

1 ADAM SILBERBERG
TERIS
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4

5 Forensic Computer Specialist for Receiver
THOMAS C. HEBRANK
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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 SECURITIES AND EXCHANGE
COMMISSION,
12
Plaintiff,
13
v.
14 LOUIS V. SCHOOLER and FIRST
15 FINANCIAL PLANNING CORPORATION
d/b/a WESTERN FINANCIAL PLANNING
16 CORPORATION,
17
Defendants.

Case No. 3:12-cv-02164-GPC-JMA
**FIRST AND FINAL FEE APPLICATION
OF TERIS, RECEIVER'S FORENSIC
COMPUTER SPECIALIST**

Date: March 8, 2013
Time: 1:30 p.m.
Ctrm: 9
Judge: Hon. Gonzalo P. Curiel

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

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1 TERIS, forensic computer specialist for Thomas C. Hebrank (“Receiver”), Court-
2 appointed receiver for First Financial Planning Corporation d/b/a Western Financial Planning
3 Corporation (“Western”), and its subsidiaries and affiliates, including the general partnerships set
4 up by Western (collectively, the “Receivership Entities”), hereby submits this first and final
5 application for payment of professional fees and reimbursement of costs. TERIS seeks approval
6 of fees in the amount of \$12,200 for electronic data recovery and preservation services.

7 At the outset of the receivership, due to the Securities and Exchange Commission’s
8 allegations of fraud, the large volume of electronic data maintained by the Receivership Entities,
9 and the ongoing operations of the Receivership Entities, the Receiver determined that a forensic
10 image should be taken of all computer servers and hard drives containing data of the Receivership
11 Entities. Pursuant to the authority granted to him in the Temporary Restraining Order, the
12 Receiver engaged TERIS to assist with this project.

13 **I. ACTIVITIES OF TERIS**

14 **A. Preservation of Electronic Data**

15 TERIS took a forensic, bit-level image of workstations and servers at the Western offices
16 in San Diego during six days of work. TERIS performed a site survey with Western’s IT staff and
17 preserved the data of Louis Schooler, as well as a server containing data from various repositories.
18 TERIS also preserved the data contained on the computers of eight employees. TERIS initiated
19 the copy of server backup media and initiated targeted extractions of Financial Databases.

20 Next, TERIS archived the imaged data to separate media and inventoried and consolidated
21 the three boxes of hard drives which he took possession of during previous two days’ work.
22 TERIS performed additional forensic services at the Western premises, including collecting server
23 backup drives and imaging another employee hard drive. Finally, TERIS consolidated and
24 archived preserved data and prepared media for transmission to the Receiver.

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1 **II. FEE APPLICATION**

2 **A. Fees**


3 TERIS' fees for this first application period are as follows:

4 Professional	Hourly Rate	Hours	Fees
5 Jim Sevel	\$250	47.00	\$11,750.00
6 Adam Wells	\$200	2.25	\$450.00
7 Totals		49.25	\$12,200.00

8
 9 TERIS's rates are comparable or less than those charged by forensic computer specialists
 10 with similar expertise in the community. All services were performed at the Receiver's request
 11 and were necessary to preserve the large volume of electronic data of the Receivership Entities.
 12 The proposed source of payment for the requested fees is discussed in the fee applications of the
 13 Receiver and his counsel. Accordingly, the fees requested are fair and reasonable and should be
 14 approved.

15
 16 Dated: January 14, 2013

TERIS

17
 18 By: 
 19 **ANDREW SILBERBERG**
 Forensic Computer Specialist for Receiver
 20 Thomas C. Hebrank

21 Dated: January 14, 2013

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

22
 23
 24 By: /s/ Ted Fates
TED FATES
 General Counsel for Receiver
 25 Thomas C. Hebrank
 26
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EXHIBIT INDEX

Exhibit A	Detailed Time Reports	1-2
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EXHIBIT A

EXHIBIT A



INVOICE

DATE	INVOICE #
9/26/2012	90713

BILL TO
Allen, Matkins, Leck, Gamble & Mallory 501 W. Broadway, Suite 1500 San Diego, CA 92101 619-233-1155

PLEASE PAY
TERIS 655 West Broadway, Suite 200 San Diego, CA 92101 (619) 231-3282 Tax ID# 33-0776294

TERIS gladly accepts all credit card payments. Please call 619-231-3282 ext 1101 or email ssummers@teris.com

Job Number	Terms	Rep	Delivery	Attention	Client Matter
1209312004	Net 30 Days	AS	9/26/2012	Ted Yates	SEC WFPC
Case Name	WFPC		2nd Reference	SEC Investigation	
Qty	Description			Item	Amount
47	SEC Investigation - W.F.P.C.- TOM HEBRANK/ TED YATES Forensic Acquisition @ \$250 per hour 47 TOTAL HOURS SEC Investigation - W.F.P.C. 09/06/2012 - Forensic Services (2 Employees) at W.F.P.C. Forensic Services 10.5 Hours - Site Survey with IT Staff (Schooler) - Image System 01 - Custodian - Louis Schooler - Retain 1 Box Hard Drives - Copy Server Data (SDCC1, Titan, Calypso) VM's 09/07/2012 - Forensic Services (2 Employees) at W.F.P.C. 18 Hours Forensic Services - Image Systems 02 - 09 - System 02 - Custodian: Traci Harris - System 03 - Custodian: Beverly Schuler - System 04 - Custodian: Tami Boschee - System 05 - Custodian: Tami Boschee - System 06 - Custodian: Regina Jacobson - System 07 - Custodian: Alice Jacobson - System 08 - Custodian: Shannon Brookman - System 09 - Custodian: Kim Woodruff Subtotal			4319 - Forensi...	11,750.00
The TERIS-San Diego, LLC customer and/or requestor is ultimately responsible for payment within our terms. Past due balances may be turned over to a collection agency; clients are responsible for any collection fees, legal fees, court cost and other related cost associated with the collection of a past due balance.				Sales Tax (7.75%)	
				Payments/Credits	
TO REMIT PAYMENT VIA ACH TRANSFER: TERIS CHASE BANK ACCOUNT# 825514102 RTE# 322271627 PLEASE REFERENCE YOUR TERIS INVOICE NUMBER LOCATED ABOVE				Balance Due	



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1209312004	Net 30 Days	AS	9/26/2012	Ted Yates	SEC WFPC
Case Name	WFPC		2nd Reference	SEC Investigation	
Qty	Description			Item	Amount
2.25	- System 10 - Custodian: Louise Cohen (Targeted Collection) - Retain 2 Boxes of Hard Drives - Initiate Server Backup Copying - Targeted Collections for Receiver of Financial Databases 9.75 Hours 09/08-09/2012 Forensic Services - Archive Data to Hard Drives - Inventory 3 Boxes of Hard Drives - Verify, Consolidate, Archive Forensic Image Files - Archive Data to 6 Hard Drives, 2 - 3TB Hard Drives, 4 - 1.5TB Hard Drives 5.75 Hours 09/10/2012 - Forensic Services at W.F.P.C. - Collect Server Backup Drives - Image System 11 Custodian: Bill Frioli 3 Hours 09/12/2012 - Forensic Services - Archive Data and send files to Receiver Consulting (Case, Project, Practice Analysis, or Other) - Adam Wells (VP of eServices) consultation and project managment.			4901 - Consult...	450.00
	Subtotal				\$12,200.00
The TERIS-San Diego, LLC customer and/or requestor is ultimately responsible for payment within our terms. Past due balances may be turned over to a collection agency; clients are responsible for any collection fees, legal fees, court cost and other related cost associated with the collection of a past due balance.				Sales Tax (7.75%)	\$0.00
				Payments/Credits	\$0.00
TO REMIT PAYMENT VIA ACH TRANSFER: TERIS CHASE BANK ACCOUNT# 825514102 RTE# 322271627 PLEASE REFERENCE YOUR TERIS INVOICE NUMBER LOCATED ABOVE				Balance Due	\$12,200.00