

1 Gary J. Aguirre (SBN 38927)
2 Aguirre Law, APC
3 501 W. Broadway, Ste. 800
4 San Diego, CA 92101
5 Tel: 619-400-4960
6 Fax: 619-501-7072
7 Email: Gary@aguirrelawfirm.com

8 Attorney for Movants-Intervenors Susan Graham, *et al.*

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

**MOVANTS-INTERVENORS’
AMENDED NOTICE OF APPEAL
AND NINTH CIRCUIT RULE 3-2
REPRESENTATION STATEMENT**

1 Notice is hereby given that Movants-Intervenors in the above case, Susan Graham,
2 Alfred L. Pipkin, Alfred L. Pipkin, IRA, Allert Boersma, Arthur V. and Kristie L. Rocco
3 Living Trust, Arthur V. Rocco, Baldwin Family Survivors' Trust, Barbara Humphreys,
4 IRA, Beverly & Mark Bancroft, Beverly A. Bancroft, IRA, Bruce A. Morey IRA, Bruce
5 A. Morey, Bruce R. Hart IRA for Bruce R. Hart and Dixie L. Hart, Carol D. Summers,
6 Carol Jonson, Catherine E. Wertz IRA, Catherine E. Wertz, Cathy Totman, IRA, Charles
7 Bojarski, Chris Nowacki, IRA, Cindy Dufresne, Craig Lamb, Curt & Janean Johnson
8 Family Trust, Curt & Janean Johnson, jointly, Curt Johnson, Curt Johnson, Roth IRA,
9 Cynthia J. Clarke, D & E Macy Family Revocable Living Trust, D.F. Macy IRA, Daniel
10 Burns, Daniel Knapp, Darla Berkel IRA, Darla Berkel, Daryl Dick, David and Sandra
11 Jones Trust, David Fife IRA, David Haack IRA, David Haack, David Karp IRA, David
12 Kirsh, David Kirsh, Roth IRA, David Kirsh, Traditional IRA, Debra Askeland, Deidre
13 Parkinen, Dennis Gilman, Dennis Gilman IRA, Diane Bojarski, Diane Gilman, Donna M.
14 and Richard A. Kopenski Family Trust, Donna M. Kopenski, IRA Roth, Douglas G.
15 Clarke, Douglas Sahlin IRA, Eben B. Rosenberger, Edith Sahlin IRA, Edward Takacs,
16 Ellen O'Brien, Elizabeth Lamb, Norling, Eric W. Norling, IRA, Gary Hardenburg, Gary
17 Hardenburg, Roth IRA, Gene Fantano, George Klinke, IRA, George Trezek, Gerald
18 Zevin, Gerald Zevin, IRA, Gwen Tuohy, Gwenmarie Hilleary, Henrik Jonson, Henrik
19 Jonson, IRA, IDAC Family Group LLC, Iris Bernstein IRA, James J. Coyne Jr. Trust,
20 Janice Marshall, Janice Marshall, IRA, Jason Bruce, Jeffrey Merder, IRA, Jeffrey J.
21 Walz, Jeffrey Larsen, Jeffrey Merder, Jennifer Berta, Jim Minner, Joan Trezek, John
22 Jenkins, John and Mary Jenkins Trust, John and Mary Jenkins Trustees, John Lukens,
23 John Lukens, IRA, John R. Oberman, Joy A. de Beyer, Roth IRA, Joy A. de Beyer,
24 Traditional IRA, Joy de Beyer, Juanita Bass IRA, Juanita Bass, Judith Glickman Zevin,
25 IRA, Judith Glickman Zevin, Judy Knapp, Karen Coyne, Karen J. Coyne IRA, Karen
26 Wilhoite, Karie J. Wright, Kimberly Dankworth, Kirsh Family Trust UTD, Kristie L.
27 Rocco, Lawrence Berkel, Lawrence Berkel, IRA, Lea Leccese, Leo Dufresne, Leo T.
28 Dufresne Jr. IRA, Linda Baldwin IRA, Linda Clifton, Lisa A. Walz, Lloyd Logan and

1 Ida Logan, jointly, Lloyd Logan, IRA, Lynda Igawa, Marc McBride, Marcia McRae,
2 Marilyn L. Duncan, Mark Clifton, Mary Grant, Mary J. Jenkins, IRA, Mathew Berta,
3 Mealey Family Trust, Michael R. Wertz, Michael R. Wertz, IRA, Mildred Mealey,
4 beneficiary of Duane Mealey IRA, Minner Trust, Monica Takacs, Monique Minner, Neil
5 Ormonde, IRA, Nevada Ormonde, IRA, Paul Leccese, Paul R. Sarraffe, IRA, Perryman
6 Family Trust, Polly Yue, Prentiss Family Trust, Kenneth and Gail Prentiss Trustees,
7 Ralph Brenner, Randall S. Ingermanson IRA, Rebecca Merder, Reeta Mohleji, Regis T.
8 Duncan, IRA, Regis T. Duncan, Renee Norling, Richard A. Kopenski, IRA Roth, Robert
9 Indihar, Robert Churchill Family Trust, Robert Churchill IRA, Robert H. Humphreys,
10 Robert Indihar IRA, Robert S. Weschler, Robert Tuohy, Roderick C. Grant, Roger Hort,
11 Roger Moucheron, Ronald Askeland, Ronald Parkinen, Ronald Scott, Ronald Scott, IRA,
12 Salli Sammut Trust, Salli Sue Sammut Trustee, Salli Sue Sammut, IRA, Shirley
13 Moucheron, Stephen Dankworth, Stephen Hogan, Stephen Yue, Steve P. White, IRA,
14 Steve P. White, SEP IRA, Susan Burns, Tamara and Chris Nowacki, jointly, Tamara
15 Nowacki, IRA, The Knowledge Team Profit Sharing Plan, The Ormonde Family Trust,
16 Thomas H. Panzer, Roth IRA, Thomas Herman Panzer Trust, Thomas H Panzer,
17 Trustee, Trisha Bruce, Val Indihar, W.C. Wilhoite, W.C. Wilhoite, Roth IRA, William C.
18 Phillips, William L. Summers, IRA, William L. Summers, William Loeber, William
19 Nighswonger IRA, William R. Nighswonger, William R. Rattan Rev. Trust, William V.
20 and Carol J. Dascomb Trust, Carmen Slabby, Lawrance Slabby, Virginia Kelly, James S.
21 Dolgas, Penco Engineering, Inc. Profit Sharing Pension Fund, George Jurica, and George
22 Jurica IRA, hereby appeal to the United States Court of Appeals for the Ninth Circuit
23 from:

- 24 1. Order entered in this action on May 18, 2016, (Dkt. No. 1296) partially denying
25 Movants and Intervenors' Motion to Intervene (Dkt. No. 1229) and vacating,
26 and thereby denying, Movants and Intervenors' *Ex Parte* Motion for Leave to
27 File Opposition to Receiver's Court-Ordered Proposal Regarding General
28

- 1 Partnerships as Supplemented and Proposed Alternative Plan (Dkt. No. 1293)
2 pursuant to 28 USC § 1291 and 28 USC § 1292;
- 3 2. Order entered in this action on May 25, 2016, (Dkt. No. 1303) denying Movants
4 and Intervenors' Motions for (1) Order Vacating Prior Orders Approving
5 Recommendations of Receiver to Sell General Partnerships' Properties (Dkt.
6 No. 1230), (2) Order Directing the Receiver to Provide an Accounting or in the
7 Alternative for an Audit of the Receivership by an Independent Accountant
8 (Dkt. No. 1258) and (3) Leave to File Single Brief of 20 Pages Instead of Four
9 Briefs of Ten Pages in Reply to the Securities and Exchange Commission's and
10 the Receiver's Oppositions to Movants and Intervenors' Motions for an
11 Accounting and to Vacate Orders Approving Receiver's Recommendation to
12 Sell Realty (Dkt. No. 1300) pursuant to 28 USC § 1291 and 28 USC § 1292;
- 13 3. Order entered in this action on May 25, 2016, (Dkt. No. 1304) granting in part
14 Receiver's Motion for Order (A) Authorizing the Receiver to Conduct an
15 Orderly Sale of General Partnership Properties; (B) Approving the Plan of
16 Distributing Receivership Assets; and (C) Approving Procedures for the
17 Administration of Investor Claims (Dkt. No. 1181) and denying Movants and
18 Intervenors' *Ex Parte* Motion for Order Setting Evidentiary Hearing and
19 Discovery Schedule (Dkt. No. 1297) pursuant to 28 USC § 1291 and 28 USC §
20 1292;
- 21 4. Order entered in this action on May 25, 2016, (Dkt. No. 1305) granting
22 Receiver's Motion to file under Seal (Dkt. No. 1280) and approving and
23 adopting Receiver's Recommendations Regarding (1) Engagement of Real
24 Estate Brokers for Las Vegas 1, Las Vegas 2, and Tecate Properties (Dkt. No.
25 1203), and (2) Letter of Intent to Purchase Dayton IV Property (Dkt. No. 1281)
26 pursuant to 28 USC § 1292;
- 27 5. Post final judgment order in this action on August 30, 2016, (Dkt. No. 1361)
28 granting Receiver's Motion for Approval of Sale of Jamul Valley Property

1 (Dkt. No. 1310) over Movants-Intervenors' Opposition to Approval of Sale of
2 Jamul Valley Property (Dkt. No. 1326) pursuant to 28 USC § 1291 and 28
3 USC § 1292;

- 4 6. Post final judgment order entered in this action on August 30, 2016, (Dkt. No.
5 1359) (1) approving Receiver's Court-Ordered Proposal Regarding Modified
6 Orderly Sale Process (Dkt. No. 1309); (2) granting Receiver's Motion for
7 Authority to Engage CBRE as Consultant (Dkt. No. 1341); and (3) denying
8 Movants-Intervenors' Motion for Stay (Dkt. No. 1316) pursuant to 28 USC §
9 1291 and 28 USC § 1292.

10 Pursuant to Ninth Circuit Rule 3-2, attached is a Representation Statement that
11 identifies all parties to this case and the names, addresses, telephone numbers, fax
12 numbers, and email addresses of their respective counsel.

13 DATED: September 1, 2016

Respectfully submitted,

14
15 By: /s/ Gary J. Aguirre
16 GARY J. AGUIRRE
17 Attorney for Movants-Intervenors
18
19
20
21
22
23
24
25
26
27
28

NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT

1
2 1. Plaintiff Securities and Exchange Commission is represented by:

3 Lynn M. Dean, Cal Bar No. 205562

4 Email: deanl@sec.gov

5 Sara D. Kalin, Cal Bar No. 212156

6 Email: kalins@sec.gov

7 444 S. Flower St., Ste. 900

8 Los Angeles, CA 90071

9 Telephone: (323) 965-3998

10 Facsimile: (323) 965-3908

11 Carol E. Schultze

12 Email: Cschultze@sec.gov

13 Securities and Exchange Commission

14 100 F. Street NE, Mail Stop 5628

15 Washington, D.C. 20549

16 Telephone: (202) 551-4958

17 Facsimile: (202) 572-1372

18 Susan S. McDonald

19 mcdonalds@sec.gov

20 Securities & Exchange Commission

21 Suite # 9369

22 100 F Street, NE

23 Washington, DC 20549-9612

24 Stephen G. Yoder

25 Email: yoders@sec.gov

26 Securities & Exchange Commission

27 100 F Street, NE

28 Washington, DC 20549-9612

2. Defendants Louis V. Schooler and First Financial Planning Corporation d/b/a
Western Financial Planning Corporation are represented by:

Philip H. Dyson, Cal. Bar No. 097528

Email: phil@phildysonlaw.com, info@phildysonlaw.com, phdtravel@yahoo.com

Law Office of Philip H. Dyson

8461 La Mesa Boulevard

1 La Mesa, CA 91942
Telephone: (619) 462-3311
2 Facsimile: (619) 462-3382

3 3. Court-Appointed Receiver Thomas C. Hebrank is represented by:

4
5 Edward G. Fates, Cal. Bar No. 227809
Email: tfates@allenmatkins.com
6 Allen Matkins
7 501 West Broadway, 15th Floor
San Diego, CA 92101
8 Telephone: (619) 233-1155
9 Facsimile: (619) 233-1158

10 David R. Zaro, Cal Bar No. 124334
11 Email: dzaro@allenmatkins.com
Allen Matkins
12 515 South Figueroa Street, 9th floor
Los Angeles, CA 90071-3398
13 Telephone: (213) 955-5518
14 Facsimile: (213) 620-8816

15
16
17
18
19
20
21
22
23
24
25
26
27
28