

1 HELANE L. MORRISON (Cal. Bar No. 127752)
MARK P. FICKES (Cal. Bar No. 178570)
2 (fickesm@sec.gov)
ERIN E. SCHNEIDER (Cal. Bar No. 216114)
3 (schneidere@sec.gov)

4 Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
5 44 Montgomery Street, Suite 2600
San Francisco, California 94104
6 Telephone: (415) 705-2500
Facsimile: (415) 705-2501
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 SECURITIES AND EXCHANGE COMMISSION,

Case No. C 07-4975 (WHA)

15 Plaintiff,

STIPULATION AND ~~PROPOSED~~ ORDER
CONCERNING INJUNCTIVE RELIEF

16 vs.

17 ALEXANDER JAMES TRABULSE,

18 Defendant,

19 and

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

22 Relief Defendants.
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24 Whereas Plaintiff Securities and Exchange Commission (“Commission”) filed a complaint
25 against defendant Alexander James Trabulse (“Trabulse”) and Relief Defendants Fahey Fund, L.P.,
26 Fahey Financial Group, Inc., International Trade & Data, and ITD Trading (collectively, the “Relief
27 Defendants”);
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1 III.

2 IT IS FURTHER ORDERED that pending further order of the Court, Trabulse and Relief
3 Defendants, and their officers, agents, employees, servants, and all persons in active concert or
4 participation with them, and each of them, are prohibited from accepting any investments from any
5 current or prospective Investors;

6 IV.

7 IT IS FURTHER ORDERED that pending further order of the Court, Trabulse and Relief
8 Defendants, and their officers, agents, employees, servants, and all persons in active concert or
9 participation with them, and each of them, whatever business names they may operate under, when
10 acting on behalf of Trabulse or Relief Defendant shall limit their future investments solely to
11 investments in securities, derivatives, commodities contracts, foreign currency or other exchange-
12 traded investments.

13 V.

14 IT IS FURTHER ORDERED that pending further order of the Court, Trabulse and Relief
15 Defendants, and their officers, agents, employees, servants, and all persons in active concert or
16 participation with them, and each of them, whatever business names they may operate under, when
17 acting on behalf of Trabulse or Relief Defendants shall not transfer or convey any assets that could be
18 used by Trabulse or others in a personal capacity, except insofar as the asset is transferred to a third
19 party bona fide purchaser for value. In the event that an asset is transferred to a third party bona fide
20 purchaser for value, the proceeds shall be maintained in accordance with all relevant provisions of
21 this stipulation.

22 VI.

23 IT IS FURTHER ORDERED that, pending further order of the Court, Defendant shall
24 provide to the Commission's counsel, within fifteen (15) business days after the end of each calendar
25 month, a sworn accounting of all funds or assets transferred out of any bank or brokerage account
26 pursuant to Paragraphs IV and V, above. Nothing about the accounting mentioned in this Paragraph
27 will constitute, and the Commission will not argue to the contrary, a waiver, in whole or in part, of
28 Trabulse's rights and privileges under the Fifth Amendment of the U.S. Constitution.

VII.

IT IS FURTHER ORDERED that, pending further order of the Court, Trabulse and Relief Defendants and their officers, agents, employees, servants, and all persons in active concert or participation with them, and each of them, whatever business names they may operate under are prohibited from transferring or conveying, or authorizing the transfer or conveyance of, any funds or assets currently in the United States to a jurisdiction outside the United States, with the exception of the funds transferred pursuant to Paragraphs IV and V, above.

VIII.

Nothing in this order shall be construed to prohibit Trabulse and Relief Defendants, and their officers, agents, employees, servants, and all persons in active concert or participation with them, and each of them, whatever business names they may operate under, from transferring or conveying, or authorizing the transfer or conveyance of, any funds or assets to pay legitimate and reasonable expenses incurred in the ordinary operation of the Relief Defendants.

IX.

IT IS FURTHER ORDERED that, pending further order of the Court, Defendant shall provide to the Commission's counsel, within fifteen (15) business days after the end of each calendar month, a sworn accounting of all funds or assets used to pay any expenses pursuant to Paragraph VIII, above. Nothing about the accounting mentioned in this Paragraph will constitute, and the Commission will not argue to the contrary, a waiver, in whole or in part, of Trabulse's rights and privileges under the Fifth Amendment of the U.S. Constitution.

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1 IT IS SO STIPULATED:

2 Dated: October 18, 2007

/s/ Mark P. Fickes
Mark P. Fickes
Erin E. Schneider
Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION

5 Dated: October 18, 2007

/s/ Clement S. Roberts
Michael D. Celio
Clement S. Roberts
Attorneys for Defendant ALEXANDER JAMES
TRABULSE, and Relief Defendants FAHEY FUND,
L.P., FAHEY FINANCIAL GROUP, INC.,
INTERNATIONAL TRADE & DATA, AND ITD
TRADING

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11 The Court, having considered this proposed stipulation and order, adopts as its order the
12 provisions of paragraphs I through IX, above.

13 IT IS SO ORDERED

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15 Dated: October 29, 2007



16
17 William H. Alsup
18 UNITED STATES DISTRICT JUDGE

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20 So ordered but:

21 This is without prejudice to United States Attorney arguing waiver of Fifth Amendment.
22 SEC cannot bind the United States. The hearing is vacated on December 6, 2007, as
23 moot.

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