

1 DAVID R. ZARO (BAR NO. 124334)
 2 JOSHUA A. DEL CASTILLO (BAR NO. 239015)
 3 KENYON HARBISON (BAR NO. 260416)
 4 ALLEN MATKINS LECK GAMBLE
 5 MALLORY & NATSIS LLP
 6 865 South Figueroa Street, Suite 2800
 7 Los Angeles, California 90017-2543
 8 Phone: (213) 622-5555
 9 Fax: (213) 620-8816
 10 E-Mail: dzaro@allenmatkins.com
 11 jdelcastillo@allenmatkins.com
 12 kharbison@allenmatkins.com

13 Attorneys for Receiver
 14 THOMAS A. SEAMAN

15 UNITED STATES DISTRICT COURT
 16 SOUTHERN DISTRICT OF CALIFORNIA

17 SECURITIES AND EXCHANGE
 18 COMMISSION,

19 Plaintiff,

20 vs.

21 TOTAL WEALTH MANAGEMENT,
 22 INC.; et al.,

23 Defendants.

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

NO HEARING REQUIRED UNLESS
 REQUESTED BY COURT

NOTICE OF SECOND INTERIM
 APPLICATIONS FOR PAYMENT OF
 FEES AND REIMBURSEMENT OF
 EXPENSES OF RECEIVER, THOMAS A.
 SEAMAN, AND ALLEN MATKINS LECK
 GAMBLE MALLORY & NATSIS LLP

[Second Interim Application of Receiver;
 Second Interim Application of Allen
 Matkins; Memorandum of Points and
 Authorities; Declaration of Thomas A.
 Seaman; and [Proposed] Order submitted
 concurrently herewith]

Date: September 6, 2016
 Ctrm: 4B
 Judge: Hon. Cynthia Bashant

1 **PLEASE TAKE NOTICE THAT** on September 6, 2016 or as soon
 2 thereafter as this matter may be heard in Courtroom 4B of the above-captioned
 3 Court, located at 221 West Broadway, San Diego, California 92101, Thomas A.
 4 Seaman (the "Receiver"), the Court-appointed receiver for Defendant Total Wealth
 5 Management, Inc. ("Total Wealth") and its subsidiaries and affiliates, including, but
 6 not limited to Altus Capital Management, LLC (collectively, the "Receivership
 7 Entities" or "Entities"), will and hereby does request this Court to enter an Order
 8 granting the Second Interim Applications for Payment of Fees and Reimbursement
 9 of Expenses (the "Applications") of the Receiver and his counsel, Allen Matkins
 10 Leck Gamble Mallory & Natsis LLP ("Allen Matkins").

11 The Applications of the Receiver and Allen Matkins have been submitted
 12 concurrently herewith. Pursuant to the Applications, the Receiver and Allen
 13 Matkins seek payment of their respective fees and costs for the period from the
 14 inception of the Receivership to June 30, 2015, in the following amounts:

<u>Applicant</u>	<u>Current Fees Requested</u>	<u>Current Costs Requested</u>	<u>Total Amount Requested</u>
Receiver	\$90,695.00	\$0.00	\$90,695.00
Allen Matkins	\$159,492.75	\$3,892.33	\$163,385.08
<u>Total</u>	\$250,187.75	\$3,892.33	\$254,080.08

20 The Applications are based on this Notice of Application, as well as the
 21 concurrently filed and supporting Memorandum of Points and Authorities, and the
 22 Declaration of Thomas A. Seaman, along with any argument or evidence presented
 23 to the Court at the hearing of the Motion.

24 \\\

25 \\\

26 \\\

27 \\\

28

1 **If you oppose the Applications, you are required to file your written**
2 **opposition with the Office of the Clerk, United States District Court, 221 West**
3 **Broadway, San Diego, California 92101, and serve the same on the undersigned**
4 **not later than fourteen (14) calendar days prior to the above-referenced**
5 **hearing date.**

6
7 Dated: August 2, 2016

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
DAVID R. ZARO
JOSHUA A. DEL CASTILLO
TIM C. HSU

8
9
10 By: /s/ Joshua A. del Castillo

JOSHUA A. DEL CASTILLO
Attorneys for Receiver
THOMAS A. SEAMAN

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 SECOND INTERIM APPLICATIONS FOR PAYMENT OF FEES AND REIMBURSEMENT OF EXPENSES OF RECEIVER, THOMAS A. SEAMAN, AND COUNSEL, ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP

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 **August 2, 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**
bulgozdyj@sec.gov,larofiling@sec.gov,berryj@sec.gov,
irwinma@sec.gov
- **Christina Lenore Geraci**
christina@geracilawfirm.com,maria.castro@geracilawfirm.com,jenny.park@geracilawfirm.com
- **Geraci Law Firm**
christina@geracilawfirm.com
- **Gary Y. Leung, Jr**
leungg@sec.gov,larofiling@sec.gov,himesm@sec.gov,berryj@sec.gov
- **Jessica Georgia Peterson**
mckinlay.jessica@dorsey.com
- **David J. Van Havermaat**
vanhavermaatd@sec.gov,larofiling@sec.gov,irwinma@sec.gov
- **Joshua Andrew del Castillo**
jdelcastillo@allenmatkins.com

1 2. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for**
2 **each person or entity served)**: On August 2, 2016, I served the following
3 person(s) and/or entity(ies) in this case by placing a true and correct copy
4 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 August 2, 2016 at Los Angeles, California.

22 
23 _____
24 Martha Diaz