

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ALEXANDER JAMES TRABULSE,

Defendant.

and

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

Relief Defendants.

Case No. C 07-4975 (WHA)

STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING ORDERS APPOINTING
MONITOR

Whereas Plaintiff Securities and Exchange Commission ("Commission") filed a complaint against Defendant Alexander James Trabulse ("Trabulse" or "Defendant") and Relief Defendants Fahey Fund, L.P., Fahey Financial Group, Inc., International Trade & Data, and ITD Trading (collectively, the "Relief Defendants");

Whereas the Commission, Trabulse and the Relief Defendants stipulated to certain injunctive relief on October 18, 2007;

Whereas the Court adopted as its order, the stipulation of the parties on October 29, 2007;

1 Whereas, the Court entered further orders for injunctive and ancillary relief on
2 December 6, 2007 and December 10, 2007;

3 Whereas the Court issued its order on December 17, 2007 appointing Michael Grassmueck
4 (the "Monitor") to serve as an independent monitor;

5 Whereas the Court issued its order incorporating the prior orders of the Court and
6 implementing certain recommendations of the Monitor on February 13, 2008;

7 Whereas the final judgment (the "Judgment") as to Defendant Alexander James Trabulse
8 and Relief Defendants was entered April 4, 2008; and

9 Whereas the parties, in implementing the foregoing orders of this Court, have determined
10 that certain terms of prior orders appointing the Monitor and approving the Monitor's
11 recommendations require some modification in order to further the best interests of the parties and
12 investors.

13 Therefore, the Commission, Trabulse, the Relief Defendants and the Monitor stipulate and
14 agree to, and ask the Court to adopt as its order, the following:

15 I.

16 IT IS ORDERED that the Monitor shall establish an interest-bearing account (the
17 "Account") at the Bank of America for the purpose of receiving and holding the Liquidated
18 Proceeds (as defined in the Judgment) received from the sale of all assets in the name of or for the
19 benefit of Relief Defendants, and/or held in the name of or for the benefit of investors in the Relief
20 Defendants.

21 II.

22 IT IS FURTHER ORDERED that the Liquidated Proceeds shall be turned over to the
23 Monitor and deposited in the Account, subject to further orders of this Court.

24 III.

25 IT IS FURTHER ORDERED that the Monitor is authorized to use funds in the Account
26 solely for the purpose of paying ordinary monthly expenses associated with the maintenance and
27 preservation of assets which are to be sold in accordance with the orders of this Court. In no case
28 may the Monitor expend more than \$20,000 per month for such expenses without further order of

1 the Court. The Monitor shall provide a monthly report to Trabulse and the Commission reflecting
2 the payments from the Accounts.

3 IV.

4 IT IS FURTHER ORDERED that all prior orders of the Court concerning injunctive or
5 other ancillary relief are incorporated herein by this reference as though set forth in full and
6 remain in full force and effect as though set forth in full herein.

7 IT IS SO STIPULATED:

8 Dated: August 6, 2008 /s/_____
9 Mark P. Fickes
10 Erin E. Schneider
11 Attorneys for Plaintiff
12 SECURITIES AND EXCHANGE
13 COMMISSION

14 Dated: August 6, 2008 /s/_____
15 Michael D. Celio
16 Clement S. Roberts
17 Attorneys for Defendant ALEXANDER JAMES
18 TRABULSE, and Relief Defendants FAHEY
19 FUND, L.P., FAHEY FINANCIAL GROUP,
20 INC., INTERNATIONAL TRADE & DATA,
21 and ITD TRADING

22 Dated: August 6, 2008 /s/_____
23 Michael A. Grassmueck, Monitor

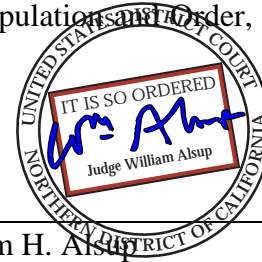
24 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
25 "conformed" signature (/s/) within this efiled document.

26 Dated: August 7, 2008 ALLEN MATKINS LECK GAMBLE MALLORY
27 & NATSIS LLP

28 By: /s/_____
David R. Zaro
Attorneys for Monitor
MICHAEL A. GRASSMUECK

27 \\\
28 \\\

1 The Court, having considered this proposed Stipulation and Order, adopts as its order the
2 provisions of paragraphs I through IV, above.



3 IT IS SO ORDERED:
4 Dated: August 7, 2008.

5 _____
6 William H. Alsup
7 UNITED STATES DISTRICT COURT JUDGE

8 Prepared by:
9 David R. Zaro, Esq. (SBN 124334)
10 Allen Matkins Leck Gamble Mallory & Natsis LLP
11 515 S. Figueroa Street, 9th Floor
12 Los Angeles, CA 90071-3398
13 213.622.5555 P | 213.620.8816 F
14 dzaro@allenmatkins.com

15
16
17
18
19
20
21
22
23
24
25
26
27
28