

1 JOSHUA A. DEL CASTILLO (BAR NO. 239015)
MATTHEW D. PHAM (BAR NO. 287704)
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7 Attorneys for Receiver
8 STEPHEN J. DONELL

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11
12 FEDERAL TRADE COMMISSION,
13 Plaintiff,
14 v.
15 ASCEND CAPVENTURES INC., et al.,
16 Defendants.

Case No. 2:24-CV-07660-SPG-JPR

DECLARATION OF ALAN R. ROSENBERG IN SUPPORT OF AMENDED FIRST INTERIM APPLICATION FOR PAYMENT OF FEES OF RECEIVER, STEPHEN J. DONELL, AND HIS PROFESSIONALS

[Application for Payment of Fees; Memorandum of Points and Authorities; Declaration of Stephen J. Donell; Declaration of Joshua A. del Castillo; Declaration of Brian J. Landau; Declaration of Frances A. Smith; and [Proposed] Order submitted concurrently herewith]

Date: April 23, 2025
Time: 1:30 pm
Ctrm: 5C
Judge Hon. Sherilyn Peace Garnett

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1 I, Alan R. Rosenberg, declare as follows:

2 1. I submit this Declaration in support of the concurrently filed *Amended*
3 *First Interim Application for Payment of Fees of Receiver, Stephen J. Donell, and*
4 *his Professionals* (the "Fee Application"). I have personal knowledge of the facts
5 set forth in this Declaration and, if called as a witness, could and would testify
6 competently to such facts, under oath.

7 2. I am a partner at the law firm Markowitz Ringel Trusy & Hartog, PA
8 ("MRTH"), having been employed at MRTH since 2016. I am a Florida attorney
9 with over 13 years of experience in bankruptcy and other fiduciary matters,
10 including receiverships.

11 3. I am the President-elect of the Bankruptcy Bar Association of the
12 Southern District of Florida. In addition, I was recognized by the American
13 Bankruptcy Institute ("ABI") as among its "40 Under 40" in 2020. I am a regular
14 contributor to and publisher in the area of bankruptcy law, and have authored, co-
15 authored, or edited dozens of articles, including a book and a number of articles
16 published by ABI – two of which were included in ABI's "Best Of" lists for 2019
17 and 2022 – and most recently, the Emory Bankruptcy Developments Journal. I am
18 also a regular speaker at bankruptcy-related conferences, most recently presenting at
19 the ABI's Winter Leadership Conference in December 2023 and the University of
20 Miami's 33rd Annual Bankruptcy Skills Workshop, in June 2023. A true and
21 correct copy of my MRTH firm biography is attached hereto as Exhibit A.

22 4. I served as local Florida counsel for Stephen J. Donell (the "Receiver"),
23 the court-appointed receiver in the above-entitled action. In that capacity, I have
24 endeavored to perform services for the Receiver as expeditiously and efficiently as
25 possible, and charged rates commensurate with my standard rates for similar
26 fiduciary services. I am familiar with the prevailing rates for similarly qualified
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1 attorneys in my area and believe my rates at MRTH to be consistent with those
2 charged by other attorneys with similar expertise and experience in similar matters.

3 5. I declare under penalty of perjury that the foregoing is true and correct.
4 Executed on March 13, 2025, at Miami, Florida.

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/s/ Alan R. Rosenberg

Alan R. Rosenberg

EXHIBIT A

MARKOWITZ
RINGEL
TRUSTY
HARTOG
ATTORNEYS AT LAW**ALAN R. ROSENBERG***Partner*

Alan Rosenberg represents bankruptcy trustees, creditors, debtors, and other parties-in-interest, in all aspects of insolvency proceedings and bankruptcy-related litigation, including, but not limited to, the sale of bankruptcy estate assets and the pursuit and defense of avoidance actions and other litigation claims. In addition to his bankruptcy practice, Alan also represents individual and corporate clients, as well as receivers and other court-appointed fiduciaries, in various commercial litigation matters and real estate transactions.

Alan has been recognized as an authority in the field of cryptocurrency in insolvency proceedings. He also studies digital assets and blockchain technology and speaks and often publishes on the subject. Alan is also a Cryptocurrency Tracing Certified Examiner through CipherTrace.

Representative Matters - Trustee + Fiduciary

- Counsel to Chapter 11 Trustee of a non-profit organization, resulting in the successful confirmation of a reorganization plan.
- Counsel to Assignee for the Benefit of Creditors of international kitchen furniture distributor.
- Counsel to Assignee for the Benefit of Creditors of national mail-order pharmacy.
- Counsel to Chapter 7 Trustee of national mattress company.
- Counsel to Chapter 7 Trustee of national merchant cash advance company.
- Counsel to Receiver of real property development company.
- Counsel to FTC-appointed receiver of a debt collection company.
- Counsel to Chapter 7 Trustee of a wholesale distributor of technological products.
- Counsel to Chapter 7 Trustee of securities broker-dealer accused by Securities and Exchange Commission of engaging in multimillion-dollar mark-up scheme.
- Frequent representation of bankruptcy Trustees and Assignees for the Benefit of Creditors throughout South Florida.

Representative Matters - Creditor + Debtor

- Counsel to a landlord in Chapter 11 case of an international movie theater chain.
- Counsel to global music company as a creditor in Chapter 11 case.
- Counsel to creditors holding prescriptive easements dating back to the civil war, in Chapter 11 case of an entity seeking to monetize and extinguish such rights through bankruptcy.
- Counsel to Fintech company as the Debtor-in-Possession in the successful confirmation of a Subchapter V plan.

Representative Matters - Bankruptcy Litigation

- Counsel to leading global colocation data center company in defense of turnover adversary proceeding.



Contact Information

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- Counsel to a global telecommunications company in defense of fraudulent transfer adversary proceeding.
- Counsel to Chapter 11 Debtor's principal in defense of fraud-based adversary proceeding.
- Counsel to Chapter 7 Trustee in the prosecution of dozens of adversary proceedings stemming from merchant cash advance business.
- Regular representation of litigants in fraudulent transfer, preference, and other avoidance actions.

Representative Matters - Commercial Litigation

- Counsel to a leading manufacturer of strength training equipment in defense of debtor's asserted lender liability, equitable subordination, and recharacterization of debt claims.
- Counsel to flight school in defense of class action claims.
- Counsel to a borrower in successful defense of improper foreclosure proceeding commenced by a bank.
- Counsel to various corporate and individual international defendants in trust litigation.
- Counsel to secured lender in mortgage fraud proceeding.

Awards and Recognition

- Best Lawyers in America, 2024-2025
- American Bankruptcy Institute - [2020 ABI's 40 Under 40](#)
- American Bankruptcy Institute - Inclusion [in Best of ABI 2022: The Year in Business Bankruptcy](#)
- American Bankruptcy Institute - Inclusion [in Best of ABI 2019: The Year in Business Bankruptcy](#)
- Daily Business Review [Florida Legal Awards](#), 2022
 - Attorney On the Rise
- Florida Super Lawyer, 2024
 - Rising Star, 2017-2022
- Florida Legal Elite, 2018-2022
 - Up and Comer



Education

J.D., *cum laude*, University of Miami
B.S.B.A., University of Florida, Finance

Admitted to

Florida
U.S. District Court for the Southern District of Florida
U.S. District Court for the Middle District of Florida
U.S. District Court for the Northern District of Florida

Prior Affiliations

Tabas, Freedman & Soloff, P.A.

- Author, _____
- Contributor, "[Biotech CEO Sent \\$1M in Crypto to Wrong Wallet. Now He's Suing the Issuer for Its Return](#)," National Law Journal, September 13, 2024.
- Contributor, "[Tether Was Playing a Risky Game, a new Celsius Suit Reveals](#)," WIRED, August 25, 2024.
- Contributor, "[Artists Sue SEC In Preemptive Lawsuit Over Whether NFTs Are Securities](#)," National Law Journal, June 30, 2024.
- Contributor, "[Victims' Fund for Genesis Creditors Could Set a Major Precedent in Crypto Bankruptcy Cases, If Approved](#)," Unchained, February 23, 2024.
- Contributor, "[FTX Says It Expects to Repay Customers in Full. Some Are Suing for More](#)," WIRED, February 2, 2024.
- Contributor, "[Celsius Creditors Who Withdrew 90 Days Before Bankruptcy are Asked to Send Money Back](#)," The Block, January 9, 2024
- Contributor, "[Crypto Lender Cred Collapsed in 2020 After Pulling in \\$135 Million from Customers](#)," Fortune Magazine, July 6, 2023
- Contributor, "[Bankrupt Crypto Companies are Fighting Over a Dwindling Pot of Money](#)," Wired Magazine, June 2023
- Contributor, "[Crypto and Congress: An Overview of Key Developments This Year](#)," ABI Journal, December 2022
- Contributor, "[Why FTX Account Holders are Unlikely to Get Their Money Back](#)," TIME Magazine, November 25, 2022
- Contributor, "[Beware: The Companies that Hold Your Crypto Aren't Insured the Way Banks Are](#)," CNN.com, CNN Business, November 13, 2022
- Contributor, "[Infowars Bankruptcy Exposes Web of Alex Jones' Family, Friends](#)," Washington Post, October 3, 2022
- Contributor, "[Alex Jones' Infowars Bankruptcy Turns Spotlight to Family, Friends](#)," Bloomberg Law, September 30, 2022
- Contributor, "[I'm Ruined: Litigation Trend Takes Aim at Merchant Cash Advance Industry](#)," Daily Business Review, September 8, 2022
- Contributor, "[Infowars Parent's Bankruptcy Raises Debt, Willful Injury Questions](#)," Bloomberg Law, August 3, 2022
- Author, "[Getting Down with DAOs: Decentralized Autonomous Organizations in Bankruptcy](#)," ABI Journal, July 2022
- Contributor, "[Beware: The Companies that Hold Your Crypto Aren't Insured the Way Banks Are](#)," CNN.com, CNN Business, June 9, 2022
- Contributor, "[Infowars Case Spotlights Limits of Small Business Bankruptcy Law](#)," Bloomberg Law, May 31, 2022
- Author, "[It Could Be Worse, Right? An Educational Pep Talk for Creditors Attorneys in Subchapter V Cases](#)," Daily Business Review, December 22, 2021
- Author, "[Civility and Professionalism in the Courtroom—A Needed Guide for Politicians?](#)," Daily Business Review, October 30, 2020

- Author, "[Trustees and Joint Administration](#)," NABT American Bankruptcy Trustee Journal, Spring 2020.
- Author, "[Automatic Contracts and the Automatic Stay: A Primer on 'Smart Contracts' in Bankruptcy](#)," American Bankruptcy Institute Journal, July 2019
- Author, "[Spanish Peaks and the Lessee Who Speaks: The Effect of Free and Clear Sales on Unexpired Leases](#)," National Conference of Bankruptcy Judges, October 2018.
- Senior Editor, [Individual Chapter 11](#), American Bankruptcy Institute (A. Rosenberg and P. Redmond, Ed., 2018)
- Author, "[The Cryptocurrency Conundrum - A Primer for Secured Lenders Entering the Cryptocurrency Space](#)," *ABF Journal*, September/October 2018
- Author, "[Are Debts Stemming from ICOs Dischargeable in Bankruptcy?](#)" American Bankruptcy Institute Journal, August 2018
- Author, "[Can Cryptocurrency Be Claimed as Tenancy by the Entireties Property?](#)" *Daily Business Review*, April 25, 2018
- Author "[The Cryptocurrency Craze - How to Treat Bitcoins in Fraudulent-Transfer Litigation](#)," American Bankruptcy Institute Journal, February 2018
- Author, "[Everything You Say Might Be Used Against You: The Uncertainty of the Federal Mediation Privilege](#)," American Bankruptcy Institute, 2017
- Co-Author, "[Gain the Hometown Advantage Even When You are an Outsider: Understand Local Differences in Commercial and Consumer Matters](#)," National Conference of Bankruptcy Judges, October 2017.

Speaking Engagements

- Panelist, "[Cryptocurrency and Bankruptcy](#)," American Bankruptcy Institute, Winter Leadership Conference, December 2023
- Panelist, "[Bankruptcy Code Provisions Triggered by Digital Assets in Bankruptcy Estate and their Administration](#)," University of Miami, 33rd Annual Bankruptcy Skills Workshop, June 2023
- Moderator, "Protecting, Perfecting and Preserving Rights in Alternative Collateral," ABA Section of Business Law, Spring Meeting, Seattle, April 2023
- Moderator, "[Cryptocurrency](#)," American Bankruptcy Institute, Caribbean Insolvency Symposium, February 2023
- Moderator, "[Subchapter V](#)," Bankruptcy Bar Association for the Southern District of Florida, January 2023
- Panelist, "[Crypto & Bankruptcy](#)," Puerto Rico Bankruptcy Bar Association, October 2022
- Panelist, "[Cryptocurrency Considerations for Counselors at Law](#)," Federal Bar Association, June 2022
- Panelist, "[Cryptocurrency](#)," NABT 40th Annual Conference, June 2022
- Panelist, "[Show me the Crypto! What to do with Digital Assets in Bankruptcy Cases](#)," University of Miami, 32nd Annual Bankruptcy Skills Workshop, June 2022
- Moderator, "Crypto-Philanthropy: A New Way to Invest in our Community," nexgen for Chapman Partnership, April 2022

- Panelist, "Florida: The Ultimate Subchapter V Experiment," American Bankruptcy Institute, [2022 Alexander L. Paskay Memorial Bankruptcy Seminar](#), March 2022
- Panelist, "[The Interests of State Governments in Commercial Bankruptcy Cases](#)," American Bankruptcy Institute abiLIVE Webinar Series, March 2022
- Moderator, "Cryptocurrency Management Strategies in Bankruptcy," American Bankruptcy Institute, [Caribbean Insolvency Symposium](#), February 2022
- Panelist, "Cryptocurrency, NFT's and other Emerging Assets and Collateral," American College of Bankruptcy, [6th and 11th Circuit Weekend and Joint Educational Program](#), February 2022
- Panelist, "[Hot Topics in Subchapter V](#)," American Bankruptcy Institute Mid-Level Professional Development Program, November 2021
- Guest Lecturer, "Fraud Risk for Start-Ups and Investors," University of Miami School of Law, October 2021
- Moderator, "[Cryptocurrency: Valuation Issues and Market Volatility](#)," American Bankruptcy Institute abiLIVE Webinar Series, September 2021
- Moderator, "Small Business Reorganization Act," [31st Annual Bankruptcy Skills Workshop](#), June 2021
- Moderator, "*Subchapter V in the COVID 19 Era*," American Bankruptcy Institute's [Caribbean Insolvency Symposium](#), February 2021
- Speaker, "*Bankruptcy Concerns, Both Present and Developing*," American Bankruptcy Institute's [Caribbean Insolvency Symposium](#), February 2020
- Moderator, "*Cannabis Businesses and Cannabis-Related Income Streams in Chapter 11 Cases*," American Bankruptcy Institute's [Caribbean Insolvency Symposium](#), February 2020
- Commentator, "[Courts, Without Law, Setting Value of Cryptoassets](#)," Roll Call, January 28, 2020
- Commentator, "[As Self-Proclaimed Bitcoin Creator Enters Settlement Talks, Lawyers Ponder Future of Bitcoin Suits](#)," Daily Business Review, September 24, 2019
- Commentator, "[8 Florida Cases to Watch in 2019](#)," Daily Business Review, January 9, 2019
- Speaker, "*Blockchain, Bitcoin and Beyond: Getting Current on Digital Currency*," American Bankruptcy Institute, Caribbean Insolvency Symposium, January 2019
- Speaker, "*Federal Mediation Privilege*," American Bankruptcy Institute, Litigation Committee, October 2017
- Speaker, "[Approaches to Fraudulent-Transfer Litigation Involving Bitcoins](#)," American Bankruptcy Institute Podcast with ABI Executive Director Sam Gerdano, February 2018

Professional and Community Activities

- American Bankruptcy Institute, Member
 - Bankruptcy Litigation Committee, 2017 to Present
 - Caribbean Insolvency Symposium
 - Co-Chair, 2023 to Present

Advisory Board, 2019 to 2023

- Commercial and Regulatory Law Committee

Co-Chair, 2023 to Present

Newsletter Editor, 2021 to 2023

- Diversity and Inclusion Working Group, 2020 to Present

- Bankruptcy Bar Association of the Southern District of Florida

- President Elect - 2024 to Present

- First Vice President - 2023 to 2024

- Second Vice President - 2022 to 2023

- Treasurer, 2021 to 2022

- Director, 2018 to 2021

- Business Law Section of the Florida Bar, Member

- Digital Currency Taskforce, 2018 to Present

- Chapman Partnership

- Chair, Development Committee, 2024 to Present

- Member, Executive Committee, 2023 to Present

- Member, Board of Trustees, 2020 to Present

- Member, Investment Committee, 2019 to 2022

- nextgen at Chapman Partnership

- Executive Council

Chair, 2020 to 2023

Member, 2018 to 2023

- Chair, Networking Committee, 2018 to 2020

- Co-Chair, Gala Afterparty Committee, 2018

- Dade County Bar Association, Member

- Bankruptcy Committee, 2015 to 2022

- Florida Bar Journal/News, Editorial Board, 2019 to Present