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11 Permanent Receiver

12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 SECURITIES AND EXCHANGE  
15 COMMISSION,

16 Plaintiff,

17 v.

18 CHARLES P. COPELAND,  
19 COPELAND WEALTH  
20 MANAGEMENT, A FINANCIAL  
21 ADVISORY CORPORATION,  
22 AND COPELAND WEALTH  
23 MANAGEMENT, A REAL  
24 ESTATE CORPORATION,

25 Defendants.

CASE NO. 11-cv-08607-R-DTB

**DECLARATION OF PATRICK L.  
PRINDLE IN RESPONSE TO  
OPPOSITION OF FLAGSTAR  
BANK, FSB TO LATE FILED  
"NOTICE OF MOTION AND  
MOTION TO CONSOLIDATE"**

Date: November 5, 2012  
Time: 10:00 a.m.  
Cttrm: 8, 2<sup>nd</sup> Floor  
Judge: Hon. Manuel L. Real

26 I, Patrick L. Prindle, declare as follows:

27 1. I am an adult over the age of eighteen years, and an attorney with  
28 Mulvaney Barry Beatty Linn & Mayers, LLP, counsel for the Permanent  
Receiver, Thomas C. Hebrank. I am familiar with the facts of this case  
and make the statements hereafter set forth based upon my personal  
knowledge. I am competent to testify herein, and if called as a witness I  
could, and would, testify consistent with the following statements.

1       2. As a result of opposition to the Motion To Consolidate, it was first  
 2 brought to my attention on October 16, 2012, that through an inadvertent  
 3 mistake the Notice of Motion and Motion had not been filed and served on  
 4 October 5, 2012. Thereafter, on October 17, 2012, I caused the Notice of  
 5 Motion and Motion to be filed and served via the ECF system. [Dkt.  
 6 Number 147].

7       3. On October 22, 2012, Flagstar Bank, FSB filed opposition [Dkt.  
 8 Number 157] to the late filed Notice of Motion and Motion. In that  
 9 opposition, Flagstar Bank claims that "... the Receiver's counsel has now  
 10 filed a false Certificate of Service." [Dkt. Number 157, Page ID #:3153].

11       4. Upon receipt of Flagstar's opposition, I retrieved a copy of Certificate  
 12 of Service relative to the Notice of Motion and Motion filed on October 17,  
 13 2012, and determined that the Certificate of Service included an  
 14 inaccurate date with respect to when the Notice of Motion and Motion was  
 15 electronically served.

16       5. I want to assure the Court, and counsel, that the error was  
 17 inadvertent, and that despite the characterization by Mr. Davidson to the  
 18 contrary, the inadvertent typographical error was not "a blatant false  
 19 representation to the Court", or to anyone else.

20       6. It is readily apparent that the Certificate of Service contained an  
 21 inadvertent typographical error. Although he could have done so by a  
 22 telephone call, I want to thank Mr. Davidson for bringing this inadvertent  
 23 typographical error to my attention.

24       7. Flagstar correctly notes, "The only way the Notice of Motion and  
 25 Motion could have been served via the ECF system was for the document  
 26 to have been filed electronically with the Clerk." [Dkt. 157, Page ID  
 27 #:3153]. Since filing and service through the ECF system is simultaneous,  
 28 and since the Notice of Motion and Motion was filed on October 17, 2012,



1 the Notice of Motion and Motion obviously could not have been served via  
2 the ECF system on October 5, 2012.

3 8. Flagstar also claims that it was deprived of an opportunity to review  
4 the three "missing" pages from the Declaration of Thomas C. Hebrank  
5 originally filed on October 5, 2012. [Dkt. Number 158, Page ID #:3158].  
6 This is simply not true.

7 9. The Certificate of Service [Dkt. Number 130-15, Page ID #:2165]  
8 confirms that Flagstar Bank, FSB was timely served via United States  
9 Postal Service. Attached hereto as Exhibit I is a true and correct copy of  
10 the Declaration of Thomas C. Hebrank mailed to Flagstar Bank FSB on  
11 October 5, 2012, including the three pages inadvertently not filed via ECF  
12 on October 5, 2012.

13  
14 I declare under penalty of perjury and the laws of the State of  
15 California that the foregoing is true and correct and that this declaration  
16 was executed at San Diego, California on October 23, 2012.

17  
18 /s/ Patrick L. Prindle

19 Patrick L. Prindle

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