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U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**COMMODITIES FUTURES TRADING)
COMMISSION,)**

Plaintiff,)

vs.)

Civil Action No.: 04CV 1512

**EQUITY FINANCIAL GROUP, LLC,)
TECH TRADERS, INC., TECH)
TRADERS, LTD., MAGNUM)
INVESTMENTS, LTD., MAGNUM)
CAPITAL INVESTMENTS, LTD.,)
VINCENT J. FIRTH, ROBERT W.)
SHIMER, COYT E. MURRAY, and J.)
VERNON ABERNATHY,)**

Honorable Robert B. Kugler

Defendants.

**PLEADING
PERTAINING TO
THE INTERIM DISTRIBUTION**

TO: THE HONORABLE ROBERT B. KUGLER AND THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

This filing should have been presented to the Court in a more timely manner. However, Dr. DiIenno pleads to the Court to please hear this petition, not only because it's tenets are justifiable, but if also recognized by the Court would have a profound implication in this tragic case.

PLEA:

Dr. DiIenno wishes the court to consider that Dr. DiIenno's \$400,000 direct deposit into Tech Traders be considered on a 1st tier level and therefore eligible for the same percentage of distribution of protected funds offered to the other 1st tier victims.

FACTS:

- I) Dr. DiIenno deposited \$400,000 of his own money directly into Tech Traders bank account on 1/30/03. (The Receiver has copies of the transfers and statements).
- II) No other entity was involved with the transfer or the use of that \$400,000 direct deposit except Dr. DiIenno and Tech Traders.
- III) No return of any kind has been made to Dr. DiIenno.
- IV) There is no escrow or hidden account of any kind, anywhere, being held for Dr. DiIenno's benefit except for the protected funds being held by the Receiver.

SUPPORTING ARGUMENTS:

On 1/23/03 Dr. DiIenno met with Coyt Murray at Mr. Murray's 2nd floor office suite in NC. It was based upon representations made personally by Coyt Murray to Dr. DiIenno as to the very convincing profitability of the "Synergy" trading system that, one week later Dr. DiIenno deposited \$400,000 directly into Tech Traders' bank account on 1/30/03, with the only intention of this direct deposit being for the sole use of Tech Traders within their specific "Synergy" trading program.

No other entity, including Bally Lines, was involved in the demonstration by Coyt Murray to Dr. DiIenno, or in the handling, use, or transaction of Dr. DiIenno's direct deposit. And there is no hidden agenda of any kind between Dr. DiIenno and Tech Traders.

Without question Dr. DiLenno's \$400,000 was directly deposited into Tech Traders bank account, and Dr. DiLenno's \$400,000 is a part of the 1st tier distribution fund.

This is an appropriate way to legitimately offer Dr. DiLenno some relief in this tremendous loss. Not just because he is a victim. Not just because he lost a life's worth of savings in this, but because he deposited \$400,000 directly into Tech Traders in like manner, as other 1st tier individuals directly deposited funds into Tech Traders.

Dr. DiLenno is not a lawyer and not pretending to be adept at the art of law, nor is he trying to impress anyone in this sad situation.

CONCLUSION:

Dr. DiLenno thanks the Court for hearing this and presents this plea:

It is justifiable and equitable that the \$400,000 Dr. DiLenno directly deposited into Tech Traders bank account be considered on a 1st tier level, and that it would be appropriate to offer Dr. DiLenno the same relief offered the other 1st tier victims with respect to Dr. DiLenno's \$400,000 direct deposit into Tech Traders. In that:

- A. Tech Traders and only Tech Traders had the sole use of that direct deposit in Tech Traders' "Synergy" trading program.
- B. No other entities handled, used, transferred or processed that direct deposit other than Dr. DiLenno and Tech Traders.
- C. There has been no compensation of any kind from any entity to Dr. DiLenno or on Dr. DiLenno's behalf.
- D. Dr. DiLenno's \$400,000 direct deposit does in fact make up a part of the protected distribution fund.



Respectfully submitted,



Donald A. DiLenno, M.D.