

ORIGINAL

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RECEIVED  
U.S. DISTRICT COURT  
NEW JERSEY  
MAY 26 4 38 PM '06  
UNITED STATES  
DISTRICT COURT

8 UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF NEW JERSEY

10 COMMODITY FUTURES TRADING  
11 COMMISSION,

Civil Action No.: 04CV 1512

Honorable Robert B. Kugler

12 Plaintiff,

Return Date: June 2, 2006

13 v.

14 EQUITY FINANCIAL GROUP, LLC, TECH  
15 TRADERS, INC., TECH TRADERS, LTD.,  
16 MAGNUM INVESTMENTS, LTD.,  
17 MAGNUM CAPITAL INVESTMENTS, LTD.,  
18 VINCENT J. FIRTH, ROBERT W. SHIMER,  
19 COYT E. MURRAY, and J. VERNON  
20 ABERNETHY,

21 Defendants.

22 **VICO, INC.'S OBJECTION AND OPPOSITION TO MOTION**  
23 **OF EQUITY RECEIVER TO DISALLOW CERTAIN UNIVERSE CLAIMS**

24 COMES NOW, Universe Claimant, Vico, Inc., by and through counsel D. Brian Bogges, Esq.,  
25 and hereby submits its Objection and Opposition to the Motion of Equity Receiver to Disallow Certain  
26 Universe Claims.

27 This Objection and Opposition is made and based upon the papers and pleadings on file herein  
28 and the Points and Authorities and Exhibits attached hereto.

Dated this 19th day of May, 2006.

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BY:   
D. BRIAN BOGGESS, ESQ.,  
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Attorneys for Universe Claimant Vico, Inc.

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1 **POINTS AND AUTHORITIES**

2 Vico, Inc. is a Nevada corporation organized in 2002. *See J. McCormack Decl., attached to the*  
3 *Motion.* Curt A. McLaughlin is the sole Shareholder, Director and Officer of Vico, Inc. *Id., at*  
4 *Attachment 5.* Upon information and belief, Pinnacle Trust and Trinidad Trust are Trusts in which  
5 neither Vico nor Mr. McLaughlin has any interest, control or involvement.

6 The facts set forth by Ms. McCormick in her declaration, pertaining to Vico, are generally  
7 accurate, with a few exceptions more fully noted below. The Receiver's interpretation of those facts,  
8 however, is clearly erroneous and thus justifies the instant Objection and Opposition.

9 The Receiver has determined that the claims of Vico, Pinnacle Trust and Trinidad Trust should  
10 be aggregated for distribution purposes. The only support for this position comes from the Declaration  
11 Under Penalty of Perjury of Joy McCormick Pursuant to 28 U.S.C. § 1746 (the "McCormick  
12 Declaration") attached to the Motion. This Declaration is most notable for what it does not say.

13 Ms. McCormick does not present any evidence that Mr. McLaughlin does not own Vico. Rather,  
14 she attaches records from the Nevada Secretary of State that he is the sole Director and Officer. If Mr.  
15 McLaughlin has not made it abundantly clear up to this point, Mr. McLaughlin is and has been, for all  
16 time periods relevant to this matter, been the sole Shareholder of Vico. Neither Pinnacle Trust, Trinidad  
17 Trust or any other individual or entity has any ownership interest or control of Vico. That entity is  
18 separate and distinct from all other claimants in this matter.

19 Similarly, Vico has never owned, controlled or held any legal or equitable interest in either  
20 Pinnacle Trust or Trinidad Trust. That has been the consistent position of Vico, as well as  
21 representatives of Pinnacle Trust and Trinidad Trust, since inception of this matter.

22 The relationship between Vico, Pinnacle Trust and Trinidad Trust is simply insufficient to justify  
23 treating the three entities as aggregate claimants.

24 Contrary to Ms. McCormick's assertion, Vico did not purchase Pinnacle Trust or any of the  
25 assets thereof. Rather, Mr. McLaughlin formed a new entity, Pinnacle Architectural Millwork, Inc.,  
26 which purchased certain assets from Pinnacle Trust. Rick Van Houten, the representative of Pinnacle  
27 Trust and Trinidad Trust with whom the Receiver has dealt, is not a shareholder, director or officer of  
28 Pinnacle Architectural Millwork, Inc. He is an employee of that corporation, but does not hold any

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1 ownership interest therein. In short, there is simply no legal or equitable connection between Vico and  
2 Pinnacle Trust. They are separate entities, have separate management and control, and made separate  
3 investments in the same failed Universe scheme. They are entitled to be treated separately for  
4 distribution purposes.

5 DATED this 19th day of May, 2006.

6 BOGGESS & HARKER

7  
8 BY: *D. Brian Bogges*  
9 D. BRIAN BOGGESS, ESQ.,  
10 Nevada State Bar Number 4537  
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13 Attorneys for Plaintiff  
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CERTIFICATE OF SERVICE

I hereby declare and state:

I am over the age of eighteen years, employed by Boggess & Harker, in the City of Las Vegas, County of Clark, State of Nevada, and not a party to the within action. My business address is 7201 West Lake Mead Boulevard, Suite 210, Las Vegas, Nevada 89128.

On May 25, 2006, I served the **VICO INC.'S OBJECTION AND OPPOSITION TO MOTION OF EQUITY RECEIVER TO DISALLOW CERTAIN UNIVERSE CLAIMS** by U.S.

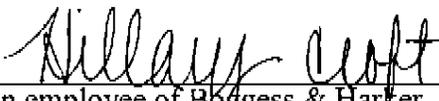
Mail to the following addressed:

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**SACHNOFF & WEAVER, LTD.**  
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**Receiver**

**MATTHEW H. ADLER, ESQ.**  
**JEFFREY A. CARR, ESQ.**  
**PEPPER HAMILTON LLP**  
**300 ALEXANDER PARK**  
**PRINCETON, NEW JERSEY 08543-5276**  
**Facsimile No. (609) 452-1147**  
**Counsel for the Equity Receiver**

I am readily familiar with the Firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. The envelope above was sealed and will be deposited today with the United States Postal Service in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 25, 2006, at Las Vegas, Nevada.

  
An employee of Boggess & Harker

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