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5 *Attorneys for Court-appointed Receiver,*
Thomas W. McNamara

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8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

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11 FEDERAL TRADE COMMISSION,

12 Plaintiff,

13 vs.

14 AMERICAN FINANCIAL BENEFITS
CENTER, a corporation, also d/b/a AFB and
15 AF STUDENT SERVICES; AMERITECH
FINANCIAL, a corporation; FINANCIAL
16 EDUCATION BENEFITS CENTER, a
corporation; and BRANDON DEMOND
17 FRÈRE, individually and as an officer of
AMERICAN FINANCIAL BENEFITS
18 CENTER, AMERITECH FINANCIAL, and
FINANCIAL EDUCATION BENEFITS
19 CENTER,

20 Defendants.

Case No. 4:18-cv-00806-SBA

**DECLARATION OF THOMAS W.
MCNAMARA IN SUPPORT OF
RECEIVER'S EX PARTE APPLICATION
SEEKING COMPLIANCE WITH
PRELIMINARY INJUNCTION AND
ORDER TO SHOW CAUSE AS TO WHY
DEFENDANT BRANDON FRERE
SHOULD NOT BE HELD IN CIVIL
CONTEMPT**

JUDGE: Hon. Sandra Brown Armstrong

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1 I, Thomas W. McNamara, hereby declare as follows:

2 1. I am the Receiver in this case and I have personal knowledge of the facts set forth
3 in this Declaration. If called as a witness, I could and would competently testify to the facts
4 stated herein.

5 2. I make this Declaration in support of the Receiver's *Ex Parte* Application Seeking
6 Compliance with Preliminary Injunction and Order to Show Cause as to Why Defendant
7 Brandon Frere Should Not Be Held in Civil Contempt.

8 3. I have spoken to counsel for both Defendant Brandon Frere ("Frere") and
9 Plaintiff. I understand that counsel for both parties were informed at approximately 11:00 a.m.
10 PT on November 29, 2018, by the Court clerk that the Initial Case Management Conference, then
11 set for 2:45 p.m. that afternoon, would be continued in anticipation of a forthcoming Order on
12 the FTC's Motion for Preliminary Injunction.

13 4. I further understand that the Clerk's Notice Continuing the Initial Case
14 Management Conference (ECF No. 185) was issued a short time later, at roughly 11:40 a.m.

15 5. I further understand that the Court's Order on the FTC's Motion for Preliminary
16 Injunction was issued at about 2:30 p.m. (or just before the time for which the Initial Case
17 Management Conference had originally been set). Counsel for Plaintiff notified me on
18 November 29, 2018 at about 3:00 p.m. that I had been appointed Receiver in this case.

19 6. Attached hereto as Exhibit 1 is a true and correct copy of the account balance
20 history for an account with Bank of America belonging to Defendant American Financial
21 Benefits Center ("AFBC") ending in -9542 ("the AFBC account").

22 7. At 16:44 ET (1:44 p.m. PT), \$2,500 was wired from the AFBC account to Justin
23 Frere, who I understand to be Frere's brother. Ex. 1 at 2.

24 8. At 16:45 ET (1:45 p.m. PT), \$3,000 was wired from the AFBC account to
25 Cameron Henry, who I understand to be a former employee of Defendants and a partial owner of
26 one or more of Defendants. Ex. 1 at 1.

27 9. At 16:45 ET (1:45 p.m. PT), \$5,000 was wired from the AFBC account to Andre
28 and Gloria Frere, who I understand to be Frere's parents. Ex. 1 at 1.

