

FILED

UNITED STATES COURT OF APPEALS

MAR 02 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

U.S. SECURITIES & EXCHANGE
COMMISSION,

Plaintiff-Appellee,

v.

LOUIS V. SCHOOLER; FIRST
FINANCIAL PLANNING
CORPORATION, DBA Western Financial
Planning Corporation,

Defendants-Appellees,

v.

SUSAN GRAHAM,

Intervenor-Appellant,

AGUIRRE INVESTORS,

Movant-Appellant,

THOMAS C. HEBRANK,

Receiver-Appellee.

No. 16-55850

D.C. No.

3:12-cv-02164-GPC-JMA

Southern District of California,
San Diego

ORDER

U.S. SECURITIES & EXCHANGE
COMMISSION,

Plaintiff-Appellee,

v.

LOUIS V. SCHOOLER and FIRST
FINANCIAL PLANNING
CORPORATION, DBA Western Financial
Planning Corporation,

Defendants-Appellees,

v.

JOSEPH M. ARDIZZONE; et al.,

Movants-Appellants,

THOMAS C. HEBRANK,

Receiver-Appellee.

No. 16-56362

D.C. No.

3:12-cv-02164-GPC-JMA
Southern District of California,
San Diego

Before: CANBY and CLIFTON, Circuit Judges.

The motion to consolidate appeal Nos. 16-55850 and 16-56362 (Docket Entry No. 10) is granted. These appeals are consolidated.

The motion to dismiss part of appeal No. 15-55850 for lack of jurisdiction (Docket Entry No. 3) is denied without prejudice to renewing the arguments in the consolidated answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677

F.2d 1258, 1262 (9th Cir. 1982) (merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

Appellants' motion to strike appellee's reply filed in support of the motion to expedite these appeals (Docket Entry No. 34) is denied.

Appellants' motion to file the declaration in support of the reply under seal (Docket Entry No. 17 in appeal No. 16-56362) is granted.

Appellants' urgent supplemented motions to stay district court proceedings and requesting other injunctive relief (Docket Entry Nos. 12, 32 in 16-55850 and Docket Entry No. 11 in 16-56362) are denied. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

The motions to expedite these consolidated appeals (Docket Entry No. 21, 28) are granted in part. The following briefing schedule shall govern these consolidated appeals: the consolidated opening brief and excerpts of record are due March 31, 2017; the consolidated answering brief(s) is due May 1, 2017; and the optional consolidated reply brief is due within 14 days after service of the latest-filed answering brief.

All parties on a side are encouraged to join in a single brief to the greatest extent practicable. *See* 9th Cir. R. 28-4.

The Clerk shall calendar the appeal as soon as practicable upon the completion of briefing.