licensing Services
  - Mold Inspection and Remediation Certification Course 12.2.23
- Environmental Protection Agency
  - Certified Lead Abatement Renovator Certificate # R-I-73358-23-00833

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Speaking Engagements

Receivers as Detective: California Receivers Forum Panelist, Loyola Symposium - January 19, 2024

Fiduciary Education Forum Webinar Presenter: So, you want to take title to Real Estate! Be advised: Premises Liability/Habitability Education 101 - December 7, 2023

California Bankruptcy Forum Conference Panelist: "Ante Up! The Rise of Receiverships" - May 10, 2023

Los Angeles Bankruptcy Forum (LABF) Alternatives to Filing for Bankruptcy Relief Panelist - April 25, 2023

CCIM Greater Los Angeles Chapter Real Estate Receivership Webinar Keynote Speaker - March 16, 2023

California Association of Judgment Professionals (CAJP) 2022 Conference - Panelist/Presenter: Judgment Receiverships - October 8, 2022

CCIM Institute/The Ward Center for Real Estate Studies Instructor "Real Estate Receiverships" - 2022/2023 Webinar Series

National Association of Federal Equity Receivers (NAFER) - Panelist: "So, You Want To Be A Receiver?" - July 13, 2022

National Association of Federal Equity Receivers (NAFER) - Panelist: 2020 Annual Conference "Receiver Training Camp: The First Days" - October 8, 2020

California Receivers Forum (CRF) - Panelist: "Receiverships in the Time of COVID-19: Navigating Real Estate, Retail, and Restaurant Receiverships in These Uncertain Times" - September 26, 2020

Association of Certified Fraud Examiners - Panelist: "The Looming Insolvency Pandemic: A Guide for Fraud Examiners" - September 23, 2020

CCIM, Greater Los Angeles, Speaker, Real Estate Lunch & Learn: Receiverships - Beverly Hills, CA September 9, 2019

Special Asset Managers Association, Panelist, Federal Equity Receivers: EB-5 Frauds - Ojai, CA June 7, 2018

California Probate Referees Association, Presenter, *Receivership and Property Management Fundamentals: Troubled Assets/Valuation Issues* - Los Angeles, CA April 28, 2018

California Receivers Forum, Panelist, *Federal Equity Receivers: Government Enforcement Cases,* Los Angeles, CA April 26, 2018

California Association of Judgment Professionals, Presenter, *Using Court Appointed Receivers to Collect Your Judgment* - Costa Mesa, CA, October 2017

National Association of Federal Equity Receivers, Panelist, Receiver Training Camp: *Scores of Tips from the Federal Equity Receiver Playbook* - Washington DC, October 13, 2016

Archer Norris, PLC, Presenter, *Receivership University: From the Basics to Advanced Study* - Los Angeles, CA, March 27, 2014

Valensi Rose, PLC, Presenter, *Receivership University: From the Basics to Advanced Study* - Los Angeles, CA, October 31, 2013

Loyola V Complex Case Symposium, Panelist, *Ponzi Schemes* - Irvine, CA, January 19, 2013

California Receiver's Forum, Speaker, *All Eyes On Me* - Los Angeles, CA, October 25, 2012

East West Bank, Speaker, *Ponzi Schemes: Are You or Your Clients at Risk?* - Los Angeles, CA, October 22, 2012

Venable LLP, Presenter, *Receivership University: From the Basics to Advanced Study* - Los Angeles, CA, October 17, 2012

Continuing Education of the Bar, Presenter, *Real Estate Receiverships* - Los Angeles, CA, September 21, 2012

First California Bank, Presenter, *Receivership University: From the Basics to Advanced Study* - Torrance, CA, August 29, 2012

Ervin Cohen & Jessup LLP, Presenter, *Receivership University: From the Basics to Advanced Study* - Los Angeles, CA, July 30, 2012

Hill Farrer & Burrill LLP, Presenter, *Receivership University: From the Basics to Advanced Study* - Los Angeles, CA, July 17, 2012

Allen Matkins LLP, Presenter, *Receivership University: From the Basics to Advanced Study* - Orange County, CA, June 11, 2012

Michelman & Robinson, Presenter, *Receivership University: From the Basics to Advanced Study* - Orange County, CA, June 4, 2012

The Commercial REO Brokers Association (CREOBA) Weekly Webinar, Speaker - Webinar, February 17, 2012

Beverly Hills/Greater Los Angeles Association of Realtors, Speaker, *Receivership University: from the basics to advanced study* - Beverly Hills, CA September 28, 2011

Information Management Network Forum on Real Estate, Panel Member - Los Angeles, September 26, 2011

Strafford Publications, Inc., Presenter, *Receiverships in Distressed Commercial Real Estate* - Webinar, June 30, 2011

Center Bank, Speaker, *Receivership 101* - Los Angeles, CA, June 23, 2011

Real Estate Investment Properties, Guest Lecturer, *UCLA Receivership Basics* - Los Angeles, CA, June 1, 2011

Hana Financial, Inc., Speaker, *Understanding Receiverships* - Los Angeles, CA, April 4, 2011

California Receivers Forum, Speaker, Loyola IV, *Receivership Law & Practice* - Los Angeles, CA, January 20, 2011

The Los Angeles Commercial Distressed Asset and REO Summit, Speaker, *Receivership Basics* - Los Angeles, CA, November 10, 2010

California Receivers Forum, Fall Educational Series, *SEC Receiverships 101* - Los Angeles, CA, October 27, 2010

CCIM Web Conference, *Receiverships 101* - Webinar, June 9, 2010

California Bankruptcy Forum, 22nd Annual Insolvency Conference, Panelist, *Rents and Profits Receiverships: Commercial & Multi-Unit Residential Properties* - Monterey, CA, May 22, 2010

Distressed Commercial Real Estate Summit West Conference, Panelist, *Maximizing Value in Distressed Assets Through* Receivers - Los Angeles, CA, May 14, 2010

UCLA, Lecture, *Receivership Fundamentals* - Los Angeles, CA, May 13, 2010

Publications

Spring 2022 - CIRE Magazine, *The Ins and Outs of Receiverships*: *Receiverships offer promising avenues for commercial real estate professionals to assist lenders with distressed assets*

February 21, 2019 - Reviving the Financially Distressed Business, *Receivership Chapter*

January 2013 - Scotsman Guide Commercial Edition, *For Sale by Receiver*

September/October 2012 - Commercial Investment Real Estate, *Out of Gas: Many Factors Drive Fueling Station Owners to Default*

May 29, 2012 - Convenience Store News, *Solutions for C-store Owners and Operators Facing Loan Default*

Spring 2012/ Issue 42 - Receivership News, *Sales by Rents and Profits Receivers: A Discussion of the Practice and Governing Law*

September/October 2010 - CIRE Magazine, *Receivership 101*

November 2009 - Scotsman Guide Commercial Edition, *A Good Receiver Can be Your New BFF*

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Affiliations ~ Past & Present

- Apartment Association of Greater Inland Empire
- Arizona Multi-Family Housing Association
- Beverly Hills Greater Los Angeles Association of Realtors
- Building Owners and Managers Association
- California Apartment Association
- California Association of Judgment Professionals
- California Receivers Forum - Los Angeles/Orange County Chapter
  - Education Forum Panelist
  - Co-President 2010 - 2013
  - State/ Chapter Board of Directors 2001-2013; 2020-2023
- CCIM Institute
  - Greater Los Angeles Chapter Board of Directors
  - Events Chair 2009-2011
  - Scholarship Chair 2017- Present
- International Association of Restructuring, Insolvency & Bankruptcy Professionals
- Institute of Real Estate Management (IREM®)
- International Association for Asset Recovery
- Los Angeles Apartment Owners Association
- Los Angeles Bankruptcy Forum
- National Apartment Association
- National Association of Federal Equity Receivers
  - President 2012-2014
- National Association of Realtors®
- Special Assets Managers Association

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Fee Schedule

Stephen J. Donell, Receiver	$450.00/hr
Receiver Administrator(s)	$365.00/hr
Senior Accountant	$235.00/hr
Staff Accountant(s)	$130.00/hr
Administrative	$110.00/hr
Field Agent(s)	$120.00/hr
Blended Rate	**$235.00/hr**