

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING

File No. 3-17155-3-17115

In the Matter of

LOUIS V. SCHOOLER,

Respondent.

**LOUIS V. SCHOOLER'S STATUS
REPORT, MOTION FOR SUGGESTION
OF DEATH, MOTION TO BE RELIEVED
AS COUNSEL OF RECORD AND
MOTION TO DISMISS**

I.

INTRODUCTION

Defendant, Louis V. Schooler, has not been heard from, whether by his family or his counsel, for over three months. Mr. Schooler's regular communications with those closest to him have ceased, and a death certificate was issued by the Tahiti authorities on July 20, 2016. Therefore, Mr. Schooler's counsel, Philip H. Dyson, formally notices Mr. Schooler's death and moves to be relieved as counsel.

II.

FACTS REGARDING MR. SCHOOLER'S PRESUMED DEATH

During the summer of 2016, Mr. Schooler was in the South Pacific aboard his 42-foot boat *Entertainer*, having sailed solo over 3,500 miles from San Diego to the Marquesas Islands, and then to the Tuamotu Archipelago, all part of the French overseas territory of French Polynesia. Mr. Schooler communicated periodically by satellite phone with his ex-wife, Linda. Mr. Schooler last communicated with Linda Schooler on July 5, 2016. After Mr. Schooler had not been heard from in five days, Linda Schooler contacted the Maritime Rescue Coordination

Center in Papeete, the capital of French Polynesia, which conducted a search for the *Entertainer*.

The *Entertainer* was found run aground on Takapoto Atoll in the Tuamotos, a sparsely-populated island, on July 6, 2016. The sole gendarme on Takapoto sailed from the atoll's sole village, Fakatopatere, to the other side of the atoll to investigate the grounding. The gendarme observed a corpse on the deck of the *Entertainer*. However, the gendarme was unable to successfully retrieve the corpse before high seas washed the corpse off of the *Entertainer*'s deck and into the ocean, from where it has never been recovered. The authorities in French Tahiti issued a death certificate for Mr. Schooler on July 20, 2016.

III.

GOOD CAUSE EXISTS FOR MR. DYSON TO WITHDRAW AS COUNSEL

Local Civil Rule 83.3(f)(3) permits counsel for a party to withdraw upon the granting by the court of a motion to withdraw, following the service of notice to the adverse party and the moving attorney's client. In this case, Mr. Dyson moves to be relieved as counsel because of his client's death.

Mr. Dyson's authority to act on Mr. Schooler's behalf terminated, as a matter of law, upon Mr. Schooler's death. *Deiter v. Kiser*, 158 Cal. 259, 262 (1910); *Smith v. Bear Valley Milling & Lumber Co.*, 26 Cal. 2d 590, 601 (1945); *see also* Cal. Civ. Code § 2356(a)(2) (delineating circumstances under which a general principal-agent relationship terminates).

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IV.

CONCLUSION

Because Mr. Schooler is now dead, Mr. Dyson no longer has authority to act on his behalf, except for the limited purpose of formally notifying the Court and all parties of record of Mr. Schooler's death. Therefore, Mr. Dyson respectfully requests that he be relieved as counsel.

As a practical matter this matter should be dismissed as the decision barring Mr. Schooler is now moot, now that he is dead. As an alternative, if the court desires, it may issue a finality order, which again will be a moot point, since Mr. Schooler is dead. In any case, this case should be concluded as all we are doing is wasting judicial resources on a moot action.

Respectfully submitted,

DATED: October 28, 2016

/s/
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