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8 Attorney for Movants-Intervenors Joseph M. Ardizzone, David R. Schwarz,
9 Lois Schwarz, Dennis Frisman, Eric Gilbert, and Rick Moore.

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12
13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 v.

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

22 Defendants.

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

**MOVANTS-INTERVENORS’
SECOND AMENDED NOTICE OF
APPEAL AND NINTH CIRCUIT
RULE 3-2 REPRESENTATION
STATEMENT**

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1 Notice is hereby given that Movants-Intervenors in the above case, Joseph M.
2 Ardizzone, David R. Schwarz, Lois Schwarz, Dennis Frisman, Eric Gilbert, and Rick
3 Moore hereby appeal to the United States Court of Appeals for the Ninth Circuit from:

- 4 1. The order in this action on August 30, 2016, (Dkt. No. 1359) denying Movants-
5 Intervenors' motion to intervene (Dkt. 1348-2), including intervention to obtain
6 an order vacating (Dkt. 1348-2 at 2) the May 25, 2016, order (Dkt. 1304) and
7 intervention to oppose (Dkt. 1348-2 at 2) the Receiver's Motion for Approval of
8 Sale of Jamul Valley Property (Dkt. No. 1310) pursuant to 28 USC § 1291 and
9 28 USC § 1292; and
- 10 2. Post final judgment order entered in this action on November 29, 2016, (Dkt.
11 No. 1409) denying Movants-Intervenors' Motion (1) for a Stay of Orders
12 Pending Appeal and (2) for Reconsideration (Dkt. No. 1368) under Fed. R. Civ.
13 P. 60(b) pursuant to 28 USC § 1291 and 28 USC § 1292.

14 Pursuant to Ninth Circuit Rule 3-2, attached is a Representation Statement that
15 identifies all parties to this case and the names, addresses, telephone numbers, fax
16 numbers, and email addresses of their respective counsel.

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18 DATED: December 19, 2016

Respectfully submitted,

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20 By: /s/ Gary J. Aguirre
21 GARY J. AGUIRRE
22 Attorney for Movants-Intervenors
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NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT

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2 1. Plaintiff Securities and Exchange Commission is represented by:

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23
24 2. Defendants Louis V. Schooler and First Financial Planning Corporation d/b/a
25 Western Financial Planning Corporation are represented by:

26 Philip H. Dyson, Cal. Bar No. 097528

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1 3. Court-Appointed Receiver Thomas C. Hebrank is represented by:

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