

NUNC PRO TUNC  
1/21/2016

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

LOUIS V. SCHOOLER and FIRST  
FINANCIAL PLANNING  
CORPORATION d/b/a WESTERN  
FINANCIAL PLANNING  
CORPORATION,

Defendants.

Case No. 12 CV 2164 GPC JMA

**FINAL JUDGMENT AGAINST  
DEFENDANT LOUIS V. SCHOOLER**

[ECF No. 1183]

The Court having granted the Securities and Exchange Commission's Motion for Injunctive Relief, Monetary Remedies, and Final Judgment against Defendant Schooler on January 21, 2016, ECF No. 1170, hereby further **GRANTS** the SEC's request for entry of final judgment against Defendant Schooler.

**I.**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

1 instrumentality of interstate commerce, or of the mails, or of any facility of any national  
2 securities exchange, in connection with the purchase or sale of any security:

- 3 (a) to employ any device, scheme, or artifice to defraud;  
4 (b) to make any untrue statement of a material fact or to omit to state a material  
5 fact necessary in order to make the statements made, in the light of the  
6 circumstances under which they were made, not misleading; or  
7 (c) to engage in any act, practice, or course of business which operates or would  
8 operate as a fraud or deceit upon any person.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in  
10 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the  
11 following who receive actual notice of this Final Judgment by personal service or  
12 otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b)  
13 other persons in active concert or participation with Defendant or with anyone described  
14 in (a).

15 **II.**

16 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
17 Defendant is permanently restrained and enjoined from violating Section 17(a) of the  
18 Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of  
19 any security by the use of any means or instruments of transportation or communication  
20 in interstate commerce or by use of the mails, directly or indirectly:

- 21 (a) to employ any device, scheme, or artifice to defraud;  
22 (b) to obtain money or property by means of any untrue statement of a material  
23 fact or any omission of a material fact necessary in order to make the  
24 statements made, in light of the circumstances under which they were made,  
25 not misleading; or  
26 (c) to engage in any transaction, practice, or course of business which operates  
27 or would operate as a fraud or deceit upon the purchaser.

28 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in

1 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the  
2 following who receive actual notice of this Final Judgment by personal service or  
3 otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b)  
4 other persons in active concert or participation with Defendant or with anyone described  
5 in (a).

6 **III.**

7 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
8 Defendant is permanently restrained and enjoined from violating Section 5 of the  
9 Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any  
10 applicable exemption:

- 11 (a) Unless a registration statement is in effect as to a security, making use of any  
12 means or instruments of transportation or communication in interstate  
13 commerce or of the mails to sell such security through the use or medium of  
14 any prospectus or otherwise;
- 15 (b) Unless a registration statement is in effect as to a security, carrying or  
16 causing to be carried through the mails or in interstate commerce, by any  
17 means or instruments of transportation, any such security for the purpose of  
18 sale or for delivery after sale; or
- 19 (c) Making use of any means or instruments of transportation or communication  
20 in interstate commerce or of the mails to offer to sell or offer to buy through  
21 the use or medium of any prospectus or otherwise any security, unless a  
22 registration statement has been filed with the Commission as to such  
23 security, or while the registration statement is the subject of a refusal order  
24 or stop order or (prior to the effective date of the registration statement) any  
25 public proceeding or examination under Section 8 of the Securities Act [15  
26 U.S.C. § 77h].

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in  
28 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the

1 following who receive actual notice of this Final Judgment by personal service or  
2 otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b)  
3 other persons in active concert or participation with Defendant or with anyone described  
4 in (a).

5 **IV.**

6 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
7 Defendant is liable for disgorgement of \$136,654,250, representing profits gained as a  
8 result of the conduct alleged in the Complaint, together with prejudgment interest thereon  
9 in the amount of \$10,956,030, for a total of \$147,610,280. Defendant shall satisfy this  
10 obligation by paying \$147,610,280 to the Securities and Exchange Commission within 14  
11 days after entry of this Final Judgment.

12 Defendant may transmit payment electronically to the Commission, which will  
13 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be  
14 made directly from a bank account via Pay.gov through the SEC website at  
15 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check,  
16 bank cashier's check, or United States postal money order payable to the Securities and  
17 Exchange Commission, which shall be delivered or mailed to

18 Enterprise Services Center  
19 Accounts Receivable Branch  
20 6500 South MacArthur Boulevard  
21 Oklahoma City, OK 73169

22 and shall be accompanied by a letter identifying the case title, civil action number, and  
23 name of this Court; Louis V. Schooler as a defendant in this action; and specifying that  
24 payment is made pursuant to this Final Judgment.

25 Defendant shall simultaneously transmit photocopies of evidence of payment and  
26 case identifying information to the Commission's counsel in this action. By making this  
27 payment, Defendant relinquishes all legal and equitable right, title, and interest in such  
28 funds and no part of the funds shall be returned to Defendant.

1 The Commission shall hold the funds (collectively, the “Fund”) and may propose a  
2 plan to distribute the Fund subject to the Court’s approval. The Court shall retain  
3 jurisdiction over the administration of any distribution of the Fund. If the Commission  
4 staff determines that the Fund will not be distributed, the Commission shall send the  
5 funds paid pursuant to this Final Judgment to the United States Treasury.

6 The Commission may enforce the Court’s judgment for disgorgement and  
7 prejudgment interest by moving for civil contempt (and/or through other collection  
8 procedures authorized by law) at any time after 14 days following entry of this Final  
9 Judgment. Defendant shall pay post judgment interest on any delinquent amounts  
10 pursuant to 28 U.S.C. § 1961.

11 V.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
13 shall pay a civil penalty in the amount of \$1,050,000 to the Securities and Exchange  
14 Commission pursuant to Section 20(d) of the Securities Act, 15 U.S.C. §77t(d), and  
15 Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). Defendant shall make this  
16 payment within 14 days after entry of this Final Judgment.

17 Defendant may transmit payment electronically to the Commission, which will  
18 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be  
19 made directly from a bank account via Pay.gov through the SEC website at  
20 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check,  
21 bank cashier’s check, or United States postal money order payable to the Securities and  
22 Exchange Commission, which shall be delivered or mailed to

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27 and shall be accompanied by a letter identifying the case title, civil action number, and  
28 name of this Court; Louis V. Schooler as a defendant in this action; and specifying that

1 payment is made pursuant to this Final Judgment.

2 Defendant shall simultaneously transmit photocopies of evidence of payment and  
3 case identifying information to the Commission's counsel in this action. By making this  
4 payment, Defendant relinquishes all legal and equitable right, title, and interest in such  
5 funds and no part of the funds shall be returned to Defendant. The Commission shall  
6 send the funds paid pursuant to this Final Judgment to the United States Treasury.

7 Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28  
8 USC § 1961.

9 **VI.**

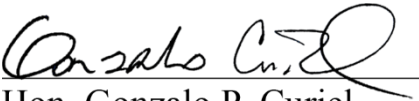
10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall  
11 retain jurisdiction of this matter for the purposes of enforcing the terms of this Final  
12 Judgment.

13 **VII.**

14 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of  
15 Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without  
16 further notice. The Clerk shall file this Final Judgment *nunc pro tunc* to the date of the  
17 Court's Judgment and Order Granting Motion for Injunctive Relief, Monetary Remedies,  
18 and Final Judgment Against Defendant Louis V. Schooler, ECF No. 1170, issued January  
19 21, 2016.

20 **IT IS SO ORDERED.**

21 Dated: February 23, 2016

22   
23 Hon. Gonzalo P. Curiel  
24 United States District Judge