

# Exhibit 1

**Streit, Elizabeth M.**

**From:** Robert Shimer [rwshimer@enter.net]  
**Sent:** Saturday, July 21, 2007 10:44 AM  
**To:** Streit, Elizabeth M.  
**Subject:** Reply Re: CFTC v. Equity Financial, et al.: Trial Date

See ya on the 27th!

I looked through Judge Kugler's order today (Saturday). Clearly I am in a unique position to understand his desire to be rid of this thing but unfortunately I really don't see any possibility of a settlement at this point in time that would avoid the necessity of a trial. But, hey, every aspect of this matter has been a source of unrelenting surprise :)

Regards,

R. Shimer

----- Original Message -----

**From:** Streit, Elizabeth M.  
**To:** mfalis@gkblaw.com ; phellegers@mhjur.com. ; Robert Shimer ; sbobo@sachnoff.com ; sfa@mhjur.com ; Vincent Firth  
**Sent:** Thursday, July 19, 2007 5:45 PM  
**Subject:** CFTC v. Equity Financial, et al.: Trial Date

As some of you don't have access to the electronic database, I thought I would send you Judge Kugler's order setting the trial for August 27<sup>th</sup>.

Elizabeth M. Streit  
Trial Team Leader  
Commodity Futures Trading Commission  
525 West Monroe Suite 1100  
Chicago, Illinois 60661  
(312) 596-0537  
estreit@cftc.gov



# Exhibit 2

**Declaration under penalty of perjury of  
Elizabeth M. Streit pursuant to 28 U.S.C. § 1746**

I, Elizabeth M. Streit, hereby declare as follows:

1. I am an attorney admitted to practice in the State of Illinois and am a Trial Team Leader with the Division of Enforcement of the United States Commodity Futures Trading Commission (“Commission” or “CFTC”), an independent regulatory agency of the United States Government. I have been employed with the Commission’s Division of Enforcement since 1998. I am the Lead Trial Attorney in the matter *Commodity Futures Trading Commission v. Equity Financial Group, LLC, Tech Traders, Inc, Vincent J. Firth and Robert W. Shimer*, 04CV 1512, filed in the United States District Court for the District of New Jersey.

2. On December 5, 2005, I participated in a telephone status conference before Magistrate Donio. Also in attendance were Bina Sanghavi, Esquire, appearing on behalf of the Equity Receiver, Melvyn J. Fallis, Esquire, appearing on behalf of Coyt E. Murray. Tech Traders, Inc., Tech Traders, Ltd, Magnum Investments, Ltd. and Magnum Capital Investments, Ltd, Samuel Abernethy, Esquire, appearing on behalf of Equity Financial Group, Robert Shimer, Esquire, appearing *pro se*, Martin Russo, Esquire, appearing on behalf of the Sterling entities, Miguel M. Debon, Esquire, appearing on behalf of claimants Green and List; J. Vernon Abernethy, appearing *pro se* and Dr. Jeffery Marrongelle appearing *pro se*.

3. Discovery had been scheduled to close on December 31, 2005. At the status conference, I stated that we had had trouble scheduling depositions before the end of the year. I noted specifically that we intended to take the Fed. R. Civ. Pro. 30(b)(6) deposition of Arnold & Porter, originally noticed for December 15, 2005, but were



having trouble scheduling it before the end of the year. I also noted that we had other outstanding discovery that would not be completed before the end of the year. Therefore, I requested that discovery be extended until January 31, 2006.

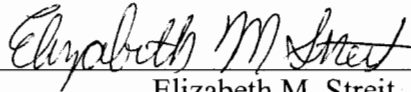
4. Mr. Shimer was present at this conference. He did not voice any objection to the continuation of discovery until January 31, 2006. He also did not say that he would be unavailable in January, or that he would be out of the country for the entire month of January. He did not request that depositions be held in abeyance for the month of January.

5. Magistrate Donio continued discovery until January 31, 2006 at the December 5, 2005 status conference.

6. On December 21, 2005, I attended the deposition of Elaine Teague, noticed by Mr. Shimer, in Portland, Oregon. Also in attendance were Mr. Shimer, Ms. Sanghavi, the Receiver's counsel, the witness Ms. Teague, and her counsel Thomas Hutchinson. Mr. Shimer deposed Ms. Teague for the entire day. When it became apparent that there would not be time for me or Ms. Sanghavi to question Ms. Teague, we discussed when to continue the deposition. As it was four days before Christmas, no one was available to continue the deposition in December. We therefore decided to continue the deposition on January 12 and 13, 2006. Mr. Shimer was present and part of those discussions. He stated that he would not be available on those dates but that he had no objection to continuing the deposition in his absence. Mr. Hutchinson stated that he needed to confirm those dates with his office. He did so, and on the next day, his legal assistant sent all parties in attendance at the December 21, 2005 session of Ms. Teague's deposition an email confirming those dates. Mr. Shimer was copied on that email and on my reply that I was "planning on those dates." (*See* Docket Doc. 522, Ex. 5). Mr.

Shimer never sent me an email or any other communication that he objected to the continuance of the deposition on those dates.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of August 2007.

A handwritten signature in cursive script, reading "Elizabeth M. Streit", is written over a horizontal line.

Elizabeth M. Streit  
Lead Trial Attorney