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10 Attorneys for Receiver
11 THOMAS C. HEBRANK

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14
15 SECURITIES AND EXCHANGE
COMMISSION,

16 Plaintiff,

17 v.

18 LOUIS V. SCHOOLER and FIRST
19 FINANCIAL PLANNING
CORPORATION d/b/a WESTERN
20 FINANCIAL PLANNING
CORPORATION,

21 Defendants.
22

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

**NOTICE OF NON-RECEIPT OF
QUALIFIED OVERBIDS
REGARDING MOTION FOR
APPROVAL OF SALE OF
LV KADE PROPERTY AND
AUTHORITY TO PAY BROKER'S
COMMISSION**

Date: October 20, 2017
Time: 1:30 p.m.
Ctrm.: 2D
Judge: Hon. Gonzalo P. Curiel

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that Thomas C. Hebrank ("Receiver"), the
3 Court-appointed receiver for First Financial Planning Corporation d/b/a Western
4 Financial Planning Corporation ("Western"), its subsidiaries and the General
5 Partnerships listed in Schedule 1 to the Preliminary Injunction Order entered on
6 March 13, 2013 (collectively, "Receivership Entities"), hereby submits this Notice
7 of Non-Receipt of Qualified Overbid Regarding Motion for Approval of Sale of
8 LV Kade Property ("Motion").

9 In his Motion, the Receiver proposed a deadline for submission of qualified
10 overbids for the LV Kade property of no later than August 28, 2017. The Receiver
11 posted the sale motion on the receivership website www.ethreadvisors.com (see the
12 "SEC Case Docs" tab), published notice of the sale in the Las Vegas Review-Journal
13 as required by 28 U.S.C. section 2002, and has, through his broker, continued to
14 market the property and notify potential purchasers about the opportunity to submit
15 an overbid and the proposed deadline to do so. Despite the Receiver and his
16 broker's continued efforts to market the property and provide notice of the overbid
17 process, there have been no qualified overbids submitted.

18 In addition, pursuant to this Court's Order Setting Briefing Schedule (Dkt.
19 No. 1507), the last day to file and serve an opposition to the Motion, if any, was
20 September 1, 2017. As of the date of this filing, no such opposition has been filed
21 or served. In accordance with the Civil Local Rule 7.1(f)(3)(c), the failure to file an
22 opposition to a motion may be deemed consent to its granting.

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1 Based on the above, and for the reasons set forth in the Motion, the Receiver
2 respectfully requests the Court grant the Motion and approve and authorize the relief
3 requested therein.

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5 Dated: September 5, 2017

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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7 By: /s/ Edward Fates

8 EDWARD G. FATES
9 Attorneys for Receiver
10 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 One America Plaza, 600 West Broadway, 27th Floor, San Diego, California 92101-3541.

On September 5, 2017, I served the within document(s) described as:

- **NOTICE OF NON-RECEIPT OF QUALIFIED OVERBIDS REGARDING MOTION FOR APPROVAL OF SALE OF LV KADE PROPERTY AND AUTHORITY TO PAY BROKER'S COMMISSION**

on the 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 September 5, 2017, 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
- John Willis Berry - berryj@sec.gov; LAROFiling@sec.gov
- Lynn M. Dean - deanl@sec.gov; longoa@sec.gov, larofiling@sec.gov; berryj@sec.gov; irwinma@sec.gov; cavallones@sec.gov
- Timothy P. Dillon - tdillon@dghmalaw.com; kramirez@dghmalaw.com; sahuja@dghmalaw.com
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- David R. Zaro - dzaro@allenmatkins.com; mdiaz@allenmatkins.com

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

Executed on September 5, 2017, at San Diego, California.

Edward G. Fates

(Type or print name)

/s/ Edward Fates

(Signature of Declarant)