

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

EQUITY FINANCIAL GROUP, LLC,
et al.,

Defendants.

Civil No. 04-1512-RBK-AMD

SCHEDULING ORDER

This Scheduling Order confirms the directives given to the litigants during the telephone status conference held on the record on January 31, 2006; and the Court noting the following appearances: Elizabeth M. Streit, Esquire, on behalf of Commodity Futures Trading Commission; Stephen T. Bobo, Temporary Equity Receiver; Bina Sanghavi, Esquire, on behalf of Equity Receiver; Melvyn J. Falis, Esquire, on behalf of Coyte E. Murray, Tech Traders, Inc., Tech Traders, Ltd., Magnum Investments, Ltd. and Magnum Capital Investments, Ltd.; Samuel Abernathy, Esquire, appearing on behalf of Equity Financial Group; Robert Shimer, not appearing; J. Vernon Abernethy, *pro se*; and Vincent Firth, *pro se*.

IT IS this **31st** day of **January 2006**, hereby **ORDERED**:

1. Pretrial factual discovery, as set forth on the record, shall be concluded by **February 28, 2006**. All pretrial discovery shall be concluded by that date.

2. All experts' reports on behalf of plaintiff shall be served upon counsel for defendants not later than **March 15, 2006**. All experts' reports on behalf of defendants shall be served upon counsel for plaintiff no later than **April 17, 2006**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **May 31, 2006**.

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion

testimony counsel and the parties anticipate will be presented at trial pursuant to F.R.Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

3. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **April 7, 2006**. Opposition to the motion should be served in a timely fashion. Counsel are to follow Local Civil Rules 7.1(c), (d) and (e), 56.1 and 78.1 (Motion Practice - Generally).

4. The Final Pretrial Conference of April 20, 2006 is **rescheduled** to **May 25, 2006 at 10:00 A.M.**. The form Joint Final Pretrial Order (**original and two copies for the court, with sufficient copies for all counsel**), as signed by all litigants, shall be delivered to me at the conference. The plaintiff's portion of the proposed order shall be prepared and sent to defense counsel not later than **May 4, 2006**. Defendants' portion of the proposed order shall be prepared and returned to counsel for plaintiff not later than **May 18, 2006**. **FAILURE TO APPEAR AT THIS CONFERENCE WILL LEAD TO THE IMPOSITION OF SANCTIONS, INCLUDING COSTS.**

TRIAL COUNSEL MUST APPEAR AT THE FINAL PRETRIAL CONFERENCE UNLESS SPECIFICALLY EXCUSED BY THE COURT. FED. R. CIV. P. 16(d).

5. The Court will conduct a telephone status conference on **February 27, 2006 at 3:30 P.M.**. Counsel for plaintiff shall initiate the telephone call.

6. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under Rule 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

7. **THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Ann Marie Donio _____
ANN MARIE DONIO
United States Magistrate Judge

cc: Hon. Robert B. Kugler