

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

COMMODITY FUTURES TRADING
COMMISSION,

Hon. Robert B. Kugler

Plaintiff,

vs.

Civil Action No. 04-1512

EQUITY FINANCIAL GROUP LLC, et al.

Defendants.

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**PROPOSED ORDER GRANTING DEFENDANT ROBERT W. SHIMER'S
MOTION TO STAY TRIAL PENDING APPEAL TO THE THIRD CIRCUIT COURT
OF THE DISTRICT COURT'S PREVIOUS ORDERS DATED DECEMBER 18, 2006
DENYING SHIMER'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 Shimer'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 Shimer and Vincent Firth's current joint appeal and, if appellate jurisdiction is granted, until an Opinion of the Third Circuit Court is issued with respect to the legal question that is potentially dispositive of all counts against Shimer in the CFTC's amended complaint it is appropriate and well considered to grant defendant Shimer's motion for stay of trial.

IT IS HEREBY ORDERED THAT:

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

SO ORDERED _____ July , 2007

UNITED STATES JUDGE