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8 Attorneys for Permanent Receiver Thomas F. Lennon

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-0400 DMS (BLM)

**NOTICE OF MOTION AND MOTION FOR
ORDER AUTHORIZING INTERIM
DISTRIBUTION**

Date: July 25, 2008
Time: 1:30 p.m.
Ctrm: 10
Judge: Hon. Dana M. Sabraw

19 **TO ALL INTERESTED PARTIES:**

20 PLEASE TAKE NOTICE that on July 25, 2008, at 1:30 p.m., in Courtroom 10 of the
21 above-entitled Court located at 940 Front Street, San Diego, California 92101, Thomas F. Lennon
22 ("Receiver"), the court-appointed permanent receiver for Tuco Trading, LLC ("Tuco"), will move
23 this Court for an order authorizing him to make an interim distribution to the class B members
24 ("Members") and other creditors of Tuco ("Motion").

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

27 The Motion is based on the Memorandum of Points and Authorities and Declaration of
28 Ted Fates filed herewith. The Motion and supporting papers are available at the Receiver's

1 website, http://www.tflinc.com/cases_tuco.html, or may be reviewed at the Clerk's Office during
2 normal business hours at 880 Front Street, Suite 4290, San Diego, California 92101.

3 **Procedural Requirements:** If you oppose this Motion, you are required to file your
4 written opposition with the Office of the Clerk, United States District Court, 880 Front Street,
5 Suite 4290, San Diego, CA 92101-8900, and serve the same on the undersigned so as to be
6 received by the undersigned not later than July 21, 2008.

7 IF YOU FAIL TO FILE AND SERVE AN OPPOSITION by the above date, the Court
8 may grant the requested relief without further notice, including entry of an order authorizing an
9 interim distribution.

10 The Receiver will reply to any and all timely-filed responses not later than July 23, 2008.

11 **Requested Relief:** The Receiver requests approval to make an interim distribution to the
12 Members and other creditors of Tuco in the amount of 40% of their Preliminary Claims.

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

15
16 Dated: July 10, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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18 By: /s/ David L. Osias
19 DAVID L. OSIAS
20 Attorneys for Permanent Receiver Thomas F.
21 Lennon