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Attorneys for Receiver
STEPHEN J. DONELL

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ASCEND CAPVENTURES INC., et al.,

Defendants.

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

**DECLARATION OF FRANCES A.
SMITH 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 Alan R. Rosenberg; and
[Proposed] Order submitted concurrently
herewith]

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

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1 I, Frances A. Smith, 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 Ross & Smith PC, formerly Ross Smith
8 & Binford PC ("RSB"). I am a Texas attorney with over 20 years of experience in
9 bankruptcy and other fiduciary matters.

10 3. I am the immediate past Chair of the Bankruptcy Section for the State
11 Bar of Texas, and serve on the Executive Committee of the John C. Ford
12 Bankruptcy Inn of Court, a professional organization providing educational
13 programs in bankruptcy law. I regularly speak and publish regarding developments
14 in bankruptcy and related areas of the law, and have served as a co-author on
15 publications made through the American Bankruptcy Institute, the National
16 Conference of Bankruptcy Judges, and the Texas State Bar. A true and correct copy
17 of my RSB firm biography is attached hereto as Exhibit A.

18 4. I served as local Texas counsel for Stephen J. Donell (the "Receiver"),
19 the court-appointed receiver in the above-entitled action. In that capacity, I and my
20 colleagues have endeavored to perform services for the Receiver as expeditiously
21 and efficiently as possible, and charged rates commensurate with our standard rates
22 for similar fiduciary services. I am familiar with the prevailing rates for similarly
23 qualified attorneys in my area and believe RSB's rates to be consistent with those
24 charged by other attorneys with similar expertise and experience for similar matters.

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5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 2025, at Dallas, Texas.

/s/ *Frances A. Smith*

Frances A. Smith

EXHIBIT A

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Frances Smith is recognized for her expertise in bankruptcy and out of court restructuring, and her ability to negotiate a consensus among parties in dispute. Frances has represented clients in a wide range of local, national, and international businesses both in and out of bankruptcy courts throughout the United States.

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& Norton, LLP where she led the firm's bankruptcy practice until joining forces with Judi Ross in 2019. Ms. Smith uses her knowledge of bankruptcy and restructuring to zealously represent debtors, creditors, landlords, and purchasers of assets in bankruptcy proceedings across the nation. She has extensive restructuring experience in the energy, hospitality, and retail sectors. She also has experience in franchise and agriculture restructuring and bankruptcy appellate practice.

Ms. Smith is the Immediate Past Chair of the Bankruptcy Section for the State Bar of Texas and is on the Executive Committee of the John C. Ford Bankruptcy Inn of Court, a professional organization recognized for excellence in providing quality bankruptcy educational programs. She is an accomplished speaker on restructuring, bankruptcy, and lending topics.

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