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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
PRODUCTION PARTNERS
PROPERTY**

Date: October 27, 2017
Time: 1:30 p.m.
Ctrm.: 2D
Judge: Hon. Gonzalo P. Curiel

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR**
2 **COUNSEL OF RECORD:**

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

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

20 In addition, pursuant to this Court's Order Setting Briefing Schedule (Dkt.
21 No. 1519), the last day to file and serve an opposition to the Motion, if any, was
22 October 6, 2017. As of the date of this filing, no such opposition has been filed or
23 served. In accordance with the Civil Local Rule 7.1(f)(3)(c), the failure to file an
24 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: October 18, 2017

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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7 By: /s/ Edward Fates

EDWARD G. FATES
Attorneys for Receiver
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 600 West Broadway, 27th Floor, San Diego, California 92101.

On October 18 2017, I served the within document(s) described as:

- **NOTICE OF NON-RECEIPT OF QUALIFIED OVERBIDS REGARDING MOTION FOR APPROVAL OF SALE OF PRODUCTION PARTNERS PROPERTY**

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 October 18, 2017, I checked the CM/ECF docket for this case 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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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 18, 2017, at San Diego, California.

Edward G. Fates

(Type or print name)

/s/ Edward Fates

(Signature of Declarant)