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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

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

**NOTICE OF MOTION AND MOTION FOR
ORDER (A) STAYING ARBITRATION
COMMENCED BY GLB TRADING, INC.;
AND (B) COMPELLING GLB TRADING,
INC. TO TURN OVER PROPERTY OF THE
RECEIVERSHIP ESTATE**

Date: November 14, 2008
Time: 1:30 p.m.
Ctrm: 10
Judge: Hon. Dana M. Sabraw
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21 **TO ALL INTERESTED PARTIES:**

22 PLEASE TAKE NOTICE that on November 14, 2008, at 1:30 p.m., in Courtroom 10 of
23 the above-entitled Court located at 940 Front Street, San Diego, California 92101, Thomas F.
24 Lennon ("Receiver"), the court-appointed permanent receiver for Tuco Trading, LLC ("Tuco"),
25 will move this Court for an order (a) Staying Arbitration Commenced by GLB Trading, Inc.; and
26 (b) Compelling GLB Trading, Inc. to Turn Over Property of the Receivership Estate (the
27 "Motion").
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1 PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1.d.1, at the Court's
2 discretion this matter may be taken under submission, and in that event, no hearing will take place.

3 The Motion is based on the Memorandum of Points and Authorities, the Declaration of
4 Ted Fates, and the Declaration of Douglas G. Frederick filed herewith. The Motion and
5 supporting papers are available at the Receiver's website, http://www.tflinc.com/cases_tuco.html,
6 or may be reviewed at the Clerk's Office during normal business hours at 880 Front Street, Suite
7 4290, San Diego, California 92101.

8 **Procedural Requirements:** If you oppose this Motion, you are required to file your
9 written opposition with the Office of the Clerk, United States District Court, 880 Front Street,
10 Suite 4290, San Diego, CA 92101-8900, and serve the same on the undersigned not later than
11 October 31, 2008.

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

14 **Requested Relief:** The relief requested is discussed in detail in the Memorandum of
15 Points and Authorities. The Receiver requests an order (a) staying the arbitration commenced by
16 GLB Trading, Inc. before the Financial Industry Regulatory Authority; and (b) compelling GLB
17 Trading, Inc. to turn over property of the receivership estate.

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

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Dated: October 3, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

By: /s/ Jeffrey R. Patterson

JEFFREY R. PATTERSON
Attorneys for Receiver Thomas F. Lennon