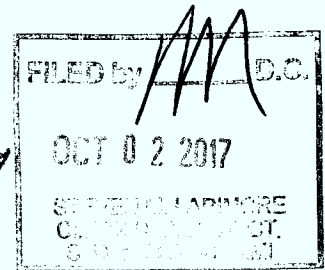


Sealed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **17-61937**



FEDERAL TRADE COMMISSION,

Plaintiff,

v.

STUDENT DEBT DOCTOR LLC, a Florida
limited liability company,

and

GARY BRENT WHITE, JR., individually
and as an officer of Defendant Student Debt
Doctor LLC,

Defendants.

CIV - DIMITROULEAS

[FILED UNDER SEAL]

PLAINTIFF'S SUGGESTION OF RECEIVER

Plaintiff Federal Trade Commission ("Plaintiff" or "FTC"), pursuant to its "*Ex Parte* Motion for Temporary Restraining Order with Asset Freeze, Appointment of a Receiver, Immediate Access, Other Ancillary Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue, With Memorandum in Support," respectfully submits the following suggestion of proposed temporary receivers over the Corporate Defendant¹ in this case. Each of the three proposed temporary receivers possesses the necessary experience and qualifications to hold the position and a willingness to serve as temporary receiver or receiver's counsel, and the FTC is unaware of any conflicts of interest that would prevent any of the proposed candidates from carrying out their duties.

The first potential receiver is Mr. Barry E. Mukamal, co-Managing Partner at Kapila/Mukamal, a CPA firm located in Florida. Mr. Mukamal is a CPA and a Chapter 7 Panel

¹ The Corporate Defendant is Student Debt Doctor LLC, a Florida limited liability company.

Trustee in the Southern District of Florida. He has extensive experience operating businesses and liquidating their assets in the U.S. Bankruptcy Court system as well as in state court proceedings. He has been appointed as liquidating trustee and/or plan administrator in numerous complex cases, and he and his firm, KapilaMukamal, LLP (“KM”) serve as the court-appointed receiver in two federal cases: (1) the Middle District of Florida appointed Mr. Mukamal as Receiver in *FTC v. Vylah Tech LLC* (M.D. Fla.), which involves a technical support help center facing allegations of misrepresentations to consumers; and (3) the 11th Circuit appointed Mr. Mukamal to serve as Receiver in *S.R. Kalb and Associates, Inc. f/b/o K & R Properties, LLC vs. Michael I. Rose et. Al.* (11th Cir.), which involves a partnership dispute over the operation and preservation of the assets of K & R Properties, LLC.

In this matter, Mr. Mukamal intends to call upon the same group of supporting counsels and forensic accountants who assisted him in his prior appointments. Collectively, Mr. Mukamal and his team have decades of significant experience investigating and pursuing claims and assets in connection with fraudulent and deceptive schemes, as well as recovering assets wherever they are located. Mr. Mukamal proposes to use the services of his own support staff at KM as part of his receivership team to conduct forensic analysis and asset tracing. Both Mr. Mukamal and KM have agreed to work on this matter and are offering a public service discount of their hourly billing rates.

A description of Mr. Mukamal and his firm’s knowledge, skills, and experience, and a list of their discounted hourly rates, is appended as **EXHIBIT “A.”**

The second proposed candidate is James S. Howard. Mr. Howard has over three decades of experience in the financial services industry. For much of his career, he has focused on problem asset management, including eighteen years of work within the Special Assets

Departments of various banks, where he was primarily responsible for the management, investigation of fraud, and fund tracing activities in relation to the banks' troubled loans. Mr. Howard is currently the Senior Managing Director of GlassRatner Advisory and Capital Group, LLC ("GlassRatner").

Mr. Howard previously served as Receiver in two notable cases. First, in 2007 the 17th Judicial Circuit in Broward County, Florida appointed him as Receiver for Pro Premium Finance Company, an insurance premium-financing provider that was rendered insolvent as a result of external fraud. Second, the Northern District of Georgia appointed him as Receiver for TNP enterprises, which is a taxi medallion leasing company. As Receiver, Mr. Howard retrieved and secured all cash assets, locked all depository accounts, resolved disputes with a defaulted taxicab operator, and arranged for redeployment of the taxi medallions to another operator in order to resume the flow of funds into the Receivership Accounts.

Mr. Howard has also served in other court appointed capacities in which he provided various financial services. The 11th Circuit appointed Mr. Howard as Assignee for the Benefit of the Creditors in the matter of Unified Communications International and Affinity LAC Group, LLC, which is a provider of high-end corporate communications equipment for clients throughout Latin America. As Assignee, Mr. Howard's responsibilities included securing and accounting for all cash assets and depository accounts, inventorying and liquidating all remaining inventory, equipment, and other fixed assets, disposing of contracts and other superior obligations, and recovering the accounts receivable outstanding. Additionally, he served as Chief Restructuring Officer for Star Computer Group, Inc. in a case heard by the U.S. Bankruptcy Court in the Southern District of Florida.

In this matter, Mr. Howard intends to call upon the same group of supporting counsels and forensic accountants who assisted him in his prior appointments. Collectively, Mr. Howard and his team at GlassRatner have decades of significant experience investigating and pursuing claims and assets in connection with fraudulent and deceptive schemes, as well as recovering assets wherever they are located. Mr. Howard and GlassRatner have agreed to work on this matter and are offering a public service discount of their hourly billing rates.

A description of Mr. Howard and his firm's knowledge, skills, and experience, is appended as **EXHIBIT "B."** Mr. Howard also provided the CV of Ms. Carol L. Fox, who is one of the Glass Ratner employees that Mr. Howard plans to use to help provide accounting and forensic investigation as well as money tracing support in this case. Ms. Fox's CV is appended as **EXHIBIT "C."**

The third proposed receiver candidate is Robert Carey. Mr. Carey is a Member of the State Bar of Florida with additional prior experience in the financial services industry. For the past 16 years, Mr. Carey has focused on federal court equity receiverships.

Specifically, his prior receiverships have focused on boiler rooms and deceptive telemarketing schemes. He has served as Deputy Receiver in several FTC cases filed in the Southern District of Florida. These cases include the following: *American Precious Metals, LLC*, which involved a \$37 million valued precious metals boiler room, *Timeshare Mega Media and Marketing Group, Inc.*, which involved a timeshare boiler room, *The Dolce Group Worldwide, LLC*, which involved a \$4 million valued boiler room, and *Nationwide Connections, Inc.*, which involved a \$3.6 million valued cramming scheme. The SD of Florida also appointed Mr. Carey as Deputy Receiver in a pending class action case styled *Brandon Leidel, individually, et al. v. Project Investors, Inc. d/b/a Cryptsy, et al.*, Case Number 16-CV-80060-Marra. Mr. Carry also

served as Receiver in an SEC case in the SD of Florida involving an \$80 million Ponzi scheme. That case is styled *SEC v. JCS Enterprises, Inc., et al.*, Case Number 14-80468-CV-Middlebrooks.

In this matter, Mr. Carey intends to call upon the same group of supporting counsels and forensic accountants who assisted him in his prior appointments. Specifically, Mr. Carey plans to retain James D. Sallah, Patrick J. Rengstl, and Jeffrey L. Cox from Sallah Astarita & Cox, LLC for legal services and Soneet Kapila of KapilaMukamal, LLP for forensic accounting services. Mr. Carey has agreed to work on this matter and is offering a public service discount of his hourly billing rates. Mr. Carey has also ensured that his retained professionals would agree to discount their standard hourly rates for the benefit of the Receivership Estate and would be subject to separately filed motions to employ and approve their retentions and discounted hourly rates.

Descriptions of Mr. Carey, James D. Sallah, Patrick J. Rengstl, and Jeffrey L. Cox, Soneet Kapila, and their knowledge, skills, and experience, are appended as **EXHIBIT "D."**

(signatures on the following page)

Respectfully submitted this October 2, 2017

A handwritten signature in black ink, appearing to read 'Hans Clausen', written over a horizontal line.

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