

1 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
2 DAVID R. ZARO (BAR NO. 124334)
865 South Figueroa Street, Suite 2800
3 Los Angeles, California 90017-2543
Phone: (213) 622-5555
4 Fax: (213) 620-8816
E-Mail: dzaro@allenmatkins.com

5 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
6 EDWARD G. FATES (BAR NO. 227809)
One America Plaza
7 600 West Broadway, 27th Floor
8 San Diego, California 92101-0903
Phone: (619) 233-1155
9 Fax: (619) 233-1158
E-Mail: tfates@allenmatkins.com

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
WASHOE IV PROPERTY AND
(B) AUTHORITY TO PAY
BROKER COMMISSION**

Date: August 31, 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 Washoe IV
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 Washoe IV property of no later than August 20, 2018. The
12 Receiver posted the sale motion on the receivership website
13 www.ethreeadvisors.com (see the "SEC Case Docs" tab), published notice of the
14 sale in the Reno Journal-Gazette as required by 28 U.S.C. section 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. 1635), the last day to file and serve an opposition to the Motion, if any, was
22 August 21, 2018. 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: August 22, 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 August 22, 2018, I served the within document(s) described as:

- **NOTICE OF NON-RECEIPT OF QUALIFIED OVERBIDS REGARDING MOTION FOR (A) APPROVAL OF SALE OF WASHOE IV 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 August 22, 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
- Timothy P. Dillon - tdillon@dghmalaw.com; ksauer@dghmalaw.com; sahuja@dghmalaw.com
- Philip H. Dyson - phildysonlaw@gmail.com; jldossegger2@yahoo.com; phdtravel@yahoo.com
- Edward G. Fates - tfates@allenmatkins.com; bcrfilings@allenmatkins.com; jholman@allenmatkins.com
- Dennis Frisman - gary@aguirrelawapc.com
- Eric Hougen - eric@hougenlaw.com
- Sara D. Kalin - kalins@sec.gov; chattoop@sec.gov; irwinma@sec.gov
- E. Andrew Schooler - andyschooler@att.net
- Carol Elizabeth Schultze - schultzec@sec.gov; massey@sec.gov; caroleschultze@gmail.com; clarket@sec.gov
- 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 August 22, 2018, at San Diego, California.

Edward G. Fates
(Type or print name)

/s/ Edward Fates
(Signature of Declarant)