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

UNITED STATES  
DISTRICT COURT

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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.

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

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New York, New York 10016-0301

Vincent Firth  
3 Aster Court  
Medford, NJ 08055

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, Robert W. Shimer, Esq. ("Shimer") 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 Shimer'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 Shimer and Vincent Firth'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 their current joint appeal of the district court's order denying Shimer's motion for reconsideration of the Court's denial of Shimer's motion dated April 6, 2006 for summary with respect to all counts of Plaintiff's amended complaint and the 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 his brief submitted in support thereof. A proposed form of order granting the Motion sought is also submitted.

May 24, 2007



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**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 al

Hearing Date: July 6, 2007

Defendants.

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**MOTION FOR STAY OF TRIAL PENDING APPEAL**

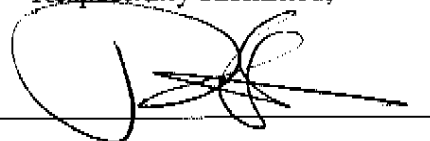
In accordance with the Local Civil Rules of the District Court for the District of New Jersey defendant Robert W. Shimer ("Shimer"), acting *pro se* respectfully moves for stay of trial pending the current joint appeal of Shimer and Vincent Firth to the Third Circuit Court of Appeals.

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

For all of the reasons stated in his brief Shimer 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 be 'R. Shimer', written over a horizontal line.

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