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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 vs.

18 AMERICAN FINANCIAL BENEFITS
19 CENTER, a corporation, also d/b/a AFB and AF
20 STUDENT SERVICES;

21 AMERITECH FINANCIAL, a corporation;

22 FINANCIAL EDUCATION BENEFITS
23 CENTER, a corporation; and

24 BRANDON DEMOND FRERE, individually
25 and as an officer of AMERICAN FINANCIAL
26 BENEFITS CENTER, AMERITECH
27 FINANCIAL, and FINANCIAL EDUCATION
28 BENEFITS CENTER,

Defendants.

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

Related Case: 4:17-cv-04817-SBA

**DECLARATION OF GLORIA
HOLMES IN SUPPORT OF
FEDERAL TRADE COMMISSION'S
MOTION FOR PRELIMINARY
INJUNCTION**

DECLARATION OF GLORIA HOLMES

1
2 1. My name is Gloria Holmes and I reside in Tennessee. The following statements
3 are within my personal knowledge and if called as a witness I could and would competently
4 testify thereto.

5 2. In early 2018, my daughter called me and said she found a strange postcard with
6 my photo in our mailbox. When I got home, I examined the postcard and thought it was scary.
7 The front side of the laminated postcard had my address and a small photo of me. The flip side
8 had a larger photo of me in what appeared to be a personal file. The mailer included accurate
9 information about my student loan amount and said I qualified for student loan forgiveness. A
10 logo for “Ameritech Financial” was at the bottom of the postcard. A true and correct copy of a
11 photo that I took of the postcard is attached as **Holmes Attachment A**.

12 3. The postcard contained a photo of me that I had posted on my Facebook account
13 several years ago. I selected “Private” for all my Facebook settings and do not know how
14 Ameritech obtained my photo. Currently, my Facebook profile image is a photo of my grandson.
15 My Facebook profile contains photos of my children and grandchildren, and I felt scared that a
16 random company had gone through my Facebook account. it made me feel like I was being
17 stalked. I felt like I had exposed my children and my grandson to people that could use their
18 photos.

19 4. I was upset when I saw my personal photo on the postcard and called the toll-free
20 number at the bottom of the postcard. I spoke with someone named Scott at Ameritech
21 Financial. Scott told me that I qualified for student loan forgiveness. At the time, I worked for
22 the State of Tennessee. I told Scott that I did not qualify because I had not worked for a public
23 entity for the right amount of time. Scott seemed frustrated and aggravated with me then started
24 to try over talking me.

25 5. I also told Scott that I was upset about the postcard and that Ameritech did not
26 have permission to access my private photos. Scott responded, “well, we can do that.” When I
27 insisted that Ameritech could not take my confidential photos, he said “everything we do is
28 legal” and that I had a “beautiful family.” He was very creepy and thought it was comical. I

1 asked him to stop accessing my photos and he said he was “just going to send more and he was
2 his job”

3 6. I have not searched for assistance with my student loan and do not know how
4 Ameritech got my contact information.

5 7. Based on the statements in the postcard, I thought someone was offering me loan
6 forgiveness or debt relief. The top of the postcard said “STUDENT LOAN PAYMENT
7 REDUCTION AND FORGIVENESS” and there was a file on me labeled “BORROWER.” I did
8 not see anything that indicated Ameritech was selling a monthly membership. I would have been
9 surprised to learn that this was an advertisement for a membership.

10 8. I was very alarmed by the postcard. I took a photo of it and sent it to my co-
11 worker, who agreed that it was creepy and she had never received anything like it or heard of
12 anyone doing that. Then I tore up the postcard and threw it away.

13 9. I also visited a consumer complaint website and shared information about the
14 postcard. I do not recall the name of the website. I engaged in an online chat/exchange with
15 another person who received a similar postcard. He was very upset because his postcard
16 included a photo of him with his daughter’s image reflected in a mirror in the background. His
17 young daughter was just in her underwear.

18 10. On or around January 26, 2018, I submitted the following review of Ameritech
19 Financial to the Better Business Bureau: “I received a post card from them with a picture of me
20 on it. It is weird and scary at the same time. I never signed up for them . . . Not sure where the
21 picture came from.”

22 1. I declare under penalty of perjury that the foregoing is true and correct. Executed
23 on April _05_, 2018, in Tennessee.

24
25 *Gloria Holmes*

26 Gloria Holmes
27
28

Holmes Attachment A

