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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  
23

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

**NOTICE OF MOTION AND  
MOTION TO CONCLUDE  
RECEIVERSHIP AND FOR  
ORDER: (1) AUTHORIZING  
RECEIVER TO MAKE FINAL  
DISTRIBUTIONS TO APPROVED  
CLAIMANTS AND ESTABLISH  
RESERVE; (2) APPROVING FINAL  
ACCOUNTING AND REPORT;  
(3) APPROVING DISPOSITION OF  
BOOKS AND RECORDS; AND  
(4) CONDITIONALLY  
DISCHARGING RECEIVER;  
RECEIVER'S FINAL  
ACCOUNTING AND REPORT**

Date: October 1, 2021  
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 on October 1, 2021, at 1:30 p.m. in  
3 Courtroom 2D of the United States District Court, Southern District of California,  
4 located at 221 West Broadway, San Diego, California 92101, Thomas C. Hebrank  
5 ("Receiver"), the Court-appointed receiver for First Financial Planning Corporation  
6 d/b/a Western Financial Planning Corporation ("Western"), its subsidiaries and the  
7 General Partnerships listed in Schedule 1 to the Preliminary Injunction Order  
8 entered on March 13, 2013 (collectively, "Receivership Entities"), will, and hereby  
9 does, move this Court for an to conclude the receivership and for an order,  
10 (1) authorizing Receiver to make final distributions to approved claimants and  
11 establish a reserve; (2) approving the final accounting and report; (3) approving  
12 disposition of books and records; and (4) conditionally discharging the Receiver  
13 ("Motion"). The Receiver, his counsel Allen Matkins, and his tax accountant Duffy  
14 Kruspodin LLP have filed their final fee applications concurrently herewith. The  
15 Motion and all relevant pleadings are available at the Receiver's website,  
16 [www.ethreeadvisors.com](http://www.ethreeadvisors.com).

17 **Procedural Requirements:** If you oppose the Motion, you are required to  
18 file your written opposition with the Office of the Clerk, United States District  
19 Court, Southern District of California, 333 West Broadway, Suite 420, San Diego,  
20 California 92101, and serve the same on the undersigned no later than 14 calendar  
21 days prior to the hearing date. An opposing party's failure to file an opposition to  
22 any motion may be construed as consent to the granting of the motion pursuant to  
23 Civil Local Rule 7.1(f)(3)(c).

24  
25 Dated: July 19, 2021

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

26  
27 By:           /s/ Edward Fates          

EDWARD G. FATES  
Attorneys for Receiver  
THOMAS C. HEBRANK

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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**  
20 **CORPORATION d/b/a WESTERN**  
**FINANCIAL PLANNING**  
21 **CORPORATION,**

22 Defendants.

Case No. 3:12-cv-2164-GPC-JMA

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION TO CONCLUDE  
RECEIVERSHIP AND FOR ORDER:  
(1) AUTHORIZING RECEIVER TO  
MAKE FINAL DISTRIBUTIONS TO  
APPROVED CLAIMANTS AND  
ESTABLISH RESERVE;  
(2) APPROVING FINAL  
ACCOUNTING AND REPORT;  
(3) APPROVING DISPOSITION OF  
BOOKS AND RECORDS; AND  
(4) CONDITIONALLY  
DISCHARGING RECEIVER;  
RECEIVER'S FINAL ACCOUNTING  
AND REPORT**

Date: October 1, 2021  
Time: 1:30 p.m.  
Ctrm.: 2D  
Judge: Hon. Gonzalo P. Curiel

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10	A. Establishment of Reserve, Payment of Administrative	
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12	1. Establishment of Reserve .....	10
13	As reflected in the table below, the Receiver seeks	
14	authority to set aside funds in reserve to pay non-	
15	administrative expenses in the amount of \$59,945	
16	and projected administrative expenses to conclude	
17	the receivership of up to \$1,112,804, for a total	
18	reserve amount of \$1,172,749 .....	10
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1 Thomas C. Hebrank, the Court-appointed Receiver herein, respectfully  
2 submits this Memorandum of Points and Authorities in Support of his motion to  
3 conclude the receivership and: (1) authorizing the Receiver to make final  
4 distributions to approved claimants and establish reserve; (2) approving the final  
5 accounting and report; (3) approving disposition of books and records; and  
6 (4) conditionally discharging the Receiver ("Motion"). The Receiver and his  
7 counsel have filed their fee applications concurrently herewith.

8 The Receiver has completed management of all assets of the receivership  
9 estate. The Receiver recovered a total of \$33.3 million, which included  
10 \$30.2 million from property sales and other recoveries, and initial cash in accounts  
11 at commencement of the receivership of \$3.1 million. The Receiver spent  
12 approximately \$4.7 million on the preservation and maintenance of assets (primarily  
13 mortgage payments, property taxes, and insurance premium payments). The  
14 Receiver's fees and costs, if all fee applications are approved, amount to  
15 approximately \$2.6 million, or about 8% of the total recovery. Fees and costs for  
16 the Receiver's counsel amount to approximately \$1.9 million, or about 6% of the  
17 total recovery. Fees and costs of for the tax accountants amount to approximately  
18 \$1.0 million, or about 3% of the total recovery. A total of approximately  
19 \$23.3 million will be distributed to investors with approved claims under the  
20 distribution plan approved by the Court on May 25, 2016 (the "Distribution Plan"),  
21 meaning investors will recover a total of about 17 cents for each dollar of their  
22 investment losses.

23 The relief sought herein will allow the Receiver to take the remaining steps  
24 necessary to conclude the receivership, including making final distributions to  
25 approved claimants.

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1           **I.       RECEIVER'S FINAL ACCOUNTING AND REPORT**

2           **A.       Background and Sales of Receivership Properties**

3           On September 4, 2012, the Securities and Exchange Commission  
4 ("Commission") filed its Complaint and sought immediate entry of a Temporary  
5 Restraining Order ("TRO") and the Court appointed Thomas Hebrank ("Receiver")  
6 temporary receiver for Defendants First Financial Planning Corp. dba Western  
7 Financial Planning Corp. ("Western"), the related General Partnerships ("GPs"), and  
8 other Western-related entities. Pursuant to the TRO and law governing federal  
9 equity receivers, the Receiver was charged with, among other things, (1) assuming  
10 control over the Receivership Entities and their assets, (2) performing an accounting  
11 of the assets and financial condition of the Receivership Entities, (3) investigating,  
12 locating, and recovering receivership assets, and (4) preparing reports for the Court.

13           Promptly upon his appointment, the Receiver took possession of the  
14 Receivership Entities, including their primary business offices. Upon takeover, the  
15 Receiver secured the assets of the receivership entities, including bank accounts,  
16 real and personal property, books, records, computers and electronic devices, and  
17 email accounts. On March 13, 2013, the Court entered a Preliminary Injunction  
18 Order, which included appointment of the Receiver on a permanent basis. Dkt. 174.

19           Over the course of the next two years, Defendant Louis Schooler not only  
20 challenged the Commission's claims, but repeatedly attacked the Receiver and tried  
21 to dismantle the receivership. The Court held multiple hearings, including allowing  
22 numerous investors in the GPs to file statements and make oral arguments, and  
23 ultimately decided to keep the receivership in place.

24           On May 19, 2015, the Court granted partial summary judgment in favor of the  
25 Commission, and on January 21, 2016, issued a Final Judgment in favor of the  
26 Commission. Dkt. 1074, 1170. Shortly thereafter, the Receiver sought approval of  
27 a proposed process for the administration of claims against the receivership estate,  
28 authority to sell receivership properties, and approval of a proposed plan to pool and

1 distribute the net sale proceeds and other cash in the receivership estate through the  
2 "One Pot Approach." Dkt. 1181.

3 At that point, a group of investors who had hired counsel waged a concerted  
4 campaign to attack the Receiver, obstruct the sale of receivership properties, and  
5 dismantle the receivership. The Court held a hearing and ultimately approved the  
6 Receiver's motion and recommendations. However, the investors continued to try  
7 and obstruct sales by filing appeals of the Court's orders. This continued until  
8 March 2017.

9 The Receiver, nevertheless, persevered in his work to sell the 36 receivership  
10 properties through the Court-approved sale process, which work continued over the  
11 next few years. Some of the properties, due to their remote locations and/or very  
12 limited development in the surrounding areas, received very little interest.  
13 Accordingly, list prices had to be periodically reduced until they reached a point  
14 where there was interest and offers were received. In some instances, this process  
15 took several years. The sale of the last remaining receivership property closed on  
16 April 8, 2021. The total net proceeds obtained by the Receiver from the sale of  
17 properties (after payment of commissions and costs of sale) were \$26.3 million.

18 The Receiver was also able to recover sums through sales of office furniture  
19 and equipment, sales of personal property including gold coins, enforcement of  
20 judgments obtained against the LinMar entities, and interest earned on cash  
21 balances. The following reflects the total cash recoveries for the receivership estate:

22 **B. Receiver's Forensic Accounting**

23 The Receiver was ordered to "make an accounting, as soon as practicable, to  
24 this Court of the assets and financial condition of the Receivership Entities and to  
25 file the accounting with the Court and deliver copies thereof to all parties." On  
26 April 18, 2013 (Dkt. 182), the Receiver filed Part 1 of his Forensic Accounting  
27 Report, and on October 16, 2013, he filed Part 2 (Dkt. 504).

28



1 The following summarizes the total funds raised from investors and retained  
 2 by Western as identified in the Receiver's forensic accounting:

	Amount
Total Raised from Investors	\$108,416,039
Less: Contingency Left in GPs to Pay Expenses	( 7,415,854)
Total Purchase Price GPs Paid to Western	\$101,000,185
Less: Western Purchase Price for Same Land	( 21,168,464)
Excess to Western Above Western Purchase Price	\$ 79,831,721

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 9 Additionally, the forensic accounting identified the following use of funds by  
 10 Western from investor funds:

	Amount
Payments to Louis Schooler	\$20,490,506
Sales Commissions	14,815,554
Payroll – Other	16,722,940
Operating Expenses	20,151,988
Western Initial Investments in GPs	8,694,972
Income Taxes	5,383,995
Payments to Escrow Companies	4,010,918
Payments to Real Asset Locators, Inc.	3,945,000
Payments to Robert Schafer	1,572,842
Total Uses of Cash	\$95,788,715

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 23 The forensic accounting data was used to validate claims and as a foundation  
 24 for the Receiver's distribution plan. It was also used to complete pre-receivership  
 25 tax returns for the Receivership Entities, and for the receivership estate's Qualified  
 26 Settlement Fund (QSF) entity.

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1           **C. Receiver Reporting and Communications**

2           At the beginning of the receivership, the Receiver established a dedicated web  
3 page, which has provided case information, updates, and answers to frequently  
4 asked questions to investors. The Receiver also maintained a dedicated email  
5 address and telephone line for investor inquiries. Case updates often triggered  
6 voluminous investor inquiries, so the Receiver's staff regularly returned a significant  
7 volume of emails and phone calls. In view of the volume of calls and  
8 correspondence, the Receiver utilized associates at lower billing rates to handle the  
9 majority of these communications.

10           The Receiver also filed detailed quarterly fee applications and accounting  
11 reports that kept investors and the Court advised as to the amount of money  
12 recovered, the status of ongoing sales of receivership properties, the financial  
13 position of the receivership estate, and efforts to recover funds for the benefit of  
14 investors.

15           **D. Claims and Interim Distribution Process**

16           As noted above, in May 2016, the Court approved the Receiver's proposed  
17 process for the administration of claims against the receivership estate. The  
18 Receiver then mailed notices to investors, including a statement of their proposed  
19 allowed claim amount (*i.e.* the net loss from their investments with the Receivership  
20 Entities). Investors had the opportunity to dispute the Receiver's proposed allowed  
21 amounts of their claims, but the vast majority of such disputes were resolved  
22 through direct dialogue between the Receiver's staff and investors. In the end, when  
23 the Receiver filed his recommendations regarding allowed and disallowed claims,  
24 only six claims were actually disputed. The Court approved the Receiver's  
25 recommended claim amounts on February 20, 2018. Dkt. 1591.

26           The Receiver then sought authority to make an initial round of interim  
27 distributions in the total amount of \$13 million. Dkt. 1594. The motion was  
28 approved on April 30, 2018. Dkt. 1610. After additional receivership properties

1 had been sold, the Receiver sought authority to make a second round of interim  
 2 distributions in the total amount of \$6 million. Dkt. 1714. The motion was  
 3 approved on June 17, 2019. Dkt. 1727.

4 On both occasions when distribution checks were mailed out, the Receiver  
 5 carefully tracked which distribution checks were cashed and made reasonable efforts  
 6 to locate and reissue checks to investors whose mail was returned as undeliverable  
 7 or who otherwise did not cash their checks. To date, of the total of \$19 million that  
 8 has been authorized for distribution, the Receiver has successfully made a total of  
 9 \$18.7 million of interim distributions. As discussed below, the funds for  
 10 distribution checks that remain uncashed are included in the final distribution pool  
 11 and investors who successfully negotiated their interim distribution payments, will  
 12 be sent a final distribution.

13 **E. Receivership Accounting**

14 The following summary reflects the Receivership Entities' consolidated cash  
 15 balance as of May 31, 2021:

<b>Cash Balance Summary</b>			
<b>Beginning Cash</b>			3,059,850
<b>Total Revenue</b>			30,247,123
<b>Total Operating Expenses</b>			(4,631,440)
<b>Total Expenses (Administrative)</b>			(4,512,653)
	Receiver Fees & Expenses	1,997,248	
	Allen Matkins Fees & Expenses	1,489,124	
	Tax Accountant Fees & Expenses	982,620	
	Nevada Counsel Fees & Expenses	43,661	
<b>Interim Distributions (net)</b>			(18,702,596)

28

	Investor Claim Distribution (authorized interim distributions)	(19,000,000)	
<b>Cash on Hand as of May 31, 2021</b>			5,460,284

**II. CLOSING MATTERS**

**A. Establishment of Reserve, Payment of Administrative Expenses and Proposed Final Distribution**

**1. Establishment of Reserve**

As reflected in the table below, the Receiver seeks authority to set aside funds in reserve to pay non-administrative expenses in the amount of \$59,945 and projected administrative expenses to conclude the receivership of up to \$1,112,804, for a total reserve amount of \$1,172,749.

**2. Administrative Expenses**

As also reflected in the table below, the Receiver seeks approval of payment of administrative expenses incurred but not yet paid in the amount of \$61,677, holdbacks in the amount of \$873,604, and estimated fees to completion of the receivership of \$177,523, for a total of \$1,112,804.

**3. Proposed Final Distribution**

As of May 31, 2021, the Receiver was holding cash in the total amount of \$5,460,284. Provided the Court approves the proposed \$1,172,749 of reserve funds, a total of \$4,287,535 will be available for final distributions to approved claimants.

The breakdown of cash on hand, the reserve, and administrative expenses, is as follows:

<b>Reserve, Administrative Expenses, Final Distribution Summary</b>			
<b>Cash Available for Final Distribution before Reserve and Administrative Costs</b>			5,460,284

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<b>Disbursements (Non-Administrative RESERVE)</b>			(59,945)
	Projected Taxes Owed	3,200	
	Entity Close Out and Bank and IT Charges	8,350	
	Projected Storage and Document Destruction Fees	38,395	
	Contingency	10,000	
<b>Disbursements (Administrative RESERVE) – Projected Fees and Expenses</b>			(177,523)
	Projected Receiver Fees and Expenses	128,273	
	Projected Receiver Legal Fees and Expenses	30,000	
	Projected Tax Accountant Fees	19,250	
<b>Disbursements (Administrative) – Fees and Expenses Incurred, Not Yet Paid</b>			(61,677)
	Receiver Fees Incurred (Jan – May 2021)	30,760	
	Receiver Legal Fees Incurred (Jan – May 2021)	22,251	
	Tax Accountant Fees Incurred (Jan – May 2021)	8,666	
<b>Disbursements (Administrative) – Holdbacks</b>			(873,604)
	Receiver 20% Holdback from Interim Fee Applications	487,976	
	Receiver Legal 20% Holdback from Interim Fee Applications	385,628	
<b>Projected Cash Available for Final Distribution</b>			4,287,535

1 As noted above, all approved claimants who successfully negotiated their  
2 interim distributions, will now receive a revised prorated amount as part of the final  
3 distribution. This is because, pursuant to the Distribution Plan, the claims of  
4 claimants who do not negotiate their interim distribution payments within 90 days  
5 and who cannot be located through a reasonable investigation are automatically and  
6 permanently extinguished. Dkt. 1181, Exhibit E, p. 4. Therefore, investors who  
7 submitted claims, but did not negotiate their interim distribution payments and did  
8 not respond to efforts to contact them will not participate in the final distribution  
9 because their claims have been extinguished under the Distribution Plan.

10 Pursuant to the Distribution Plan, in the event any approved claimants have  
11 not negotiated their final distribution check(s) and/or there are funds remaining in  
12 the Reserve account after 120 days after issuance of the final distribution has passed,  
13 then the Receiver shall pay such funds to the Commission for turnover to the United  
14 States Treasury.

15 **B. Destruction of Records**

16 The Receiver presently stores files, records for the Receivership Entities'  
17 operations, personnel files, investor files, and miscellaneous documents, and  
18 electronic records. Storing these records involves considerable expense, which  
19 would reduce the amount available to be distributed. The Receiver, therefore,  
20 requests permission to destroy the records relating to the Receivership Entities in his  
21 possession.

22 **C. Discharge of Receiver**

23 The Receiver has successfully completed all work required under the  
24 Appointment Orders. The Receivership Entities' assets were marshalled, protected,  
25 and successfully monetized, the accounting was completed, and the claims of  
26 investors and others were adjudicated. As such, it is appropriate for the Receiver to  
27 ask the Court to enter an order discharging him upon the following conditions:  
28



1 See *SEC v. Capital Consultants, LLC*, 397 F.3d 733, 738 (9th Cir. 2005). As the  
2 Ninth Circuit explained:

3 A district court's power to supervise an equity receivership  
4 and to determine the appropriate action to be taken in the  
5 administration of the receivership is extremely broad. The  
6 district court has broad powers and wide discretion to  
7 determine the appropriate relief in an equity receivership.  
8 The basis for this broad deference to the district court's  
9 supervisory role in equity receiverships arises out of the  
10 fact that most receiverships involve multiple parties and  
11 complex transactions. A district court's decision  
12 concerning the supervision of an equitable receivership is  
13 reviewed for abuse of discretion.

14 *Id.* (citations omitted); see also *Commodities Futures Trading Comm'n. v. Topworth*  
15 *Int'l, Ltd.*, 205 F.3d 1107, 1115 (9th Cir. 1999) ("This court affords 'broad deference'  
16 to the court's supervisory role, and 'we generally uphold reasonable procedures  
17 instituted by the district court that serve the[e] purpose' of orderly and efficient  
18 administration of the receivership for the benefit of creditors."). Accordingly, the  
19 Court has broad equitable powers and discretion in the administration of the  
20 receivership estate and disposition of receivership assets.

21 **B. Conclusion of Receivership and Discharge of Receiver**

22 Federal District Courts presiding over federal equity receiverships have broad  
23 power and wide discretion in the supervision of the same. *SEC v. Hardy*, 803 F.2d  
24 1034, 1037-38 (9th Cir. 1986). Their power and discretion includes the authority to  
25 "make rules which are practicable as well as equitable." *Id.* at 1039 (quoting *First*  
26 *Empire Bank-New York v. FDIC*, 572 F.2d 1361, 1368 (9th Cir. 1978)). In this case,  
27 the Court's supervision of the receivership is guided by these same rules.

28 The Receiver has diligently carried out his Court-ordered duties, including  
assuming control of enterprises, marshalling and selling assets, performing a  
forensic accounting, pursuing claims, providing detailed reports to the Court,  
conducting a claims process, and if this Motion and the fee applications filed  
herewith are granted, ultimately distributing \$23.3 million. As there is no further  
benefit to be gained from maintaining this receivership, the Receiver requests that



1 he be discharged and the case be closed, effective upon completion of the final  
2 closing tasks as described in Section II above.

3 Effective upon completion of the closing tasks, the Receiver requests the  
4 Discharge Order (attached hereto as Exhibit A) be entered, which order discharges  
5 the Receiver and fully releases the Receiver and counsel of: (i) all duties under the  
6 Appointment Orders, and (ii) any and all claims and liabilities associated with the  
7 case and the Defendants. In addition, the Receiver asks the Court to approve and  
8 ratify all actions taken by the Receiver and her professionals in the performance of  
9 the Receiver's Court-ordered duties. The Receiver further requests the Court retain  
10 exclusive jurisdiction over any and all new actions or claims related to the  
11 receivership or work done by the Receiver and her professionals to carry out the  
12 Receiver's Court-ordered duties. It is necessary and appropriate to issue the  
13 requested "conditional" discharge order.

14 **IV. CONCLUSION**

15 For the foregoing reasons, the Receiver respectfully requests the Court grant  
16 the Motion, issue the proposed order approving this report and authorizing him to  
17 (a) establish a cash reserve, (b) make final distributions to approved claimants as set  
18 forth above, and (c) destroy the documents relating to the Receivership Entities in  
19 the Receiver's possession. Then, after the Receiver has completed the tasks  
20 remaining to close up the receivership and has filed his final declaration confirming  
21 the same, the Receiver asks that the Court issue the Discharge Order in the proposed  
22 form attached hereto as Exhibit A.

23  
24 Dated: July 19, 2021

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

By:           /s/ Edward Fates          

EDWARD G. FATES  
Attorneys for Receiver  
THOMAS C. HEBRANK

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**EXHIBIT INDEX**

Exhibit A	[Proposed] Order Discharging Receiver and Closing Receivership	17
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

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

Defendants.

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

**[PROPOSED] ORDER  
DISCHARGING RECEIVER AND  
CLOSING RECEIVERSHIP**

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

1 The Court having considered the Declaration of Thomas C. Hebrank  
2 Regarding Accounting of Reserve and Completion of Closing Tasks; Request for  
3 Entry of Order Discharging Receiver and Closing Receivership ("Receiver's Final  
4 Declaration"), and good cause appearing therefor, IT IS HEREBY ORDERED as  
5 follows:

6 1. The Receiver's Final Declaration is approved;

7 2. The Receiver is authorized to transfer all cash remaining in the  
8 receivership estate to the United States Treasury.

9 3. The Receiver is discharged of all duties under the Temporary  
10 Restraining Order and Orders: 1) Freezing Assets; 2) Appointing a Temporary  
11 Receiver Over Western and the Entities it Controls; 3) Prohibiting the Destruction of  
12 Documents; 4) Granting Expedited Discovery; and 5) Requiring Accountings; and  
13 an Order to Show Cause re Preliminary Injunction and Appointment of a Permanent  
14 Receiver entered by this Court on September 6, 2012 ("TRO") (Dkt. No. 10), the  
15 Preliminary Injunction Order and Order Appointing Thomas C. Hebrank Permanent  
16 Receiver entered by this Court on March 13, 2013 ("Preliminary Injunction Order")  
17 (Dkt. No. 174), and subsequent orders of the Court. Pursuant to the discharge, the  
18 Receiver is released from any and all claims and liabilities associated with the  
19 receivership, the receivership entities, and the individual defendant named in this  
20 action.

21 4. All actions taken by the Receiver and his professionals in performing  
22 the Receiver's Court-ordered duties under the TRO, Preliminary Injunction Order,  
23 and subsequent orders of the Court are approved and ratified.

24 5. The Receiver is discharged from any further responsibility for payment  
25 of liabilities of the Receivership Entities.

26 6. The receivership is closed.

27 7. Jurisdiction over all disputes, claims, and causes of action arising from  
28 or relating to this receivership case is reserved in this Court.

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Dated: \_\_\_\_\_

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Hon. Gonzalo P. Curiel  
Judge, United States District Court