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6 Attorneys for Receiver  
7 THOMAS C. HEBRANK

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

10  
11 SECURITIES AND EXCHANGE  
COMMISSION,

12 Plaintiff,

13 v.

14 LOUIS V. SCHOOLER and FIRST  
15 FINANCIAL PLANNING  
CORPORATION d/b/a WESTERN  
16 FINANCIAL PLANNING  
CORPORATION,

17 Defendants.  
18

Case No. 3:12-cv-02164-GPC-JMA

**RECEIVER'S RESPONSE TO  
ARDIZZONE INVESTORS' EX  
PARTE MOTION FOR ORDER  
(1) AUTHORIZING DELETION OF  
EXHIBIT FROM COURT'S FILE  
(2) AUTHORIZING RE-FILING  
EXHIBIT UNDER SEAL AND  
(3) CLARIFYING ORDER**

Ctrm.: 2D  
Judge: Hon. Gonzalo P. Curiel

1 Thomas C. Hebrank ("Receiver"), Court-appointed receiver for First Financial  
2 Planning Corporation d/b/a Western Financial Planning Corporation ("Western"),  
3 and its subsidiaries and the General Partnerships listed on Schedule 1 to the  
4 Preliminary Injunction Order entered on March 13, 2013 (collectively,  
5 "Receivership Entities"), submits this response to Movants' *Ex Parte* Motion for  
6 Order (1) Authorizing Deletion of Exhibit from Court's File, (2) Authorizing  
7 Refiling Exhibit Under Seal, and (3) Clarifying Order ("*Ex Parte* Motion").

8 Earlier this year, the Dillon Investors and Aguirre Investors sought to have the  
9 Receiver's filings and the Court's orders relating to letters of intent, offers, and  
10 negotiations with potential purchasers unsealed. Dkt. No. 1228, 1231. The  
11 Receiver opposed the motion and the Court denied it. Dkt. Nos. 1261, 1296. In  
12 denying the motion, the Court determined that investors, but *not the public*, should  
13 have access to the documents. Dkt. No. 1296, pp. 10-11.

14 Mr. Aguirre ignored that order by publicly filing a letter of intent. He now  
15 further ignores the order and asks that investors be allowed to publicly file the same  
16 documents the Court already determined should remain sealed. Mr. Aguirre's  
17 defiance of the Court's orders has, once again, imposed costs on the 95% of  
18 investors he does not represent in the form of fees incurred in addressing this latest  
19 frivolous request.

20 It is astonishing this issue is even being raised. Common sense dictates that  
21 offers on properties be kept confidential so as not to adversely affect the amount of  
22 future offers and ultimate sale prices. It appears, however, that common sense has  
23 been lost in Mr. Aguirre's continuing crusade to frustrate, delay, and impede the  
24 efforts of the Receiver and the Court to maximize the value of receivership  
25 properties and the recovery for investors. Mr. Aguirre does not even attempt to  
26 explain what purpose would be served by investors publicly disclosing information  
27 about offers on receivership properties.

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1           It bears reminding that none of the investors represented by Mr. Aguirre have  
2 been permitted to intervene for any purpose other than opposing the Receiver's  
3 orderly sale/distribution plan motion. This, by itself, is sufficient reason to deny the  
4 request for a "clarifying order." If the Court feels it is appropriate to reiterate for  
5 investors how documents and information relating to letters of intent, offers, and  
6 negotiations with potential purchasers of receivership properties should be treated, it  
7 should state again for the record that such information should not be publicly  
8 disclosed.

9  
10 Dated: October 27, 2016

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

11  
12 By:           /s/ Ted Fates            
13       TED FATES  
14       Attorneys for Receiver  
15       THOMAS C. HEBRANK  
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**PROOF OF SERVICE**

I am employed in the County of San Diego, State of California. I am over the age of eighteen (18) and am not a party to this action. My business address is 501 West Broadway, 15th Floor, San Diego, California 92101-3541.

On October 27, 2016, I served the within document(s) described as:

- **RECEIVER'S RESPONSE TO ARDIZZONE INVESTORS' *EX PARTE* MOTION FOR ORDER (1) AUTHORIZING DELETION OF EXHIBIT FROM COURT'S FILE (2) AUTHORIZING RE-FILING EXHIBIT UNDER SEAL AND (3) CLARIFYING ORDER**

on interested parties in this action by:

**BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):** the foregoing document(s) will be served by the court via NEF and hyperlink to the document. On March 2, 2016, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

- Gary J. Aguirre - gary@aguirrelawapc.com; maria@aguirrelawapc.com
- Lynn M. Dean - deanl@sec.gov; larofiling@sec.gov; berryj@sec.gov; irwinma@sec.gov; cavallones@sec.gov
- Philip H. Dyson - phildysonlaw@gmail.com; jldossegger2@yahoo.com; phdtravel@yahoo.com
- Edward G. Fates - tfates@allenmatkins.com; bcrfilings@allenmatkins.com; jholman@allenmatkins.com
- Susan Graham - gary@aguirrelawapc.com
- Eric Hougen - eric@hougenlaw.com
- Sara D. Kalin - kalins@sec.gov; irwinma@sec.gov

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 27, 2016, at San Diego, California.

Ted Fates  
\_\_\_\_\_  
(Type or print name)

/s/ Ted Fates  
\_\_\_\_\_  
(Signature of Declarant)