

1 DAVID R. ZARO (BAR NO. 124334)
YALE K. KIM (BAR NO. 188895)
2 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
3 515 South Figueroa Street, Ninth Floor
Los Angeles, California 90071-3309
4 Phone: (213) 622-5555
Fax: (213) 620-8816
5 Email: dzaro@allenmatkins.com
ykim@allenmatkins.com

6 Attorneys for Michael A. Grassmueck, Monitor

7
8 UNITED STATES DISTRICT COURT -- NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO

10 SECURITIES AND EXCHANGE
COMMISSION,

11 Plaintiff,

12 vs.

13 ALEXANDER JAMES TRABULSE,

14 Defendant.

15 and

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

18 Relief Defendants.

Case No. C 07-4975 (WHA)

NOTICE OF MOTION TO APPROVE
CLAIMS PROCEDURES AND FOR ORDER
ESTABLISHING CLAIMS BAR DATE

Date: October 16, 2008

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

19 PLEASE TAKE NOTICE THAT Michael A. Grassmueck, the Court-appointed corporate
monitor (the "Monitor") with regard to the Fahey Fund, L.P.; Fahey Financial Group, Inc.;
20 International Trade & Data; and ITD Trading (collectively, the "Relief Defendants") and
Alexander James Trabulse ("Trabulse"), has submitted a motion this Court (the "Motion") for an
21 order to approve claims procedures and to establish a claims bar date.

22 On December 17, 2007, the Court entered the Order Appointing Monitor And Other
Ancillary Relief ("Monitor Order"), which authorized the appointment of the Monitor with regard
23 to the Relief Defendants and Trabulse. Pursuant to the Monitor Order, the Monitor was
empowered and directed to, among other things, conduct such investigation as would be necessary
24 to locate and account for the Relief Defendants' assets, and review the overall operation of the
Relief Defendants in accordance with the Monitor Order.

25 On February 13, 2008, the Court entered an Order implementing certain recommendations
26 of the Monitor, and which also incorporated the terms of the Monitor Order (the "Modified
Order"). The Modified Order authorized the Monitor to, among other things, undertake the
27 review and analysis of claims, and determine the allowance of claims, through a claims review
process, and assist in the sale and liquidation of assets.
28

1 In connection with his duties under the Modified Order, and based on the timing of this
2 case and the existence of funds available for distribution to investors and creditors, the Monitor
3 has determined that it is appropriate to commence the claims review and analysis process. The
4 first step in the process is to obtain Court approval of the following: (i) the procedure to be used
5 by the Monitor for the solicitation, review and allowance of claims, (ii) a date certain (the "Bar
6 Date") by which the Monitor must receive proofs of claim of any type against any of the Relief
7 Defendants, and (iii) the form and manner of notice of the Bar Date to be sent to investors and
8 creditors, (collectively, the "Claims Procedures").

9 PROPOSED CLAIMS PROCEDURES

10 The Monitor proposes that once the Court has approved the form and content of a Notice
11 of Bar Date for Submitting Any and All Claims (the "Notice of Bar Date") (attached as Exhibit A
12 to the Motion), the Monitor shall mail the Notice of Bar Date along with an approved proof of
13 claim form to all known and suspected interested parties, and will publish notice in appropriate
14 newspapers of general readership. The establishment of a Bar Date is necessary in order to
15 provide certainty and finality to the claims process and to allow for the timely wind-down of the
16 monitorship. Once the Bar Date has passed and the Monitor has reviewed the claims, the Monitor
17 will bring an omnibus motion or motions for approval of claims, rejection of claims, and
18 disbursement of proceeds. All claimants will receive notice of this omnibus motion or motions
19 with information about how his/her or its claim will be treated, so that a claimant whose claim is
20 rejected can file an opposition to the motion if the claimant wishes to be heard.

21 NOTICE

22 The Monitor intends to provide creditors at least ninety (90) days notice to file a proof of
23 claim from the date of receipt of the Notice of Bar Date. Setting the Bar Date ninety-five (95)
24 days from the date of mailing the Notice of Bar Date (i.e., 90 days plus 5 days for mailing) will
25 ensure that creditors have sufficient notice within which to file their claims with the Monitor. The
26 Monitor will also publish notice of the Bar Date in appropriate newspapers and on the Monitor's
27 website.

28 EFFECT OF FAILURE TO FILE PROOF OF CLAIM

Any party who is required to file a proof of claim and otherwise fails to do so by the Bar
Date: (i) should not, with respect to any such claim, be treated as a creditor or claimant of the
Relief Defendants, (ii) should be forever barred, estopped and enjoined from (a) filing a proof of
claim at a later date with respect to such claim, (b) asserting any claim against the Relief
Defendants, and (c) participating in any distribution in this case on account of such claim, and (iii)
the Monitor and the Relief Defendants should be discharged forever from any and all indebtedness
or liability in respect of such claim.

PLEASE TAKE FURTHER NOTICE that copies of the Motion can be viewed at or
obtained from the Clerk of the Court, U.S. District Court, Northern District of California, San
Francisco Division, 450 Golden Gate Avenue, San Francisco, CA 94102, or by writing to counsel
to the Monitor at the above-referenced address. PLEASE TAKE FURTHER NOTICE any
objecting party may file a response not later than twenty-one (21) days prior to the hearing date,
pursuant to Local Rule 7-3. Failure to file a response may be deemed as a waiver of any
opposition to the Motion.

Dated: September 9, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

By: Yale C. Kim
Yale K. Kim, Attorneys for Michael A.
Grassmueck, Monitor