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WILLIAM T. WALSH.

Vincent Firth, *pro se*  
3 Aster Court  
Medford, NJ 08055  
(609) 714-1981

2007 MAY 25 A 9

UNITED STATES  
DISTRICT COURT

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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COMMODITY FUTURES TRADING :  
COMMISSION, :

Plaintiff,

: Hon. Robert B. Kugler

vs.

Civil Action No. 04-1512

EQUITY FINANCIAL GROUP LLC, et el

Hearing Date: July 6, 2007

Defendants.

-----X

**MOTION FOR STAY OF TRIAL PENDING APPEAL**

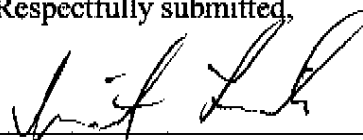
In accordance with the Local Civil Rules of the District Court for the District of New Jersey defendant Vincent Firth ("Firth"), acting *pro se* respectfully moves for stay of trial pending Firth and Robert W. Shimer 's (Shimer's) current joint appeal to the Third Circuit Court of Appeals.

In support thereof, Firth relies upon and refers the Court to Shimer's brief filed dated May 24, 2007 and filed with the Court on approximately Monday, May 28, 2007 in support of this Motion for Stay.

For all of the reasons stated in Shimer's brief Firth respectfully requests that his current Motion for Stay be granted.

Dated: Thursday, May 24, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent Firth", written over a horizontal line.

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FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES  
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COMMODITY FUTURES TRADING  
COMMISSION,

Hon. Robert B. Kugler

Plaintiff,

vs.

**Civil Action No. 04-1512**

EQUITY FINANCIAL GROUP LLC, et al

NOTICE OF MOTION FOR STAY OF  
TRIAL PENDING APPEAL

Defendants.  
-----

TO: Elizabeth Streit, Esq.  
Commodity Futures Trading Commission  
525 West Monroe St., Suite 1100  
Chicago, Illinois 60661

AUSA Paul Blaine, Esq.  
Camden Federal Building  
401 Market Street, 4<sup>th</sup> Floor  
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New York, New York 10005

Samuel F. Abernethy, Esq.  
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10 E. 40<sup>th</sup> Street, 43<sup>rd</sup> Floor  
New York, New York 10016-0301

Robert W. Shimer  
1225 W. Leesport Rd.  
Leesport, PA 19533

PLEASE TAKE NOTICE that on Friday, July 6, 2007 at 10:00 A.M., or as soon thereafter as movant may be heard, the undersigned *pro se* defendant, Vincent Firth ("Firth") will

move pursuant to the Local Civil Rules of the District Court for the District of New Jersey before the Honorable Robert B. Kugler sitting at the U.S. District Courthouse at 4<sup>th</sup> and Cooper Streets, Camden, New Jersey, for an order granting defendant Firth's Motion for Stay of Trial pending decision of the Third Circuit Court of Appeals with respect to the issue of whether appellate jurisdiction exists for Firth and Robert W. Shimer's current pending joint appeal to the Third Circuit Court. If the Third Circuit Court holds that appellate jurisdiction does exist, to further stay trial pending that current joint appeal of the district court's order denying Firth's motion for reconsideration of the Court's denial of Firth's motion dated April 6, 2006 for summary with respect to all counts of Plaintiff's amended complaint and their joint appeal of the district court's order dated December 18, 2006 granting partial summary judgment in favor of Plaintiff.

In support of this motion, movant relies upon Shimer's brief submitted in support hereof. A proposed form of order granting the Motion sought is also submitted.



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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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COMMODITY FUTURES TRADING  
COMMISSION,

Hon. Robert B. Kugler

Plaintiff,

vs.

**Civil Action No. 04-1512**

EQUITY FINANCIAL GROUP LLC, et al.

Defendants.  
-----X

**PROPOSED ORDER GRANTING DEFENDANT VINCENT FIRTH'S  
MOTION TO STAY TRIAL PENDING APPEAL TO THE THIRD CIRCUIT COURT  
OF THE DISTRICT COURT'S PREVIOUS ORDERS DATED DECEMBER 18, 2006  
DENYING FIRTH'S MOTION FOR RECONSIDERATION AND GRANTING  
PARTIAL SUMMARY JUDGMENT FOR PLAINTIFF**

Having read the brief of Robert W. Shimer ("Shimer") dated May 24, 2007 filed in support of Firth's motion for stay and having reviewed and considered the Plaintiff's response thereto;

**THE COURT FINDS:**

1. That until the Third Circuit Court determines whether appellate jurisdiction exists with respect to Firth's current appeal and, if appellate jurisdiction is granted, until such time as an Opinion of the Third Circuit Court is issued with respect to the legal question that is potentially dispositive of all counts against Firth in the CFTC's amended complaint it is appropriate and well considered to grant defendant Firth's motion for stay of trial.

**IT IS HEREBY ORDERED THAT:**

Defendant Firth's motion for stay of trial pending appeal is hereby granted.

SO ORDERED \_\_\_\_\_ July , 2007

\_\_\_\_\_  
UNITED STATES JUDGE

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on May 24, 2007 he caused a true and correct copy of the foregoing Notice of Motion, Motion for Stay, and Proposed Order to be sent via regular U.S. Mail to the following.

Elizabeth M. Streit, Esq.  
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525 West Monroe St., Suite 1100  
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AUSA Paul Blaine, Esq  
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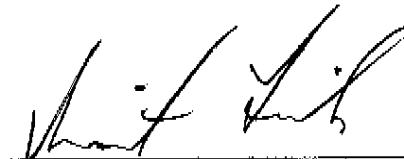
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*On behalf Coyt E. Murray, Tech Traders, Inc. Ltd.,  
Magnum Investments, Ltd., & Magnum  
Capital Investments, Ltd.  
.Cirino M. Bruno, Esq.  
Martin H. Kaplan, Esq.  
Melvyn J. Falis, Esq.  
Gusrae, Kaplan, Bruno & Nusbaum, PLLC*

*On behalf of Equity Financial Group, LLC*  
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