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12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**  
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15 SECURITIES AND EXCHANGE  
16 COMMISSION,

17 Plaintiff,

18 v.

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

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

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

1 Notice is hereby given that Movants-Intervenors in the above case, Susan Graham,  
2 Alfred L. Pipkin, Alfred L. Pipkin, IRA, Allert Boersma, Arthur V. and Kristie L. Rocco  
3 Living Trust, Arthur V. Rocco, Baldwin Family Survivors' Trust, Barbara Humphreys,  
4 IRA, Beverly & Mark Bancroft, Beverly A. Bancroft, IRA, Bruce A. Morey IRA, Bruce  
5 A. Morey, Bruce R. Hart IRA for Bruce R. Hart and Dixie L. Hart, Carol D. Summers,  
6 Carol Jonson, Catherine E. Wertz IRA, Catherine E. Wertz, Cathy Totman, IRA, Charles  
7 Bojarski, Chris Nowacki, IRA, Cindy Dufresne, Craig Lamb, Curt & Janean Johnson  
8 Family Trust, Curt & Janean Johnson, jointly, Curt Johnson, Curt Johnson, Roth IRA,  
9 Cynthia J. Clarke, D & E Macy Family Revocable Living Trust, D.F. Macy IRA, Daniel  
10 Burns, Daniel Knapp, Darla Berkel IRA, Darla Berkel, Daryl Dick, David and Sandra  
11 Jones Trust, David Fife IRA, David Haack IRA, David Haack, David Karp IRA, David  
12 Kirsh, David Kirsh, Roth IRA, David Kirsh, Traditional IRA, Debra Askeland, Deidre  
13 Parkinen, Dennis Gilman, Dennis Gilman IRA, Diane Bojarski, Diane Gilman, Donna M.  
14 and Richard A. Kopenski Family Trust, Donna M. Kopenski, IRA Roth, Douglas G.  
15 Clarke, Douglas Sahlin IRA, Eben B. Rosenberger, Edith Sahlin IRA, Edward Takacs,  
16 Ellen O'Brien, Elizabeth Lamb, Norling, Eric W. Norling, IRA, Gary Hardenburg, Gary  
17 Hardenburg, Roth IRA, Gene Fantano, George Klinke, IRA, George Trezek, Gerald  
18 Zevin, Gerald Zevin, IRA, Gwen Tuohy, Gwenmarie Hilleary, Henrik Jonson, Henrik  
19 Jonson, IRA, IDAC Family Group LLC, Iris Bernstein IRA, James J. Coyne Jr. Trust,  
20 Janice Marshall, Janice Marshall, IRA, Jason Bruce, Jeffrey Merder, IRA, Jeffrey J.  
21 Walz, Jeffrey Larsen, Jeffrey Merder, Jennifer Berta, Jim Minner, Joan Trezek, John  
22 Jenkins, John and Mary Jenkins Trust, John and Mary Jenkins Trustees, John Lukens,  
23 John Lukens, IRA, John R. Oberman, Joy A. de Beyer, Roth IRA, Joy A. de Beyer,  
24 Traditional IRA, Joy de Beyer, Juanita Bass IRA, Juanita Bass, Judith Glickman Zevin,  
25 IRA, Judith Glickman Zevin, Judy Knapp, Karen Coyne, Karen J. Coyne IRA, Karen  
26 Wilhoite, Karie J. Wright, Kimberly Dankworth, Kirsh Family Trust UTD, Kristie L.  
27 Rocco, Lawrence Berkel, Lawrence Berkel, IRA, Lea Leccese, Leo Dufresne, Leo T.  
28 Dufresne Jr. IRA, Linda Baldwin IRA, Linda Clifton, Lisa A. Walz, Lloyd Logan and

1 Ida Logan, jointly, Lloyd Logan, IRA, Lynda Igawa, Marc McBride, Marcia McRae,  
2 Marilyn L. Duncan, Mark Clifton, Mary Grant, Mary J. Jenkins, IRA, Mathew Berta,  
3 Mealey Family Trust, Michael R. Wertz, Michael R. Wertz, IRA, Mildred Mealey,  
4 beneficiary of Duane Mealey IRA, Minner Trust, Monica Takacs, Monique Minner, Neil  
5 Ormonde, IRA, Nevada Ormonde, IRA, Paul Leccese, Paul R. Sarraffe, IRA, Perryman  
6 Family Trust, Polly Yue, Prentiss Family Trust, Kenneth and Gail Prentiss Trustees,  
7 Ralph Brenner, Randall S. Ingermanson IRA, Rebecca Merder, Reeta Mohleji, Regis T.  
8 Duncan, IRA, Regis T. Duncan, Renee Norling, Richard A. Kopenski, IRA Roth, Robert  
9 Indihar, Robert Churchill Family Trust, Robert Churchill IRA, Robert H. Humphreys,  
10 Robert Indihar IRA, Robert S. Weschler, Robert Tuohy, Roderick C. Grant, Roger Hort,  
11 Roger Moucheron, Ronald Askeland, Ronald Parkinen, Ronald Scott, Ronald Scott, IRA,  
12 Salli Sammut Trust, Salli Sue Sammut Trustee, Salli Sue Sammut, IRA, Shirley  
13 Moucheron, Stephen Dankworth, Stephen Hogan, Stephen Yue, Steve P. White, IRA,  
14 Steve P. White, SEP IRA, Susan Burns, Tamara and Chris Nowacki, jointly, Tamara  
15 Nowacki, IRA, The Knowledge Team Profit Sharing Plan, The Ormonde Family Trust,  
16 Thomas H. Panzer, Roth IRA, Thomas Herman Panzer Trust, Thomas H Panzer,  
17 Trustee, Trisha Bruce, Val Indihar, W.C. Wilhoite, W.C. Wilhoite, Roth IRA, William C.  
18 Phillips, William L. Summers, IRA, William L. Summers, William Loeber, William  
19 Nighswonger IRA, William R. Nighswonger, William R. Rattan Rev. Trust, William V.  
20 and Carol J. Dascomb Trust, Carmen Slabby, Lawrance Slabby, Virginia Kelly, James S.  
21 Dolgas, Penco Engineering, Inc. Profit Sharing Pension Fund, George Jurica, and George  
22 Jurica IRA, hereby appeal to the United States Court of Appeals for the Ninth Circuit  
23 from:

24 1. Order entered in this action on May 18, 2016, (Dkt. No. 1296) partially denying  
25 Movants and Intervenors' Motion to Intervene (Dkt. No. 1229) and vacating,  
26 and thereby denying, Movants and Intervenors' *Ex Parte* Motion for Leave to  
27 File Opposition to Receiver's Court-Ordered Proposal Regarding General  
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- 1 Partnerships as Supplemented and Proposed Alternative Plan (Dkt. No. 1293)  
2 pursuant to 28 USC § 1291 and 28 USC § 1292;
- 3 2. Order entered in this action on May 25, 2016, (Dkt. No. 1303) denying Movants  
4 and Intervenors' Motions for (1) Order Vacating Prior Orders Approving  
5 Recommendations of Receiver to Sell General Partnerships' Properties (Dkt.  
6 No. 1230), (2) Order Directing the Receiver to Provide an Accounting or in the  
7 Alternative for an Audit of the Receivership by an Independent Accountant  
8 (Dkt. No. 1258) and (3) Leave to File Single Brief of 20 Pages Instead of Four  
9 Briefs of Ten Pages in Reply to the Securities and Exchange Commission's and  
10 the Receiver's Oppositions to Movants and Intervenors' Motions for an  
11 Accounting and to Vacate Orders Approving Receiver's Recommendation to  
12 Sell Realty (Dkt. No. 1300) pursuant to 28 USC § 1291 and 28 USC § 1292;
- 13 3. Order entered in this action on May 25, 2016, (Dkt. No. 1304) granting in part  
14 Receiver's Motion for Order (A) Authorizing the Receiver to Conduct an  
15 Orderly Sale of General Partnership Properties; (B) Approving the Plan of  
16 Distributing Receivership Assets; and (C) Approving Procedures for the  
17 Administration of Investor Claims (Dkt. No. 1181) and denying Movants and  
18 Intervenors' *Ex Parte* Motion for Order Setting Evidentiary Hearing and  
19 Discovery Schedule (Dkt. No. 1297) pursuant to 28 USC § 1291 and 28 USC §  
20 1292;
- 21 4. Post final judgment order in this action on August 30, 2016, (Dkt. No. 1361)  
22 granting Receiver's Motion for Approval of Sale of Jamul Valley Property  
23 (Dkt. No. 1310) over Movants-Intervenors' Opposition to Approval of Sale of  
24 Jamul Valley Property (Dkt. No. 1326) pursuant to 28 USC § 1291 and 28  
25 USC § 1292;
- 26 5. Post final judgment order entered in this action on August 30, 2016, (Dkt. No.  
27 1359) denying Movants-Intervenors' Motion for Stay (Dkt. No. 1316) pursuant  
28 to 28 USC § 1291 and 28 USC § 1292; and

1 6. Post final judgment order entered in this action on November 29, 2016, (Dkt.  
2 No. 1409) denying Movants-Intervenors' Motion to Intervene (Dkt. No. 1381)  
3 and denying Motion for Reconsideration under Fed. R. Civ. P. 60(b) (D. 1368)  
4 in which they joined (Dkt. No. 1370) pursuant to 28 USC § 1291 and 28 USC §  
5 1292.

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

9  
10 DATED: December 19, 2016

Respectfully submitted,

11 By: /s/ Gary J. Aguirre  
12 GARY J. AGUIRRE  
13 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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13 Securities and Exchange Commission

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16 Telephone: (202) 551-4958

17 Facsimile: (202) 572-1372

18 Stephen G. Yoder

19 Email: yoders@sec.gov

20 Securities & Exchange Commission

21 100 F Street, NE

22 Washington, DC 20549-9612

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

27 Email: phil@phildysonlaw.com, info@phildysonlaw.com, phdtravel@yahoo.com

28 Law Office of Philip H. Dyson

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

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4 Allen Matkins

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