

1 DAVID R. ZARO (BAR NO. 124334)
 2 JOSHUA A. DEL CASTILLO (BAR NO. 239015)
 3 MELISSA K. ZONNE (BAR NO. 301581)
 ALLEN MATKINS LECK GAMBLE
 MALLORY & NATSIS LLP
 865 South Figueroa Street, Suite 2800
 Los Angeles, California 90017-2543
 Phone: (213) 622-5555
 Fax: (213) 620-8816
 E-Mail: dzaro@allenmatkins.com
 jdelcastillo@allenmatkins.com
 mzonne@allenmatkins.com

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,
 Plaintiff,
 14
 v.
 15 TOTAL WEALTH MANAGEMENT,
 16 INC.; et al.,
 Defendants.

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

NO ORAL ARGUMENT UNLESS
 REQUESTED BY THE COURT

**NOTICE OF FILING OF FIFTH
 INTERIM REPORT AND PETITION
 FOR INSTRUCTIONS OF
 RECEIVER, THOMAS A. SEAMAN**

[Fifth Interim Report submitted
 concurrently herewith]

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

22 **PLEASE TAKE NOTICE** that on October 30, 2017, Thomas A. Seaman
 23 (the "Receiver"), the Court-appointed Permanent Receiver for Total Wealth
 24 Management, Inc. and its subsidiaries and affiliates, including but not limited to
 25 Altus Capital Management, LLC, filed his Fifth Interim Report and Petition for
 26 Further Instructions ("Report") pursuant to Local Civil Rule 66.1. The Report was
 27 filed as Docket No. 192.

28

1 **PLEASE ALSO TAKE NOTICE** that, if the Court does not take the Report
2 under submission pursuant to Local Rule 7.1.d.1, and in the event that the Court
3 requests a hearing, a hearing on the Report is set for **December 4, 2017** in
4 Courtroom 4B of the United States District Court, 221 W. Broadway, San Diego,
5 California 92101, in accordance with the Court's Standing Order for Civil Cases.

6 If you wish to review the Report, you may do so by accessing the Receiver's
7 website at totalwealthreceiver.com, or accessing the Report through the United
8 States District Court's PACER (Public Access to Court Electronic Records) system
9 (account required) at <http://pacer.uscourts.gov>. Alternatively, you may request to
10 receive a copy of the Report via U.S. mail or electronic mail by registering your
11 delivery preference on the Receiver's website (see the "subscribe to this case" link).
12 This Notice and the Report will also be posted on the Receiver's website
13 (www.totalwealthreceiver.com).

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

20
21 Dated: October 30, 2017

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

22
23
24 By: /s/ Joshua A. del Castillo
25 JOSHUA A. DEL CASTILLO
26 Attorneys for Permanent Receiver
27 THOMAS A. SEAMAN
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 FILING OF FIFTH INTERIM REPORT AND PETITION FOR INSTRUCTIONS OF RECEIVER, THOMAS A. SEAMAN

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 **October 30, 2017**, 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
- **Richard M. Kipperman**
bistrowm@ballardspahr.com
- **John David Kirby**
jkirby@johnkirbylaw.com,egonzalez@johnkirbylaw.com
- **Gary Y. Leung, Jr**
leungg@sec.gov,larofiling@sec.gov,himesm@sec.gov
- **David J. Van Havermaat**
vanhavermaatd@sec.gov,larofiling@sec.gov,irwinma@sec.gov
- **Joshua Andrew del Castillo**
jdelcastillo@allenmatkins.com,mdiaz@allenmatkins.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

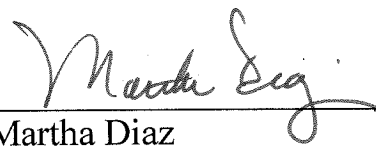
- **Mikel R. Bistrow**
bistrowm@ballardspahr.com, burkee@ballardspahr.com

2. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):** On **October 30, 2017**, I served the following person(s) and/or entity(ies) in this case by placing a true and correct copy thereof in a sealed envelope(s) addressed as indicated below. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion for party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 (one) day after date of deposit for mailing in affidavit.

Franchise Tax Board (FTB) **Via U.S. Mail**
P.O. Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service **Via U.S. Mail**
880 Front Street
San Diego, CA 92101-8869

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on **October 30, 2017** at Los Angeles, California.



Martha Diaz