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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO

11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.

14 ALEXANDER JAMES TRABULSE,

15 Defendant.

16 and

17 FAHEY FUND, L.P., FAHEY FINANCIAL
18 GROUP, INC., INTERNATIONAL TRADE &
DATA, and ITD TRADING,

19 Relief Defendants.
20
21

Case No. C 07-4975 (WHA)

NOTICE OF OMNIBUS MOTION
REGARDING CLAIMS

Date: July 9, 2009

Time: 8:00 a.m.

Place: Courtroom 9, 19th Floor
United States District Court
Northern District of California-
San Francisco Division
450 Golden Gate Avenue
San Francisco, CA 94102

1 PLEASE TAKE NOTICE THAT Michael A. Grassmueck, the Court-appointed corporate
2 monitor (the "Monitor") with regard to the Fahey Fund, L.P.; Fahey Financial Group, Inc.;
3 International Trade & Data; and ITD Trading (collectively, the "Relief Defendants") and
4 Alexander James Trabulse ("Trabulse"), has submitted an Omnibus Motion Regarding Claims (the
5 "Motion").

6 On December 17, 2007, this Court entered the Order Appointing Monitor And Other
7 Ancillary Relief ("Monitor Order"), which authorized the appointment of Michael A. Grassmueck,
8 as corporate monitor (the "Monitor") with regard to the Fahey Fund, L.P.; Fahey Financial Group,
9 Inc.; International Trade & Data; and ITD Trading (collectively, the "Relief Defendants") and
10 Alexander James Trabulse ("Trabulse"). Pursuant to the Monitor Order, the Monitor was
11 empowered and directed to, among other things, conduct such investigation as would be necessary
12 to locate and account for the Relief Defendants' assets, and review the overall operation of the
13 Relief Defendants in accordance with the Monitor Order.

14 On February 13, 2008, the Court entered an Order implementing certain recommendations
15 of the Monitor, and which also incorporated the terms of the Monitor Order (the "Modified
16 Order"). The Modified Order authorized the Monitor to, among other things, undertake the
17 review and analysis of claims, and determine the disallowance and allowance of claims, through a
18 claims review process, and assist in the sale and liquidation of assets.

19 In connection with his duties under the Modified Order, and based on the timing of this
20 case and the existence of funds available for distribution to investors and creditors, the Monitor
21 determined it appropriate to commence the claims review and analysis process, and obtained Court
22 approval of a claims procedure to be used by the Monitor for the solicitation, review and
23 allowance of claims, a claims bar date of February 2, 2009 ("Claims Bar Date"), and the form and
24 manner of notice of the Claims Bar Date to be sent to investors and creditors, (collectively, the
25 "Claims Procedures").

26 The Monitor followed the Claims Procedures. Upon receiving the claims, the Monitor
27 commenced a review and analysis of the claims in order to reconcile the claims with the books and
28 records of the Fahey Fund and the Monitor's forensic accounting. In addition, the Monitor


1 addressed the reality that there will not be funds available to pay the full amount of each claimant's
2 principal investment. As such, the Monitor has worked to establish an allowed claim for each
3 investor reflecting their principal investment, less any deductions for withdrawals of investment
4 funds, if any. The Monitor has completed his claims review and analysis, and made
5 determinations concerning the allowance and disallowance of certain claims. The Monitor seeks
6 approval of objections in the Motion to certain claims filed in this case, and the approval of the
7 allowance and disallowance, as applicable, of certain claims.

8 PLEASE TAKE FURTHER NOTICE that the Motion will be served concurrently with
9 this Notice, and otherwise copies of the Motion can also be obtained from or viewed at the Clerk
10 of the Court, U.S. District Court, Northern District of California, San Francisco Division, 450
11 Golden Gate Avenue, San Francisco, CA 94102, or by contacting counsel to the Monitor at the
12 above-referenced address.

13 PLEASE TAKE FURTHER NOTICE any objecting party may file a response not later
14 than twenty-one (21) days prior to the hearing date, pursuant to Local Rule 7-3. Failure to file a
15 response may be deemed as a waiver of any opposition to the Motion.

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17 Dated: May 27, 2009

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