

1 Eric J. Hougen (SBN 258968)
2 Law Offices of Eric J. Hougen
3 624 Broadway, Suite 303
4 San Diego, CA 92101
5 Telephone: (619) 702-1000
6 Facsimile: (619) 702-1005

7 Philip H. Dyson, Esq. (SBN 097528)
8 Law Office of Philip H. Dyson
9 8461 La Mesa Boulevard
10 La Mesa, CA 91942
11 (619) 462-3311

12 Edward Patrick Swan, Jr., Esq. (SBN 089429)
13 Jones Day
14 12265 El Camino Real, Suite 200
15 San Diego, CA 92130
16 Telephone: (858) 703-3132
17 Facsimile: (858) 314-1150

18 Attorneys for Defendants LOUIS V. SCHOOLER
19 and FIRST FINANCIAL PLANNING CORPORATION

20 **UNITED STATES DISTRICT COURT**
21 **SOUTHERN DISTRICT OF CALIFORNIA**

22 SECURITIES AND EXCHANGE
23 COMMISSION,

24 Plaintiff,

25 v.

26 LOUIS V. SCHOOLER and
27 FIRST FINANCIAL PLANNING
28 CORPORATION d/b/a
WESTERN FINANCIAL
PLANNING CORPORATION,

Defendants.

) Case No. 12 CV 2164 GPC JMA

) **NOTICE OF MOTION AND**
) **MOTION FOR STAY OF ORDER**
) **PENDING APPEAL**

) [Fed. R. Civ. P. 62(c), Fed. R. App. P.
) 8(a)(1)]

) **Date: November 15, 2013**

) **Time: 1:30 p.m.**

) **Courtroom: 2D**

) **Judge: Hon. Gonzalo P. Curiel**

) **ORAL ARGUMENT REQUESTED**

1 TO PLAINTIFF SECURITIES AND EXCHANGE COMMISSION, RECEIVER
2 THOMAS E. HEBRANK, AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on **November 15, 2013, at 1:30 p.m.**, or as
4 soon thereafter as the matter may be heard in the above-entitled court, located at 221
5 West Broadway, San Diego, California, in Courtroom 2D, Defendants LOUIS V.
6 SCHOOLER (“Schooler”) and FIRST FINANCIAL PLANNING CORPORATION
7 d/b/a WESTERN FINANCIAL PLANNING CORPORATION (“Western”)
8 (collectively “Defendants”) will move pursuant to Rule 62(c) of the Federal Rules of
9 Civil Procedure and Rule 8(a)(1) of the Federal Rules of Appellate Procedure for
10 partial stay of the order issued by this Court on August 16, 2013 granting in part and
11 denying in part Defendants’ motion to modify the preliminary injunction order, to
12 wit, the portion of Section II.G.2 of the Court’s Order that all of Western’s equity
13 interests in the real estate general partnerships that are the subject of this action
14 (“GPs”) be liquidated prior to the release of the GPs from the receivership (Dkt. No.
15 470, 25:20-26:9).

16 This motion is brought on the grounds that Defendants are filing an appeal of
17 Section II.G.2 of the Court’s Order of August 16, 2013.

18 The motion will be based on this Notice of Motion and Motion, the
19 Memorandum of Points and Authorities filed herewith, the pleadings and papers
20 filed herein, and such oral argument as may be permitted and held.

21
22 DATE: September 26, 2013

Respectfully submitted,

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24 /s/Philip H. Dyson

Philip H. Dyson, Esq. (SBN 097528)
Law Office of Philip H. Dyson
8461 La Mesa Boulevard
La Mesa, CA 91942

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27 Counsel for Defendants
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CERTIFICATION

I hereby certify that on the 26th day of September 2013, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following counsels of record:

Sam S. Puathasnanon, Esq.
Sara D. Kalin, Esq.
Securities and Exchange Commission
5670 Wilshire Boulevard, 11th Floor
Los Angeles, CA 90036

Ted Fates, Esq.
Allen Matkins Leck Gamble Mallory & Natsis LLP
501 West Broadway, 15th Floor
San Diego, CA 92101

/s/Philip H. Dyson
Philip H. Dyson