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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 d/b/a WESTERN  
FINANCIAL PLANNING  
CORPORATION,

Defendants.

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

**ORDER DIRECTING SEC TO  
WEIGH IN ON RECEIVER'S  
MOTION TO CONFIRM E.B.S.  
LAND COMPANY IS INCLUDED  
IN THE RECEIVERSHIP**





1 ECF No. 1472-1. A reconveyance executed by the Receiver is the only way to clear  
2 the E.B.S. Deed of Trust from the Reno Vista/Reno View property in time for the  
3 approved sale to close. *Id.* Accordingly, and in light of the fact that Defendant  
4 Schooler is either dead or missing, the Receiver seeks the aforementioned order to  
5 allow the sale to close. *Id.*

6 The Court has broad discretion to appoint an equity receiver in Commission  
7 enforcement actions and to impose a receivership over those entities affected by the  
8 fraud. *See SEC v. Wencke*, 622 F.2d 1363, 1369-70 (9th Cir. 1980). The Court  
9 exercised such discretion on March 13, 2013 when it granted the SEC’s preliminary  
10 injunction order. The Court’s March 13, 2013 Order, however, did not extend to  
11 E.B.S. Land Co., as that corporate entity was not included in the SEC’s proposed  
12 preliminary injunction order. The Court moreover notes that the preliminary  
13 injunction order granted receivership powers only over “Western, its subsidiaries,  
14 and the entities listed on Schedule 1,” and that E.B.S. Land Co. does not meet any of  
15 those criteria. *See* ECF No. 174 at 4.

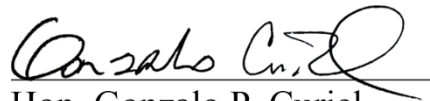
16 These facts notwithstanding, the Court also recognizes that E.B.S. Land Co. is  
17 a corporation wholly owned and operated by Defendant Schooler. The most recent  
18 Statement of Information filed with the California Secretary of State lists Louis V.  
19 Schooler as the agent for service of process and as the CEO, Secretary, CFO,  
20 President, and sole corporate officer, of E.B.S. Land Co. Moreover and more  
21 importantly, the Court also recognizes that the E.B.S. Deed of Trust is clouding title  
22 on the Reno Vista/Reno View properties, which are the proper subjects of the  
23 Court’s jurisdiction pursuant to the receivership. *See* ECF No. 174.

24 In light of these competing concerns, the Court **DIRECTS** the SEC to weigh  
25 in on whether E.B.S. Land Co. is rightly considered to be included within the  
26 receivership estate or whether it is nonetheless proper for this court to exercise *in*  
27 *personam* jurisdiction over E.B.S. Land Co. given that the Court has *in rem*  
28 jurisdiction over the Reno Vista/Reno View properties. The SEC shall file a

1 response by the close of business on **Wednesday, June 21, 2017.** Any opposition  
2 to E.B.S. Land Co. being included in the Receivership estate shall also be filed by  
3 the close of business on **Wednesday, June 21, 2017.** The Court **DIRECTS** the  
4 Clerk to send a copy of this Order to E.B.S. Land Co.'s Principal Executive Office,  
5 as listed on the Statement of Information filed with the California Secretary of State;  
6 to Schooler's address as listed on the Statement of Information; and to counsel  
7 representing Schooler on appeal in the 9th Circuit.

8 **IT IS SO ORDERED.**

9  
10 Dated: June 14, 2017

11   
12 Hon. Gonzalo P. Curiel  
13 United States District Judge

14  
15 CC:

16 EBS Land Co.  
17 249 S Highway 101, STE. 508  
18 Solana Beach, CA 92075

19 Louis V. Schooler  
20 629 Circle Drive  
21 Solana Beach, CA 92075

22  
23 Bryan C. Vess, Esq.  
24 402 West Broadway, 29th Floor  
25 San Diego, CA 92101