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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  
(A) APPROVAL OF SALE OF  
LAS VEGAS 2 PROPERTY AND  
(B) AUTHORITY TO PAY  
BROKER'S COMMISSION**

Date: August 3, 2018  
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 (A) Approval of Sale of Las Vegas 2  
9 Property; and (B) Authority to Pay Broker's Commission ("Motion").

10           In his Motion, the Receiver proposed a deadline for submission of qualified  
11 overbids for the Las Vegas 2 property of no later than June 25, 2018. The Receiver  
12 posted the sale motion on the receivership website [www.ethreadvisors.com](http://www.ethreadvisors.com) (see the  
13 "SEC Case Docs" tab), published notice of the sale in the Las Vegas Review-Journal  
14 as required by 28 U.S.C. § 2002, and has, through his broker, continued to market  
15 the property and notify potential purchasers about the opportunity to submit an  
16 overbid and the proposed deadline to do so. Despite the Receiver and his broker's  
17 continued efforts to market the property and provide notice of the overbid process,  
18 there have been no qualified overbids submitted.

19           In addition, pursuant to this Court's Order Setting Briefing Schedule (Dkt.  
20 No. 1617), the last day to file and serve an opposition to the Motion, if any, was  
21 June 29, 2018. As of the date of this filing, no such opposition has been filed or  
22 served. In accordance with the Civil Local Rule 7.1(f)(3)(c), the failure to file an  
23 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: July 2, 2018

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 July 2, 2018, I served the within document(s) described as:

- **NOTICE OF NON-RECEIPT OF QUALIFIED OVERBIDS REGARDING MOTION FOR (A) APPROVAL OF SALE OF LAS VEGAS 2 PROPERTY AND (B) 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 July 2, 2018, 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
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- Bryan Charles Vess - bryan@vesslaw.com; annamforsberg@gmail.com
- 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 July 2, 2018, at San Diego, California.

\_\_\_\_\_  
Edward G. Fates  
(Type or print name)

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