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6 Attorneys for Court Appointed Monitor  
7 MICHAEL A. GRASSMUECK

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

Case No. C 07-4975 (WHA)

NOTICE OF MOTION FOR ORDER  
CLOSING CASE AND DISCHARGING THE  
MONITOR EFFECTIVE UPON  
COMPLETION OF THE FINAL CLOSING  
TASKS AND FOR OTHER RELATED  
RELIEF

Date: September 20, 2012

Time: 8:00 a.m.

Place: Courtroom 8, 19th Floor  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

Judge: Hon. William Alsup

21 **PLEASE TAKE NOTICE THAT** the duly appointed Monitor, Michael A. Grassmuck  
22 ("Monitor") for Fahey Fund, L.P., Fahey Financial Group, Inc., International Trade & Data, and  
23 ITD Trading, and their subsidiaries and affiliates and any entities controlled by them (collectively  
24 referred to as the "Relief Defendants") and the assets of Defendant Alexander James Trabulse  
25 ("Trabulse"), moves this Court for an order closing case and discharging the Monitor effective  
26 upon completion of the final closing tasks and for other related relief (the "Motion"). A hearing  
27 on the Motion will be held on September 20, 2012, at 8:00 a.m. in Courtroom 8 of the above  
28 referenced Court located at 450 Golden Gate Avenue, San Francisco, California.

1 Pursuant to the Motion, the Monitor requests that the Court authorize the closing of the  
2 monitorship matter and the discharge of the Monitor, effective upon (i) the final pro rata  
3 distribution to investors in accordance with the previously approved Distribution Plan;  
4 (ii) payment of all administrative expenses and professionals fees and costs; (iii) the destruction of  
5 all records related to this matter in the possession or control of the Monitor; (iv) turn over of any  
6 residual funds held by the Monitor to the Securities and Exchange Commission; and (v) the filing  
7 of the Monitor's declaration confirming completion of the above and attaching the final accounting  
8 for the Estate, (collectively, the "Final Closing Tasks"). The Monitor estimates the completion of  
9 the Final Closing Tasks in approximately 75 days from the entry of an order granting this Motion.

10 Aside from the Final Closing Tasks to be completed, the Monitor has fulfilled all his duties  
11 under the December 17, 2007, Order Appointing Monitor and Other Ancillary Relief and the  
12 subsequently entered amendments to this Order.

13 PLEASE TAKE FURTHER NOTICE that copies of the Motion can be viewed at or  
14 obtained from the Clerk of the Court, U.S. District Court, 450 Golden Gate Avenue, San  
15 Francisco, California, or by writing to the Monitor at the below-referenced address.

16 Michael A. Grassmueck  
17 PO Box 3649  
18 Portland, OR 97208-3649  
19 [http://www.grassmueckgroup.com/fahey\\_fund.php](http://www.grassmueckgroup.com/fahey_fund.php); [info@grassmueckgroup.com](mailto:info@grassmueckgroup.com)

20 PLEASE TAKE FURTHER NOTICE any objecting party must file a response not later  
21 than (a) 17 days after service of this Notice by mail, pursuant to Local Rule 5-5 or (b) 14 days  
22 after the Motion is filed, pursuant to Local Rule 7-3. Failure to file a response/objection may be  
23 deemed as a waiver of any opposition to the Motion.

24 Dated: August 7, 2012

Respectfully submitted,

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

By: */s/ David R. Zaro*

David R. Zaro, Esq.  
Attorneys for Court Appointed Monitor  
MICHAEL A. GRASSMUECK

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YALE K. KIM (BAR NO. 188895)  
2 ALLEN MATKINS LECK GAMBLE  
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6 Attorneys for Michael A. Grassmueck, Monitor

7  
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 FIFTH AND FINAL FEE  
APPLICATION OF (1) MONITOR,  
MICHAEL A. GRASSMUECK, (2)  
MONITOR'S COUNSEL, ALLEN,  
MATKINS, LECK, GAMBLE, MALLORY  
& NATSIS, LLP, FOR INTERIM FEES AND  
EXPENSES FOR THE PERIOD MARCH 1,  
2010 THROUGH MARCH 31, 2012**

Date: September 20, 2012

Time: 8:00 a.m.

Place: Courtroom 8, 19<sup>th</sup> Floor  
United States District Court  
Northern District of California-  
San Francisco Division  
450 Golden Gate Avenue  
San Francisco, CA 94102

22 PLEASE TAKE NOTICE THAT Michael A. Grassmueck, the Court-appointed corporate  
23 monitor (the "Monitor") with regard to the Fahey Fund, L.P.; Fahey Financial Group, Inc.;  
24 International Trade & Data; and ITD Trading, and any subsidiaries and affiliated funds,  
25 (collectively, the "Relief Defendants") and Alexander James Trabulse ("Trabulse"), has submitted  
26 a Fifth Interim Application ("Fifth Application") for payment of the Monitor's fees and the fees  
27 and costs of Monitor's professionals, Allen Matkins and Financial Forensics (collectively the  
28

1 "Professionals"), for the period of March 1, 2010, through March 31, 2012 (the "Fifth Interim  
2 Period"). A hearing on the Fifth Application will be held at the above-captioned date and time,  
3 and in the above-referenced Court, unless such hearing is excused by the Court.

4 On September 26, 2007, the Securities and Exchange Commission ("SEC") commenced an  
5 action (the "SEC Action") against the Relief Defendants and Trabulse in this Court, for violations  
6 of various federal securities laws. Following the commencement of the SEC Action, Trabulse and  
7 the Relief Defendants sought dismissal of the SEC Action, and the SEC sought issuance of a  
8 preliminary injunction and other ancillary relief against Trabulse and the Relief Defendants. On  
9 December 7, 2007, the Court granted the SEC's request for a preliminary injunction and other  
10 ancillary relief, and denied Trabulse's and the Relief Defendants' request for dismissal (the  
11 "Injunction Order").

12 On December 17, 2007, this Court entered an Order Appointing Monitor And Other  
13 Ancillary Relief ("Monitor Order"), which authorized the appointment of Michael A. Grassmueck,  
14 as corporate monitor (the "Monitor") with regard to the Fahey Fund, L.P.; Fahey Financial Group,  
15 Inc.; International Trade & Data; and ITD Trading, and any subsidiaries and affiliated funds,  
16 (collectively, the "Relief Defendants") and Alexander James Trabulse ("Trabulse").

17 On February 13, 2008, the Court entered an Order implementing certain recommendations  
18 of the Monitor, and which also incorporated the terms of the Monitor Order (the "Modified  
19 Order"). Pursuant to the Monitor Order, the Monitor was empowered and directed to, among  
20 other things, conduct such investigation as would be necessary to locate and account for the Relief  
21 Defendants' assets, and review the overall operation of the Relief Defendants in accordance with  
22 the Monitor Order. On February 13, 2008, the Court entered an Order implementing certain  
23 recommendations of the Monitor, and which also incorporated the terms of the Monitor Order (the  
24 "Modified Order").

25 The Modified Order authorized the Monitor to, among other things, employ professionals,  
26 as necessary, and assist in the sale and liquidation of the Relief Defendants' assets. Pursuant to the  
27 Modified Order, the Monitor retained Allen Matkins as an estate professional, as the estate's  
28 general legal counsel, and retained Financial Forensics, as an estate professional, as the estate's

1 accountant. For payment of the Monitor's and the Professionals' fees and expenses, the Monitor  
 2 Order, as incorporated into the terms of the Modified Order, provided for payment of such fees  
 3 and expenses from the bank accounts of the Relief Defendants or Trabulse.

4 On April 7, 2008, a final judgment was entered (the "Judgment") as to Trabulse and the  
 5 Relief Defendants. Then, on or about August 7, 2008, an Order was entered which further  
 6 modified the Modified Order ("Second Modified order"), and incorporated the terms of the  
 7 Monitor Order and Modified Order.

8 Based upon the authority set forth in the Monitor Order, and as incorporated in the  
 9 Modified Order and Second Modified Order, the Monitor seeks payment of his and Professionals'  
 10 fees and expenses for the Fifth Interim Period and the fees and costs to wind down the case,  
 11 following submission of this application ("WD Fees" or "WD Expenses"). The Monitor requests  
 12 the Court approve payment of the fees and expenses from funds in the bank accounts of the  
 13 Monitor as follows:

<b>Fahey Final Fees and Expenses</b>					
	Fees	Expenses	WD Fees	WD Expenses	Total
Grassmueck Group	\$ 22,815.00	\$ 3,451.57	\$ 4,450.00	\$ 215.00	\$ 30,931.57
Allen Matkins	\$ 55,191.50	\$ 1,607.15	\$ 3,000.00	\$ -	\$ 59,798.65
	\$ 78,006.50	\$ 5,058.72	\$ 7,450.00	\$ 215.00	\$ 90,730.22

18 Fees Outstanding	\$ 78,006.50
19 Fees Discounted 10%	\$ 70,205.85
20 Expenses and WD Fees	\$ 12,723.72
21 Total	\$ 82,929.57

22 A detailed summary of the work conducted for various categories, including general  
 23 administration, claims, sale of assets, and distribution, and a summary of prior awards of fees and  
 24 expenses is set forth in the Fifth Application. As part of this Application, the Receiver requests  
 25 that the Court approve as "final," all prior interim fee applications previously approved by this  
 26 Court.

27 PLEASE TAKE FURTHER NOTICE that copies of the Fifth Application can be obtained  
 28 from or viewed at the Clerk of the Court, U.S. District Court, Northern District of California, San

1 Francisco Division, 450 Golden Gate Avenue, San Francisco, CA 94102, or by contacting counsel  
2 to the Monitor at the referenced below.

3 PLEASE TAKE FURTHER NOTICE that copies of the Motion can be viewed at or  
4 obtained from the Clerk of the Court, U.S. District Court, 450 Golden Gate Avenue, San  
5 Francisco, California, or by writing to the Monitor at the below-referenced address.

6 Michael A. Grassmueck  
7 PO Box 3649  
8 Portland, OR 97208-3649  
9 [http://www.grassmueckgroup.com/fahey\\_fund.php](http://www.grassmueckgroup.com/fahey_fund.php); [info@grassmueckgroup.com](mailto:info@grassmueckgroup.com)

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12 after the Motion is filed, pursuant to Local Rule 7-3. Failure to file a response/objection may be  
13 deemed as a waiver of any opposition to the Motion.

14 Dated: August 7, 2012

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
DAVID R. ZARO  
YALE K. KIM

17 By:           /s/ David R. Zaro          

18 DAVID R. ZARO  
19 Attorneys for Michael A. Grassmueck,  
20 Monitor