

CLD-271

June 14, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **07-1433**

COMMODITY FUTURES TRADING COMMISSION

VS.

EQUITY FINANCE GROUP LLC; TECH TRADERS, INC.; VINCENT J. FIRTH;
ROBERT W. SHIMER; J. VERNON ABERNETHY; COYT E. MURRAY; MAGNUM
CAPITAL INVESTMENTS, LTD.; MAGNUM INVESTMENTS, LTD.*

Robert W. Shimer; Vincent J. Firth,
Appellants

(*Amended per order of 4/25/07)

(D.N.J. CIV. NO. 04-CV-01512)

Present: RENDELL, SMITH & JORDAN, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
 - (2) Appellee's motion to dismiss for lack of jurisdiction;
 - (3) Appellants' jurisdictional response;
 - (4) Appellee's reply to Appellants' jurisdictional response;
 - (5) Appellant Shimer's response to Appellee's reply; and
 - (6) Appellant Firth's response to Appellee's reply
- in the above-captioned case.

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Respectfully,

Clerk

MMW/KLB/clc

ORDER

The foregoing Appellee's motion to dismiss the appeal for lack of appellate jurisdiction is granted because the orders appealed from are neither final nor appealable at this time. A final order must end the litigation as to all claims and all parties. Jackson v. Hart, 435 F.2d 1293, 1293 (3d Cir. 1970). The District Court has not expressly directed entry of judgment, Fed. R. Civ. P. 54(b), and the collateral order doctrine does not apply. See Bell Atlantic-Pa. v. Pa. Pub. Util. Comm'n, 273 F.3d 337, 342 (3d Cir. 2001); Carver v. Foerster, 102 F.3d 96, 98 (3d Cir. 1996). Appellants may pursue their appeal of the District Court's entry of partial summary judgment following the disposition of the remaining claims.

By the Court,

/s/ Kent A. Jordan

Circuit Judge

Dated: July 6, 2007
CLC\cc: Mr. Vincent J. Firth
Merry Lymn, Esq.

Robert W. Shimer