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7 Attorneys for Permanent Receiver
 8 THOMAS A. SEAMAN

9 UNITED STATES DISTRICT COURT
 10 SOUTHERN DISTRICT OF CALIFORNIA

12 SECURITIES AND EXCHANGE
 13 COMMISSION,

14 Plaintiff,

15 v.

16 TOTAL WEALTH MANAGEMENT,
 INC.; et al.,

17 Defendants.

Case No. 15-cv-226 BAS (DHB)

NO ORAL ARGUMENT UNLESS
 REQUESTED BY THE COURT

NOTICE OF MOTION AND MOTION
 OF RECEIVER, THOMAS A.
 SEAMAN, FOR ORDER
 ESTABLISHING SUMMARY CLAIMS
 PROCEDURES, SETTING CLAIMS
 BAR DATE, AND APPROVING
 PROPOSED CLAIM FORM

[Memorandum of Points and Authorities
 and [Proposed] Order submitted
 concurrently herewith]

Date: January 9, 2017
 Time: 10:00 a.m.
 Ctrm: 4B
 Judge: Hon. Cynthia Bashant

24 **PLEASE TAKE NOTICE** that on January 9, 2017, Thomas A. Seaman (the
 25 "Receiver"), the Court-appointed Permanent Receiver for Total Wealth
 26 Management, Inc. and its subsidiaries and affiliates, including but not limited to
 27 Altus Capital Management, LLC (collectively, the "Receivership Entities"), will,
 28 and hereby does move for an order from this Court: (1) establishing summary

1 claims procedures; (2) setting a claims bar date; and (3) approving the Receiver's
2 proposed claim form for the submission of claims against the estate of the
3 Receivership Entities.

4 This Motion is brought on the grounds that the Receiver has determined, in
5 his reasonable business judgment, that, despite the fact that his asset recovery efforts
6 have not concluded, it is prudent to initiate a claims process against the Receivership
7 Entities at this time, particularly given: (1) the amount of cash on hand for the
8 administration and benefit of the Receivership Entities and their creditors; (2) the
9 status of his investigation and accounting efforts; and (3) the receivership's present
10 procedural posture and the time the receivership has been pending. Accordingly, the
11 Receiver respectfully requests that the Court approve and authorize the summary
12 claims procedures, bar date, and proposed claim form recommended in the
13 accompanying Memorandum of Points and Authorities, and allow the Receiver to
14 commence his recommended claims process.

15 This Motion is based on the instant Notice of Motion and Motion, the
16 concurrently submitted Memorandum of Points and Authorities, and such other
17 material and information as the Court may consider in connection with the Motion.

18 **PLEASE TAKE FURTHER NOTICE** that, if the Court does not take the
19 Receiver's Motion under submission pursuant to Local Rule 7.1.d.1, a hearing on the
20 Report is set for **January 9, 2017** in Courtroom 4B of the United States District
21 Court, 221 W. Broadway, San Diego, California 92101, in accordance with the
22 Court's Standing Order for Civil Cases.

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If you oppose the Motion, you must file your written opposition with the Office of the Clerk, United States District Court, 880 Front Street, Suite 4290, San Diego, CA 92101-8900, and serve the same on the undersigned not later than fourteen (14) days prior to the above-referenced hearing date.

Dated: November 29, 2016

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
DAVID R. ZARO
JOSHUA A. DEL CASTILLO
KENYON HARBISON

By: /s/ Joshua A. del Castillo
JOSHUA A. DEL CASTILLO
Attorneys for Permanent Receiver
THOMAS A. SEAMAN

PROOF OF SERVICE

Securities and Exchange Commission v. Total Wealth Management, Inc., et al.
USDC, Southern District of California – Case No. 15-cv-226 BAS (DHB)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 865 S. Figueroa Street, Suite 2800, Los Angeles, California 90017-2543.

A true and correct copy of the foregoing document(s) described below will be served in the manner indicated below:

NOTICE OF MOTION AND MOTION OF RECEIVER, THOMAS A. SEAMAN, FOR ORDER ESTABLISHING SUMMARY CLAIMS PROCEDURES; SETTING CLAIMS BAR DATE, AND APPROVING PROPOSED CLAIM FORM

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – the above-described document will be served by the Court via NEF. On **November 29, 2016**, I reviewed the CM/ECF Mailing Info For A Case for this case and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- **Vincent J. Brown**
vince@vjblaw.com,vjblaw@gmail.com
- **John Bulgozdy**
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- **Joshua Andrew del Castillo**
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1 2. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for**
2 **each person or entity served)**: On November 29, 2016, I served the
3 following person(s) and/or entity(ies) in this case by placing a true and correct
4 copy thereof in a sealed envelope(s) addressed as indicated below. I am readily
5 familiar with this firm's practice of collection and processing correspondence
6 for mailing. Under that practice it is deposited with the U.S. postal service on
7 that same day in the ordinary course of business. I am aware that on motion
8 for party served, service is presumed invalid if postal cancellation date or
9 postage meter date is more than 1 (one) day after date of deposit for mailing in
10 affidavit.

11 Mikel R. Bistrow, Esq.
12 Ballard Spahr LLP
13 655 W. Broadway, Suite 1600
14 San Diego, CA 92101

Via U.S. First Class Mail

15 Richard M. Kipperman
16 PO Box 3010
17 La Mesa, CA 91944-3010

Via U.S. First Class Mail

18 I declare that I am employed in the office of a member of the Bar of this Court
19 at whose direction the service was made. I declare under penalty of perjury under the
20 laws of the United States of America that the foregoing is true and correct. Executed
21 on November 29, 2016 at Los Angeles, California.

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Martha Diaz