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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, dba Western Financial
Planning Corporation,

Defendants.

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

**GRANTING RECEIVER’S EX
PARTE APPLICATION FOR
PERMISSION TO FILE THE CBRE
REPORT UNDER SEAL**

[ECF No. 1406]

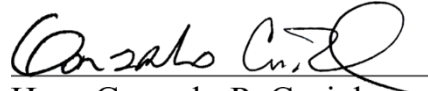
Before the Court is the Receiver’s CBRE Report, ECF No. 1405, and *ex parte* application for permission to file the report under seal, ECF. No. 1406. On August 30, 2016, the Court authorized the Receiver to engage CBRE in order to assist the Receiver in evaluating the pros and cons of the Xpera Group’s recommendations as to the current and future value of the 14 General Partnership (“GP”) properties. ECF No. 1359. Now that the CBRE consultation and evaluation have been completed, the Receiver requests permission to file the report under seal because it contains “recommended marketing strategies, sensitive information about potential entitlements and approvals, and other

1 information that could affect the ultimate sale prices for the 14 properties if publicly
2 disclosed.” ECF No. 1406 at 2.

3 Generally, “compelling reasons” must exist to seal documents. *See Kamakana v.*
4 *City and Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). Where a court
5 filing contains “business information that might harm a litigant’s competitive standing,”
6 however, the court may properly deny public access. *Nixon v. Warner Commc’ns*, 435
7 U.S. 589, 598 (1978). The Court finds that the information that the Receiver seeks to file
8 under seal, if publicly disclosed, could disadvantage the receivership in sales negotiations
9 and/or negatively impact the receivership’s ability to recover the purchase price of the
10 properties that has been proposed. Accordingly, the Court **GRANTS** the Receiver’s *ex*
11 *parte* application for permission to file the CBRE report under seal.

12 **IT IS SO ORDERED.**

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14 Dated: December 6, 2016


15 Hon. Gonzalo P. Curiel
16 United States District Judge
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