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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 v.

15 TUCO TRADING, LLC and
16 DOUGLAS G. FREDERICK,

17 Defendants.
18
19

Case No. 08-CV-00400 DMS (BLM)

**NOTICE OF MOTION AND MOTION FOR
ORDER ESTABLISHING CLAIMS
PROCEDURES, SETTING CLAIMS BAR
DATE, AND APPROVING NOTICES AND
CLAIM FORMS**

Date: November 7, 2008
Time: 1:30 p.m.
Ctrm: 10
Judge: Hon. Dana M. Sabraw

20 **TO ALL INTERESTED PARTIES:**

21 PLEASE TAKE NOTICE that on November 7, 2008, at 1:30 p.m., in Courtroom 10 of the
22 above-entitled Court located at 940 Front Street, San Diego, California 92101, Thomas F. Lennon
23 ("Receiver"), the court-appointed permanent receiver for Tuco Trading, LLC ("Tuco"), will move
24 this Court for an order establishing claims procedures, setting claims bar date, and approving
25 notices and claim forms (the "Motion").

26 PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1.d.1, at the Court's
27 discretion this matter may be taken under submission, and in that event, no hearing will take place.
28

1 The Motion is based on the Memorandum of Points and Authorities filed herewith. The
2 Motion and supporting papers are available at the Receiver's website,
3 http://www.tflinc.com/cases_tuco.html, or may be reviewed at the Clerk's Office during normal
4 business hours at 880 Front Street, Suite 4290, San Diego, California 92101.

5 **Procedural Requirements:** If you oppose this Motion, you are required to file your
6 written opposition with the Office of the Clerk, United States District Court, 880 Front Street,
7 Suite 4290, San Diego, CA 92101-8900, and serve the same on the undersigned not later than
8 October 24, 2008.

9 IF YOU FAIL TO FILE AND SERVE A WRITTEN OPPOSITION by the above date, the
10 Court may grant the requested relief without further notice.

11 **Requested Relief:** The relief requested is discussed in detail in the Memorandum of
12 Points and Authorities. The Receiver requests an order (a) establishing procedures for the
13 submission, review and determination of claims against the Tuco receivership estate, (b) setting a
14 deadline for the submission of claims, and (c) approving a proposed form of notice and proof of
15 claim.

16 WHEREFORE, the Receiver requests that the Court grant the relief requested herein and
17 such other relief as may be appropriate under the circumstances.

18
19 Dated: September 22, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

21 By: /s/ David L. Osias
22 DAVID L. OSIAS
23 Attorneys for Receiver Thomas F. Lennon