

Thursday July 9th, 2009.

Judge William H. Alsup

Your Honor:

When I appeared before you this morning in regard to the SEC Vs Fahey case, I had not seen the Monitors response to my objection to the Omnibus Motion as I have been traveling and only returned to San Francisco last evening. I would like to add my comments to their response if I may.

The Monitor has consistently been inconsistent in his handling of these claims, and supplied erroneous information in their filings and statements in court today. They have stated that I have asked for just one of my multiple accounts to be treated as a separate account. This is wrong. I have asked them to treat all of my accounts as separate accounts, yet they have only treated the education accounts of our daughters as separate accounts.

The Monitor's suggestion that my accounts were commingled is simply untrue. My family and I opened seven distinct and separate accounts. We signed seven applications, with separate social security numbers, with my accounts opened as early as 2000 and my wife's two IRA's after we were married in 2004. We had seven account numbers. We received seven separate account statements whenever Trabulse sent them out, each one mailed in a separate envelope addressed to the individual account holder. There was no commingling there.

This Unified Treatment argument the Monitor has made makes no sense either. As you stated in court today to Mr. Zaro, if you open five separate accounts at Bank of America, you get five account numbers and five statements every month. B of A may keep the funds for every account in the same vault and they may invest it in the same investment instrument, but they are still five separate accounts in the eyes of the law. What B of A does with the money in their bank from separate accounts is their business, just as what Trabulse did with our account funds was his. We had no control over what Trabulse did with our money.

Trabulse's records are vague and inaccurate as we know, and by no stretch of the imagination can they be trusted. He is a liar and a thief, and I will swear under oath over the body of my dear Mother that my wife and I have NEVER had any withdrawals or redemptions from any of our three separate IRA accounts regardless of what the Monitor has stated, and we never commingled any of the funds from our accounts. The three IRA's we hold were Sterling Trust accounts and we never ever touched them except to add to them for our eventual retirement. We are well aware that any premature withdrawals from an IRA account would have had severe tax consequences. I am very happy to prepare such a statement for you immediately and have it sworn in front of a Notary Public if you wish, just as you have requested such a statement from my sister

Cathryn Constantin that she too did not take any redemptions or withdrawals from her account either.

Your Honor, you closed the hearing today by stating that you were taking the arguments under submission. I am submitting to you today that the Monitor's treatment of accusing my wife and me of commingling our accounts is unfounded and untrue. We always received separate statements on separate accounts, opened at different times (mine in 2000 and her two transferred into the Fahey Fund in hard earned cash in 2005). We never ever touched those accounts, and we never had any redemptions or withdrawals from them. I beg you to consider accepting our three claims for our three separate IRA accounts, namely:

Claim 131 being Sandra's IRA account opened in 2005 with Sterling Trust, by depositing \$14,393 of cash into the Fahey Fund

Claim 132 being Sandra's ROTH IRA opened in 2005 with Sterling Trust, by depositing \$11,740 of cash into the Fahey Fund

Claim 130 being my IRA opened in 2000 with Sterling Trust, by depositing \$153,097 of cash into the Fahey Fund

Thank you Your Honor and I look forward to seeing you in court again tomorrow.

Yours Sincerely
Martin E. Button