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10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION (LOS ANGELES)**

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14 SECURITIES AND EXCHANGE
COMMISSION,

15 Plaintiff,

16 v.

17 CHARLES P. COPELAND, COPELAND
WEALTH MANAGEMENT, A FINANCIAL
ADVISORY COROPORATION, and
18 COPELAND WEALTH MANAGEMENT, A
REAL ESTATE CORPORATION,

19 Defendants.
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CASE NO.: 2:11-cv-08607-R -DTB

OPPOSITION OF FLAGSTAR BANK,
FSB TO "NOTICE OF ERRATA
REGARDING DECLARATION OF
THOMAS C. HEBRANK IN SUPPORT
OF RECEIVER'S MOTION TO
CONSOLIDATE RECEIVERSHIP
ENTITIES AND POOL ASSETS AND
LIABILITIES"

Date: November 5, 2012
Time: 10:00 a.m.
Ctrm: 8
Judge: Hon. Manuel L. Real

1 Flagstar Bank, FSB ("Flagstar") opposes and objects to the "Notice of Errata Regarding
2 Declaration of Thomas C. Hebrank in Support of Receiver's Motion to Consolidate Receivership
3 Entities and Pool Assets and Liabilities" filed by the Receiver. As pointed out in Flagstar's
4 Opposition to the Receiver's Motion to Consolidate, and the Evidentiary Objections filed by
5 Flagstar and other creditors and investors, the Receiver's Motion contained numerous errors.
6 Having now reviewed the Oppositions filed to his Motion, and the evidentiary objections filed to
7 his motion, the Receiver has filed a "Notice of Errata" in an attempt to introduce three pages of his
8 purported declaration that had not previously been filed with the Court or served. While the Court
9 has discretion to consider a "Notice of Errata" filed to cure a clerical mistake, it is not appropriate
10 in this situation, at this point in time, because the objecting parties had no opportunity to review,
11 comment on, or object to it prior to their timely filing their Opposition to the Receiver's Motion.
12 The consideration of the Receiver's purported declaration at this late date is no different than an
13 attempted introduction of new evidence or new arguments in a reply. It should not be allowed
14 because it is unfair to the opposing parties, who relied on the arguments and evidence presented in
15 the moving papers.

16 For these reasons, the Court should reject the Receiver's Notice of Errata and not consider
17 the three pages of the Receiver's purported declaration that were not previously provided to the
18 opposing parties, prior to their filing their Oppositions to the Receiver's Motion.

19 DATED: October 22, 2012

Respectfully submitted,

20 ERVIN COHEN & JESSUP LLP
21 Peter A. Davidson

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23 By: /s/ Peter A. Davidson
24 Peter A. Davidson
25 Attorneys for Flagstar Bank, FSB
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PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212-2974.

On **October 22, 2012**, I served true copies of the following document(s) described as **OPPOSITION OF FLAGSTAR BANK, FSB, TO "NOTICE OF ERRATA REGARDING DECLARATION OF THOMAS C. HEBRANK IN SUPPORT OF RECEIVER'S MOTION TO CONSOLIDATE RECEIVERSHIP ENTITIES AND POOL ASSETS AND LIABILITIES"** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Ervin Cohen & Jessup LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

X BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 22, 2012, at Beverly Hills, California.

/s/ Lore Pekrul
Lore Pekrul

ERVIN COHEN & JESSUP LLP

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