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Court-Appointed Receiver

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DAMIAN KUTZNER, et al.,

Defendants.

Case No. LACV16-00999 BRO (AFMx)

RECEIVER'S RESPONSE TO MOTION OF INTERESTED PARTIES TO DISSOLVE OR OTHERWISE MODIFY PRELIMINARY INJUNCTION

JUDGE: Hon. Beverly Reid O'Connell
CTRM: 7C
DATE: June 19, 2017
TIME: 1:30 p.m.

Thomas W. McNamara, as Court-appointed Receiver, hereby responds to the Motion of Interested Parties Neil R. Anenberg and Carol A. Anenberg, to dissolve or otherwise modify the Preliminary Injunction (ECF No. 240) so that they may proceed with a nonjudicial foreclosure of their third trust deed loan on the Newport Beach residence owned by Time Out Management Ltd., LLC.

The Receiver's prior motion for authorization to sell this same property (motion filed February 13, 2017, ECF No. 187) was denied by the Court (Order entered March 10, 2017, ECF No. 202).

If the Court finds the Anenbergs' motion persuasive, the Receiver requests that any sale of the Newport Beach property be conducted through the receivership via a traditional real estate sale, not through the nonjudicial foreclosure requested by the Anenbergs. (*See* ECF No. 187 at 4:6-5:12.) Such a traditional sale would satisfy the indebtedness to the secured creditors, including the Anenbergs, and maximize the value of the property which, in turn, would maximize the potential consumer recovery from the receivership.

Dated: May 26, 2017

McNamara Benjamin LLP

By: S/ Andrew W. Robertson
Attorneys for Thomas W. McNamara, Receiver

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all participants in the case who are registered CM/ECF users.

S/ Andrew W. Robertson
Andrew W. Robertson