

1 Everett G. Barry, Jr. (SBN 053119)

2 John H. Stephens (SBN 82971)

3 Patrick L. Prindle (SBN 87516)

**MULVANEY BARRY BEATTY LINN & MAYERS LLP**

4 401 West A Street, 17th Floor

5 San Diego, CA 92101-7994

6 Telephone: 619-238-1010

7 Facsimile: 619-238-1981

8 Attorneys for Permanent Receiver,

9 Thomas C. Hebrank

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10 SECURITIES AND EXCHANGE  
11 COMMISSION,

12 Plaintiff,

13 v.

14 CHARLES P. COPELAND,  
15 COPELAND WEALTH  
16 MANAGEMENT, A FINANCIAL  
17 ADVISORY CORPORATION,  
18 AND COPELAND WEALTH  
19 MANAGEMENT, A REAL  
20 ESTATE CORPORATION,

21 Defendants.

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

**ORDER GRANTING RECEIVER'S  
MOTION FOR ENTRY OF AN  
ORDER:**

**1. ESTABLISHING BAR DATE  
FOR CLAIMS;**

**2. APPROVING FORM AND  
MANNER OF NOTICE THEREOF;  
AND**

**3. APPROVING PROOF OF  
CLAIM FORM AND  
PROCEDURES FOR  
SUBMITTING PROOFS OF CLAIM**

DATE: December 17, 2012

TIME: 10:00 a.m.

DEPT. 8, 2nd Floor

Judge: Hon. Manuel L. Real

25 The Court, having considered the Motion of Thomas C. Hebrank  
26 ("Receiver"), Court-appointed permanent receiver for COPELAND  
27 WEALTH MANAGEMENT, A FINANCIAL ADVISORY CORPORATION,  
28

AND COPELAND WEALTH MANAGEMENT, A REAL ESTATE CORPORATION and their subsidiaries and affiliates (collectively, the "Receivership Entities"), for an Order (A) Establishing Bar Date for Claims, (B) Approving Form and Manner of Notice Thereof, and (C) Approving Proof of Claim Form and Procedures for Submitting Proofs of Claim, and all papers in support of and opposition to the Motion, and good cause appearing therefor, hereby orders as follows:

1. The Motion is hereby granted in all respects.
2. Claims. For purposes of this Order, a "Claim" is defined as:
  - a. a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, mature, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, against one or more of the Receivership Entities; or
  - b. a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured, against one or more of the Receivership



Entities.

3. Claimants. For purposes of this Order, a "Claimant" is defined as, and includes, any person or entity (including, without limitation, individuals, partnerships, corporations, estates, trusts and governmental units) that holds a Claim. Without limiting the generality of the foregoing, the definition of Claimant includes, but is not limited to, any person or entity holding (1) a Claim based on any investment in a Receivership Entity or (2) a Claim of any kind against any Receivership Entity, including, without limitation, a Claim based on the provision of goods or services to any Receivership Entity and has not been paid in whole or in part therefor; money loaned to any Receivership Entity and has not been paid in whole or in part therefor; unpaid wages, compensation, or other employment benefits; tax liabilities, including those held by federal and state governments; primary, secondary, direct, indirect, secured, unsecured or contingent liability; or contract, tort, indemnity, reimbursement, subrogation theories, or other legal or equitable theory.

4. Bar Date. The Court hereby establishes 5:00 p.m.

(prevailing Pacific Time) on the date that is sixty (60) days after entry of this Order as the deadline for Claimants to submit Proofs of Claim against the Receivership Entities (the "Bar Date").

5. Claims Procedures. The Claims Procedures, including the Bar Date Notice and Proof of Claim Form (each defined further below), are approved:

a. Eligibility to Submit Proofs of Claim. Proofs of Claim (as defined herein) shall be submitted by all persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, estates, trust and governmental units) that are Claimants and believe that they are owed any money by, or have a right to distribution from, any of the Receivership Entities, regardless of whether the Claim at issue has been acknowledged by the Receiver or whether the Claim at issue is held with or through any person or entity or based on primary, secondary, direct, indirect, secured, unsecured, or contingent liability.

b. Administrative and Professional Claims. Creditors holding claims based on the provisions of goods or

MULVANEY BARRY BEATTY LINN & MAYERS  
A LIMITED LIABILITY PARTNERSHIP  
SEVENTEENTH FLOOR  
401 WEST A STREET  
SAN DIEGO, CALIFORNIA 92101-7944  
TELEPHONE 619 238-1010  
FACSIMILE 619 238-1981

1 services directly to the Receiver (as opposed to any of  
2 the Receivership Entities) after the date the Receiver  
3 was appointed ("Administrative Claims") will not be  
4 required to submit proof of claim on or before the Bar  
5 Date and will not be subject to the Bar Date.  
6 Additionally, the Receiver and his professionals  
7 approved by this Court will not be required to submit  
8 proofs of claim on or before the Bar Date, and all  
9 claims of the Receiver and his professionals  
10 ("Professional Claims") will be addressed in  
11 accordance with prior orders of this Court.  
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15 c. Notice. The receiver shall provide the following notice:

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17 i. Notice by Mail. Within fourteen (14) business  
18 days of entry of the Bar Date Order, the  
19 Receiver proposes to serve by mail, potential  
20 Claimants who have provided the Receiver with  
21 a physical address with: (1) a notice of the Bar  
22 Date and the procedures for submitting proofs of  
23 claim, substantially in the form the proposed  
24 letter of notice attached hereto as Exhibit "A"  
25 (the "Bar Date Notice") and (2) a proof of claim  
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1 form substantially in the form of the document  
2 attached hereto as Exhibit "B" (the Proof of  
3 Claim Form"). The Receiver proposes to serve  
4 those located within the United States by United  
5 States first class mail and those located outside  
6 the United States by any method he deems  
7 reasonable in his sole and absolute discretion.  
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9 The Bar Date Notice and the Proof of Claim  
10 Form provide clear notice and instructions  
11 concerning the Claims Procedures.  
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14 ii. Notice by Electronic Mail. In addition to notice  
15 by mail, where potential Claimants have not  
16 provided the Receiver with a physical address,  
17 but have provided an electronic mail address to  
18 the Receiver, within fourteen (14) business days  
19 of entry of the Bar Date Order, the Receiver  
20 proposes to serve the Bar Date Notice and the  
21 Proof of Claim Form on such potential Claimants  
22 via the electronic mail address provided by  
23 them.  
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27 iii. Notice Upon Inquiry. The Receiver will promptly  
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1 provide the Bar Date Notice and Notice of Claim  
2 Form to any potential Claimant who makes a  
3 written request for such documents to the e-mail  
4 address [lryan@ethreadvisors.com](mailto:lryan@ethreadvisors.com) or to the  
5 physical address of Thomas C. Hebrank, E3  
6 Advisors, 501 West Broadway, Suite 800, San  
7 Diego, California 92101.  
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10 d. Procedure for Submitting Proof of Claim. Except as  
11 otherwise ordered by this Court or provided below,  
12 each Claimant must submit a completed and signed  
13 Proof of Claim Form under penalty of perjury and  
14 evidencing such Claimant's Claim, together with  
15 supporting documentation (a "Proof of Claim"), with  
16 the Receiver in the manner indicated below, so that  
17 such Proof of Claim is actually received on or before  
18 the Bar Date. Proofs of Claim may be submitted to  
19 the Receiver (1) in person or by courier service, hand  
20 delivery, or mail addressed to Thomas C. Hebrank, E3  
21 Advisors, 501 West Broadway, Suite 800, San Diego,  
22 California 92101; or (2) by electronic mail, as an  
23 attachment in portable document format (.pdf) to  
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1 [lryan@ethreeadvisors.com](mailto:lryan@ethreeadvisors.com). Proofs of Claim should  
2 not be filed with this Court, and any Proof of Claim so  
3 filed will not be considered properly submitted.

- 4  
5 e. Submitting Documentation for Proof of Claim. Each  
6 Claimant should attach to each Proof of Claim copies  
7 of all documents available to the Claimant that would  
8 support such Proof of Claim. Such documentation  
9 may include, but is not limited to: copies of personal  
10 checks, cashier's checks, wire transfers, and other  
11 documents evidencing the claim; copies of each  
12 signed contract; a chronological accounting of all  
13 money received by the Claimant from any  
14 Receivership Entity or the Receiver, whether such  
15 payments are denominated as the return of principal,  
16 interest, commissions, finder's fee, or otherwise;  
17 copies of all agreements, promissory notes, purchase  
18 orders, invoices, itemized statements of running  
19 accounts, contracts, court judgments, mortgages,  
20 security agreement, evidence of perfection of lien; and  
21 other documents evidencing the amount and basis of  
22 the Claim. If such supporting documentation is not  
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1 available, the Claimant must attaché to the Proof of  
2 Claim an explanation of why the documentation is  
3 unavailable. Depending on the Claim review process  
4 ultimately employed by the Receiver, each Claimant  
5 will have to satisfy certain minimum standards in order  
6 to establish a Claim and receive a distribution.  
7 Accordingly, the more information a Claimant  
8 provides, the easier it will be for the Receiver to  
9 validate that Claimant's Proof of Claim.  
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- 12 f. Proof of Claim Must Identify Receivership Entity. Any  
13 Claimant holding Claims against more than one  
14 Receivership Entity must submit a separate Proof of  
15 Claim against each such Receivership Entity, identify  
16 on each Proof of Claim the particular Receivership  
17 Entity against which the Proof of Claim is asserted,  
18 and identify each and all of the Receivership Entities  
19 the claim is being filed against. This procedure will  
20 expedite the Receiver's review of the Proofs of Claim  
21 and will not be unduly burdensome because  
22 Claimants should know which Receivership Entities  
23 they hold Claims against. A Claimant's failure to  
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1 identify the correct Receivership Entity on a Proof of  
2 Claim Form may be grounds for objection to, and  
3 disallowance of, such Claimant's Claims. However, a  
4 Claimant may submit Proofs of Claim against several  
5 or all of the Receivership Entities if, based upon a  
6 reasonable investigation, such Claimant believes that  
7 it holds a Claim against those Receivership Entities or  
8 is unsure which Receivership Entity it holds a Claim  
9 against.

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12 g. Effect of Failure to Submit Proof of Claim Before Bar  
13 Date. Any Claimant who is required to submit a Proof  
14 of Claim, but fails to do so in a timely manner or in the  
15 proper form, shall be forever barred, estopped, and  
16 enjoined to the fullest extent allowed by applicable law  
17 from asserting, in any manner, such Claim against the  
18 Receivership Entities and their respective property or  
19 estates; shall not be permitted to object to any  
20 distribution plan proposed by the Receiver on account  
21 of such Claim; shall be denied any distributions under  
22 any distribution plan implemented by the Receiver on  
23 account of such Claim; and shall not receive any  
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1 further notices on account of such Claim. Further, the  
2 Receivership Entities and their respective property or  
3 estates will be discharged from any and all  
4 indebtedness or liability with respect to such Claim.  
5 The proposed Bar Date and Proof of Claim Form are  
6 not unduly burdensome or uncommon in matters of  
7 this nature. It is essential to the efficient and orderly  
8 administration of the receivership that Claimants  
9 timely file their Proofs of Claim and that late-filed  
10 Proofs of Claim be disallowed. Establishment of the  
11 Bar Date is necessary in order for the Receiver to  
12 determine which persons are entitled to share in  
13 distributions under a proposed plan.  
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18 h. Proofs of Claim Processing and Verification. The  
19 Receiver has not yet decided whether to use manual  
20 or automated processing for the Proofs of Claim or  
21 how to reconcile Proofs of Claim with the books and  
22 records of the Receivership Entities. The Receiver  
23 has also not yet decided how to verify the Claims  
24 asserted in the Proofs of Claim. He is currently  
25 considering the use of certifications of truthfulness for  
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all Proofs of Claim, an audit process for a sampling of smaller Proofs of Claim, and in-depth examination of larger Proofs of Claim. As such, the Receiver requests that he be authorized to employ any procedures he deems necessary, in his sole and absolute discretion, but subject to review by, and approval of, this Court, for processing, reconciling, and verifying Proofs of Claim.

- i. Reservation of Rights. Nothing herein shall prejudice any right of the Receiver to dispute, or assert offsets or defenses as to the nature, amount, liability, classification, or otherwise against, any amounts asserted in any Proof of Claim. Nothing contained herein is intended to preclude the Receiver from objecting to any Proof of Claim on any grounds.

**IT IS SO ORDERED.**

**Dated: Jan. 2, 2013**

  
\_\_\_\_\_  
**Judge, United States District Court**

Submitted by:

MULVANEY BARRY BEATTY LINN & MAYERS LLP

By: /s/ Patrick L. Prindle

Attorneys for Thomas C. Hebrank, Permanent Receiver

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