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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11
12 SECURITIES AND EXCHANGE
13 COMMISSION,
14 Plaintiff,
15 v.
16 LOUIS V. SCHOOLER and FIRST
17 FINANCIAL PLANNING
18 CORPORATION d/b/a WESTERN
19 FINANCIAL PLANNING
20 CORPORATION,
21 Defendants.

CASE NO.: 3:12-CV-02164-GPC-JMA

**INVESTORS' NOTICE OF MOTION
AND MOTION FOR ORDER
VACATING PRIOR ORDERS
APPROVING RECOMMENDATIONS
OF RECEIVER TO SELL GP
PROPERTIES**

Date: June 3, 2016

Time: 1:30 p.m.

Ctrm: 2D

Judge: Hon. Gonzalo P. Curiel

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on June 3, 2016, at 1:30 p.m. in Courtroom 2D of the United States District Court, Southern District of California, located at 221 W. Broadway, San Diego, CA 92101, Investors¹ will, and hereby do, move this Court for an order:

¹ Susan Graham, Alfred L. Pipkin, Alfred L. Pipkin, IRA, Allert Boersma, Arthur V. and Kristie L. Rocco Living Trust, Arthur V. Rocco, Baldwin Family Survivors' Trust, Barbara Humphreys, IRA, Beverly & Mark Bancroft, Beverly A. Bancroft, IRA, Bruce A. Morey IRA, Bruce A. Morey, Bruce R. Hart IRA for Bruce R. Hart and Dixie L. Hart, Carol D. Summers, Carol Jonson, Catherine E. Wertz IRA, Catherine E. Wertz, Cathy Totman, IRA, Charles Bojarski, Chris Nowacki, IRA, Cindy Dufresne, Craig Lamb, Curt & Janean Johnson Family Trust, Curt & Janean Johnson, jointly, Curt Johnson, Curt Johnson, Roth IRA, Cynthia J. Clarke, D & E Macy Family Revocable Living Trust, D.F. Macy IRA, Daniel Burns, Daniel Knapp, Darla Berkel IRA, Darla Berkel, Daryl Dick, Daryl R. Mabley, David and Sandra Jones Trust, David Fife IRA, David Haack IRA, David Haack; David Karp IRA, David Kirsh, David Kirsh, Roth IRA, David Kirsh, Traditional IRA, Debra Askeland, Deidre Parkinen, Dennis Gilman, Dennis Gilman IRA, Diane Bojarski, Diane Gilman, Donna M. and Richard A. Kopenski Family Trust, Donna M. Kopenski, IRA Roth, Douglas G. Clarke, Douglas Sahlin IRA, Eben B. Rosenberger, Edith Sahlin IRA, Edward Takacs, Elizabeth Lamb, Elizabeth Q. Mabley, Eric W. Norling, Eric W. Norling, IRA, Gary Hardenburg, Gary Hardenburg, Roth IRA, Gene Fantano, George Klinke, IRA, George Trezek, Gerald Zevin, Gerald Zevin, IRA, Gwen Tuohy, Gwenmarie Hilleary, Henrik Jonson, Henrik Jonson, IRA, IDAC Family Group LLC, Iris Bernstein IRA, James J. Coyne Jr. Trust, Janice Marshall, Janice Marshall, IRA, Jason Bruce, Jeffrey Merder, IRA, Jeffrey J. Walz, Jeffrey Larsen, Jeffrey Merder, Jennifer Berta, Jim Minner, Joan Trezek, John Jenkins, John and Mary Jenkins Trust, John and Mary Jenkins Trustees, John Lukens, John Lukens, IRA, John R. Oberman, Joy A. de Beyer, Roth IRA, Joy A. de Beyer, Traditional IRA, Joy de Beyer, Juanita Bass IRA, Juanita Bass, Judith Glickman Zevin, IRA, Judith Glickman Zevin, Judy Froning, Judy Knapp, Karen Coyne, Karen J. Coyne IRA, Karen Wilhoite, Karie J. Wright, Kimberly Dankworth, Kirsh Family Trust UTD, Kristie L. Rocco, Lawrence Berkel, Lawrence Berkel, IRA, Lea Leccese, Leo Dufresne, Leo T. Dufresne Jr. IRA, Linda Baldwin IRA, Linda Clifton, Lisa A. Walz, Lloyd Logan and Ida Logan, jointly, Lloyd Logan, IRA, Loretta J. Diehl, Lynda Igawa, Marc McBride, Marcia McRae, Marilyn L. Duncan, Mark Clifton, Mary Grant, Mary J. Jenkins, IRA, Mathew Berta, Mealey Family Trust, Michael R. Wertz, Michael R. Wertz, IRA, Mildred Mealey, beneficiary of Duane Mealey IRA, Minner Trust, Monica Takacs, Monique Minner, Neil Ormonde, IRA,

- 1 1. Allowing Investors to intervene in this action for the purpose of motion;
- 2 2. Vacating the June, 17, 2015, order (Dkt. No. 1085) approving the sale of the
- 3 Jamul Valley property;
- 4 3. Vacating the May 12, 2015, order (Dkt. No. 1069) setting the “orderly sale”
- 5 process; and
- 6 4. Vacating the January 14, 2016, order (Dkt. No. 1168) to the extent it granted
- 7 the Receiver’s recommendations to (1) sell any property and (2) enter into
- 8 any broker agreements to sell any property.

9 The portion of this motion that seeks to intervene is based on the following
10 grounds:

- 11 1) The Court’s order of April 5, 2016, (Dkt. No. 1224) denied without prejudice
- 12 Investors’ similar motion of April 1, 2016, (Dkt. No. 1221). In that order (Dkt.
- 13 No. 1224), the Court directed Investors’ counsel as follows: “The Dillon and
- 14 Aguirre investors are directed to follow Fed. R. Civ. P. Rule 24 and file motions
- 15 to intervene to the extent that they wish to refile any of these motions.”
- 16

17 Nevada Ormonde, IRA, Nick Ruddick, Paul Leccese, Paul R. Sarraffe, IRA, Perryman
18 Family Trust, Polly Yue, Prentiss Family Trust, Kenneth and Gail Prentiss Trustees,
19 Ralph Brenner, Randall S. Ingermanson IRA, Rebecca Merder, Reeta Mohleji, Regis T.
20 Duncan, IRA, Regis T. Duncan, Renee Norling, Richard A. Kopenski, IRA Roth, Robert
21 Indihar, Robert Churchill Family Trust, Robert Churchill IRA, Robert H. Humphreys,
22 Robert Indihar IRA, Robert S. Weschler, Robert Tuohy, Roderick C. Grant, Roger Hort,
23 Roger Moucheron, Ronald Askeland, Ronald Parkinen, Ronald Scott, Ronald Scott,
24 IRA, Salli Sammut Trust, Salli Sue Sammut Trustee, Salli Sue Sammut, IRA, Shirley
25 Moucheron, Stephen Dankworth, Stephen Hogan, Stephen Yue, Steve P. White, IRA,
26 Steve P. White, SEP IRA, Susan Burns, Tamara and Chris Nowacki, jointly, Tamara
27 Nowacki, IRA, Terry Adkinson, The Knowledge Team Profit Sharing Plan, The
28 Ormonde Family Trust, Thomas H. Panzer, Roth IRA, Thomas Herman Panzer Trust,
Thomas H Panzer, Trustee, Trisha Bruce, Val Indihar, W.C. Wilhoite, W.C. Wilhoite,
Roth IRA, William c. Phillips, William L. Summers, IRA, William L. Summers,
William Loeber, William Nighswonger IRA, William R. Nighswonger, William R.
Diehl, William R. Rattan Rev. Trust, and William V. and Carol J. Dascomb Trust.

- 1 2) Investors have a legally protectable interest in the subject matter of this action
2 because it is comprised entirely of investors in the general partnerships that are
3 currently within the receivership;
- 4 3) Investors' interests in this action will be substantially impaired or impeded if
5 they are not allowed to intervene because
- 6 a) an immediate sale of the GP properties would likely not maximize
7 investor return; and
- 8 b) the contemplated sale process was in violation of the 28 U.S.C. §
9 2001;
- 10 4) The existing parties do not adequately represent Investors' interests in the
11 action;
- 12 5) The motion for intervention was timely made..

13 The portion of the motion that seeks to vacate the orders is brought on the grounds
14 that each of said orders violates the mandates of 28 USC § 2001 and are therefore void.

15 This motion is based upon this Notice, the accompanying Memorandum of Points
16 and Authorities, all pleadings and papers on file in this action, and upon such other
17 matters as may be presented to the Court at the time of the hearing.

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19 DATED: April 11, 2016

Respectfully submitted,

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21 By: /s/ Gary J. Aguirre

GARY J. AGUIRRE

Aguirre Law, A.P.C.

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Attorney for Investors