

Elizabeth M. Streit, Lead Trial Attorney
Scott R. Williamson, Deputy Regional Counsel
Rosemary Hollinger, Regional Counsel
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, Illinois 60661
312-596-0537
ES-2235
SW-9752
RH-6870

Paul Blaine
Assistant United States Attorney
for the District of New Jersey
Camden Federal Building & U.S. Courthouse
401 Market Street, 4th Floor
Camden, New Jersey 08101
856-757-5412
PB-5422

**In The United States District Court
For The District Of New Jersey
Camden Vicinage**

Commodity Futures Trading Commission,
Plaintiff,

vs.

Equity Financial Group LLC,
Tech Traders, Inc., Tech Traders, Ltd.,
Magnum Investments, Ltd., Magnum
Capital Investments, Ltd., Vincent J. Firth,
Robert W. Shimer, Coyt E. Murray, and
J. Vernon Abernethy,
Defendants.

Hon. Robert B. Kugler
District Court Judge

Hon. Ann Marie Donio
Magistrate

**Civil Action No: 04-1512
(RBK)**

**OBJECTION OF THE COMMODITY FUTURES TRADING COMMISSION TO THE
CLAIMS OF CERTAIN CLAIMANTS**

For the reasons set out below, the Commodity Futures Trading Commission (the “CFTC” or the “Commission”) objects to any distribution of funds in the receivership estate at this time to the following claimants: 1) Quest for Life 2) Alison Shimer 3) Bally Lines, Ltd. 4) Dream Venture Group 5) Snyder Financial Services/Janelle Wagner Trust and 6) Universe. The Commission has also received a letter from the Sterling Entities (Sterling ACS Ltd., Sterling Alliance Ltd., Sterling Casualty & Insurance Ltd., Sterling Bank Limited, Sterling (Anguilla) Trust Ltd., Sterling Investment Management Ltd, and Strategic Investment Portfolio LLC) claiming that service of a May 5, 2005 subpoena issued from the Western District of North Carolina on Vernice Woltz, the chief financial officer of the Sterling Entities is defective because she “works abroad and no longer resides in North Carolina.” The Commission therefore renews its objection to the Sterling Entities receiving any distribution until Vernice Woltz is deposed.

**QUEST FOR LIFE
(Claim No. 55)**

On February 10, 2005, the Commission filed its Objection of the Commodity Futures Trading Commission to a Proposed Distribution to Quest for Life (“Commission Objection”), who then appeared on the Receiver’s Agreed Claims Distribution Schedule. As a result of the information set forth in that Objection, the Receiver removed Quest for Life from the Agreed Claims List and placed it on the Disputed Claims List. See Equity Receiver’s Objections to Certain Investor Claims, filed March 31, 2005 (“Receiver’s Objections”). Since the Commission filed its Objection in February 2005, it has subpoenaed certain information from and taken the deposition of J. Samuel Grimes, the person who controls Quest for Life and who signed its claim form, and learned more about the source of the funds used to fund the investment for which

Quest for Life filed its claim. What it has learned casts doubt on the veracity of the information Grimes submitted in support of his claim and creates concerns about the source of the money used to fund Quest for Life's Tech Traders investment.

As noted in the Commission Objection, Grimes filed a claim form in September 2004 which detailed a total of \$2,850,000 in funds transferred to Tech Traders in seven installments between October 2002 and November 2003. Commission Objection at 3. Grimes claimed Quest for Life made all these transfers and that the source of funds used to make the investment was his personal earnings. *See* Attachment 1 to Exhibit A of the Commission Objection at RCF 3911. After the Receiver asked him to support his claim with evidence of deposits and withdrawals, Grimes filed a revised claim form that showed for the first time that two of the deposits into Tech Traders, both made in November 2003 and totaling \$1,700,000, actually came from a foreign entity named Max Research Foundation and were wired from a foreign bank account at the Bank of Nevis in Charlestown, Nevis. Commission Objection at 4, Attachment 4 to Exhibit A to Commission Objection at RCF 6002, RCF 6010-6014. The other five deposits Quest for Life made into Tech Traders, totaling \$1,150,000, came from a domestic bank account in the name of Quest for Life at Branch Banking & Trust Co. Commission Objection at 5, Attachment 2 to Exhibit A to Commission Objection. The Commission determined the source of these funds appeared to be Richmond Asset Management, Ltd. ("Richmond"). *Id.*, Exhibit A to Commission Objection at ¶ 8.

In February 2005, the Commission subpoenaed documents from Grimes. *See* Exhibit A hereto. In responding to the subpoena, Grimes, through his attorney Montfort Ray, admitted that Richmond had transferred \$1,442,000 to Quest for Life and that Quest for Life forwarded

\$1,150,000 of those funds to Tech Traders. *See* Exhibit B hereto at 5.¹ In a March 7, 2005 letter, his attorney stated that “Richmond is a small group of self-avowed private investors located in Houston, Texas”. *Id.* He claimed that the \$1,442,000 was transferred to Quest for Life as a donation, and attached to his letter an affidavit from Glen E. Mayle, former Chief Financial Officer of Richmond, attesting to the same. *See* Exhibit C hereto.

Following up on Ray’s response to the subpoena, the Commission requested the names, addresses and phone numbers of the “small group of self-avowed investors” who provide the funds to Richmond, which in turn, transferred those funds to Quest for Life. Grimes refused to give the Commission that information, claiming a doctor-patient and pastor-parishioner privilege. *See* Exhibit D hereto. He also disavowed his attorney’s statement that Richmond is a “small group of self-avowed private investors” and claimed not to know the nature of their business. *Id.* The Commission also requested the source of the two deposits of \$850,000 each that Max Research Foundation deposited with Tech Traders, including the names, addresses and phone numbers of the person or people who provided the funds. Grimes claimed the “[t]he two deposits of \$850,000 each that were lent/invested to Tech Traders from Max Research were derived from donations from patients and parishioners whose identity and financial activity is both privileged and private” and refused to give this information to the Commission either. *Id.* at CFTC 343-02-0011.

The Commission has learned through a search of corporate records that the corporate officers of Richmond are: 1) Edgar M. Bias, the Member Manager, 2) Glen Mayle, the Chief Financial Officer and Secretary (also the author of the affidavit claiming the \$1,442,000

¹ He also asserted that although Grimes had stated in the Quest for Life claim form that the source of the funds for the Tech Traders’ investment was personal earnings, the funds were actually “generated by the church, not the personal earnings of Dr. Grimes.” *Id.* at 5, n.6.

Richmond transferred to Quest for Life were donations) and 3) John D. Stern, the President. *See* Declaration of Joy McCormack, attached as Exhibit E, Attachment 1 thereto. Edgar M. Bias is also a defendant in an indictment filed March 17, 2005 in the United States District Court for the District of Arizona. The indictment charges him and Dennis D. Cope with conspiracy, mail fraud, wire fraud and money laundering in connection with FIIK Investments & Holdings, Inc., a Houston, Texas entity he controlled through which he solicited individuals to invest in “so-called trading programs” and other investments. *See* Attachment 2 to Exhibit E.

On May 5, 2005, the Commission took Grimes’ deposition. Grimes testified that he had had several failed investments in the late 90’s besides Tech Traders. *See* Excerpts of Grimes Deposition, attached as Exhibit F hereto at 42-43. One of those was a \$1,500,000 investment in FIIK, through an Edgar Biaz [sic]. *Id.* at 46-47.

Although Grimes initially refused to tell the Commission who he had supposedly treated at Richmond and who had “donated” \$1,442,000 to Quest for Life, when asked about the last time he saw Bias, Grimes claimed that he was treating him in March and that he also treated John Stern, Richmond’s president. Exhibit F at 171, 173, 175. He knew that Bias and Cope had been indicted. *Id.* at 174. He continued to deny, however, that the \$1,442,000 Richmond paid him was connected to his \$1,500,000 FIIK investment. *Id.* at 174-175. Grimes also continued to refuse to reveal the source of the Max Research Foundation funds that comprised \$1,700,000 of his claim in the name of Quest for Life² *Id.* at 177-78.

Since the Grimes deposition, the Commission has obtained documents which show that Grimes’ relationship with Bias goes beyond any supposed medical treatment. *See* Exhibit E at ¶ 6, Attachment 5 thereto. A January 29, 2005 letter from an attorney to Bias sets out the terms of

² It appears Grimes formed Max Research Foundation for the purpose of establishing a foreign bank account. Exhibit F at 91-93.

a joint venture between Grimes and Bias, which includes “substantial financial contributions to humanitarian efforts underwritten by Max Research Foundation”, a payment of \$3.5 million to Max Research Foundation in February 2005 and a planned trip by Grimes and Bias to Africa and Europe, where during a meeting in Amsterdam, \$200 million would be wire transferred to the attorney in the United States to repay investors. Attachment 5 to Exhibit E at 1- 2. Contrary to Grimes denials, the Commission has also obtained evidence that the money Grimes received from Richmond is likely a payback of his FIIK investment. An email likely drafted by Glen Mayle shows Grimes’ investment in FIIK and FIIK’s payback history. Many of the dates and amounts on the payback history correspond directly to the dates and amounts of wires from Richmond to Quest for Life’s domestic bank account. Exhibit E at ¶ 6, Attachment 4 at 3-4.

Thus, the money Quest for Life received from Richmond is almost certainly a payback from Grimes’ investment in FIIK. Because it appears from the indictment against Bias that FIIK was an investment fraud, it is likely that the money that Quest for Life was paid from Richmond on its investment comes from victims of the FIIK investment. Moreover, it appears that Grimes and Max Research Foundation were involved in some manner with Bias in an investment deal that involved paying back investors.

Given these facts, Grimes’ evasiveness and lack of credibility at his deposition and his refusal to disclose the source of the money used to fund the Tech Traders investment for the most specious reasons³, no distribution should be made to Quest for Life until the source of the

³ Grimes’ claim that doctor-patient privilege or clergy communicant privilege prohibits disclosure of this information is wholly without merit. Grimes is not a medical doctor and, therefore, even if there is a doctor-patient privilege, it would not apply to him. See Exhibit F at 18-25. There is some question whether there is even a doctor-patient privilege under federal law, which governs in this federal-question case. Compare *Northwestern Memorial Hospital v. Ashcroft*, 362 F.3d 923, 926 (7th Cir. 2004) (“And the evidentiary privileges that are applicable to federal-question suits are given not by state law but by federal law, Fed. R.Evid. 501, which does

\$2,850,000 Grimes gave Tech Traders is fully disclosed and it is determined to whom this money really belongs.

ALISON SHIMER
(Claim No. 67)

Alison Shimer, the wife of defendant Robert Shimer, has filed a claim for a \$150,000 investment she made with Shasta Capital Associates, a feeder pool into Tech Traders, on September 5, 2003. The Receiver placed this claim on the Disputed Claims list and included it in the Receiver's Objections because a) Mrs. Shimer was an investor with Kaivalya Holding Group, Inc. and b) her \$150,000 investment came from a joint account she holds with Robert Shimer. See Receiver's Objections at 5-7. The Commission agrees with the Receiver's objections to this claim. Mrs. Shimer's \$150,000 investment in Shasta came from a joint checking account held in the name of Alison and Robert Shimer at Patriot Bank ("Patriot 5498"). See Exhibit E at ¶ 7, Attachment 6. The analysis of Patriot 5498 to date shows that by September 2003, defendant Shimer had already received over \$210,000 in Patriot 5498 that originated with Tech Traders. See Exhibit E at ¶ 7. Because the \$150,000 investment in Shasta came from this same account, Mrs. Shimer's claim should be aggregated with all the repayments transferred to this account in the name of her husband.

not recognize a physician-patient (or hospital-patient) privilege") to *Conant v. Walters*, 309 F.3d 629, 636 (9th Cir. 2002) ("Physicians must be able to speak frankly and openly to patients. That need has been recognized by the courts through the application of the common law doctor-patient privilege. See Fed.R.Evid. 501.") But even if there is such a privilege and even if it applies to Grimes, it protects only the information a patient gives a doctor in order to allow the doctor to identify and treat a patient, it does not protect merely the identity of the patient. See *Conant v. Walters*, 309 F.3d at 636. Grimes also does not qualify for a clergy-communicant privilege. He has no formal religious training, Quest for Life is not incorporated and has no legal existence outside of Grimes, it has no church building, holds no religious services in the United States and has no congregation. See Exhibit F at 33-41 and 55-64. Again, however, even were such a privilege to apply to Grimes, it would not protect the names of people who gave donations to him; it would only protect those communications made to him to obtain religious counsel. See *In re Grand Jury Investigation*, 918 F.2d 374, 382, 384 (3d Cir. 1990).

Mrs. Shimer also does not appear to be an innocent bystander to her husband's dealings with Tech Traders and Coyt Murray. Defendant Equity Financial Group paid Mrs. Shimer \$12,000 in 2003. *See* Exhibit G hereto (marked as Exhibit 10 at Vincent Firth's deposition). Mrs. Shimer worked with defendant Shimer and accompanied him on most of his trips to visit Coyt Murray. *See* excerpts of Vincent Firth Deposition, attached as Exhibit H at 63-64. Given these additional facts, no distribution of funds should be made to Mrs. Shimer at this time.

BALLY LINES, LTD.
(Claim No. 5)

The Receiver has objected to the Bally Lines claim because it is inaccurate and incomplete, in that it fails to provide the names of persons with beneficial interest in the claimant. *See* Receiver's Objection at 2. The Commission agrees with the Receiver's objections. Dr. Edward J. Evors, the Vice President of Bally Lines, Ltd., filed a claim with the Receiver on October 4, 2004, claiming \$1,508,000 in deposits between June 2002 and December 2003 and \$410,000 in withdrawals between February 2002 and February 2004. The Receiver's analysis of Tech Traders' bank account shows a different net claim; however, it appears that Evors is willing to accept the Receiver's figures at this time. *See* Receiver's Objection at 2; Evors May 4, 2005 Letter to Court (Document 181). Evors still has not provided the names of all persons with beneficial interests in Bally Lines' claim though and has recently insisted that Bally Lines is the beneficial owner, though there is evidence to the contrary. *Id.*

For instance, it is clear that Dr. DiIenno has a beneficial interest in the Bally Lines claim. He filed his own claim form and has actively engaged in the claims process. *See* Objection to the Agreed Claims Interim Distribution Schedule by Donald DiIenno (Document 108, hereinafter DiIenno Objection) and Response in Opposition by Donald DiIenno (Document 135). It also appears that there are other investors in Bally Lines that have a beneficial interest in its Tech

Traders claim besides Dr. DiIenno. Evors discloses one such person in his latest filing with the Court – Mitch Harter. *See* Evors May 10, 2005 Letter to the Court (Document 193). The Commission has reviewed a limited portion of Bally Lines' bank records at Nevada First Bank, from which Bally Lines forwarded money to Tech Traders, and determined that there are likely other people with beneficial interests in the Bally Lines claim that have not been disclosed. *See* Exhibit E at ¶ 8.

The Commission also is concerned that Evors has mishandled and possibly misappropriated the funds entrusted to him for investment with Tech Traders. DiIenno sent Bally Lines \$100,000 on October 1, 2001 that was supposed to be invested with Tech Traders. *See* DiIenno Claim Form, attached as Exhibit I hereto at RCF 5223. Evors admitted in correspondence to the Receiver's office that that money was never deposited with Tech Traders. *See* Exhibit J hereto. DiIenno also deposited \$290,000 with Bally Lines on May 22, 2002 but only \$280,000 made it to Tech Traders. *See* Exhibit I at RCF 5223 and Stipulation of Facts Concerning Objection of Donald DiIenno to Motion for Authority to Make Interim Distribution (Document 151, hereinafter DiIenno Stipulation). Evors' May 10, 2005 letter to the Court also raises a number of other issues about how he handled investor funds. He states that Mr. Harter, the other recently disclosed investor of Bally Lines that invested in Tech Traders, made a \$190,000 deposit to Bally Lines for Tech Traders in May 2003. But it appears that only \$180,000 of that money made it to Tech Traders and that it was not deposited in Tech Traders' bank account until December 2003. *See* May 10 Evors' Letter at 2, DiIenno Stipulation at 2. Mr. Harter also apparently received \$145,200 in distributions **after** this case was filed and the Statutory Restraining Order was in place.

Because it does not appear that the Commission or the Receiver has the full universe of Bally Lines investors who deposited, or thought they were depositing, funds with Tech Traders and because of a concern about how Evors has handled investor funds in the past, no distribution should be made to Bally Lines until these concerns are fully investigated.

**DREAM VENTURE GROUP
(Claim No. 22)**

On September 20, 2004, Gregg Amerman, the principal of Dream Venture Group, filed a claim form on its behalf in which he claimed deposits of \$1,083,000 and withdrawals of \$280,146. However, the Receiver's analysis of Tech Traders' bank records shows that Dream Venture Group withdrew \$1,278,475 from Tech Traders and thus it has no allowable claim. *See* Receiver's Objection at 3. The Commission agrees that Dream Venture Group has no allowable claim on this basis. The Commission also has other concerns about the manner in which Amerman handled this investment group which need further investigation.

**JANELLE WAGNER TRUST C/O SYNDER FINANCIAL SERVICES
(Claim No. 32)**

On March 22, 2005, Janelle Wagner, on behalf of the Janelle Wagner Family Trust, filed a late claim with the Receiver. On March 25, 2005, Brian Synder, of Synder Financial Services also filed a claim on Janelle Wagner's behalf. The claim asserted that the Janelle Wagner Family Trust had invested \$239,000 with Tech Traders and withdrawn \$50,000. The Receiver objected to this claim because his analysis of the banking records indicated that Janelle Wagner had actually withdrawn \$75,000 from Tech Traders and because neither Janelle Wagner nor Brian Synder revealed the beneficial interests in the claimant. *See* Receiver's Objection at 3. The Commission agrees with these objections.

The Commission also objects to any distribution to Janelle Wagner or Brian Synder on behalf of Janelle Wagner because neither of them has responded to the Commission's repeated requests for information. The Commission sent letters to Synder Financial Services on November 16, 2004, January 5, 2005 and March 31, 2005 requesting general information about Synder's business activities and registration status with respect to soliciting funds for trading in futures and/or securities. *See* Letters marked as Group Exhibit K. It has received no response.

The Commission has also identified a check for \$20,000 written to Karum Corporation by Janelle Wagner on September 20, 2001. *See* Exhibit L hereto. Karum Corporation was an investor in Tech Traders that withdrew more than it invested, under unusual circumstances, and its principal is currently serving a criminal sentence for financial fraud. *See* Exhibit E at ¶ 12⁴. Because Janelle Wagner Trust was an investor in Karum Corporation as well as Tech Traders, and because Karum Corporation withdrew more funds from Tech Traders than it deposited, it is possible that Janelle Wagner Trust has obtained money back from Tech Traders through Karum Corporation, as well as directly from Tech Traders. If that is the case, any such indirect distributions to the trust should be counted against any further distribution made to it.

⁴ Matthew McGaffick is the president of Karum Corporation. McGaffick and Karum entered into an agreement with Tech Traders in May 2001 and subsequently invested approximately \$434,988 in Tech Traders. (*See* Exhibit E at ¶ 10, Attachment 7). In December 2001, McGaffick and Coyt Murray entered into a Business Agreement under which Tech Traders agreed to make its Synergy Index Trading System available to McGaffick for a period of five years. (*See* Exhibit E at ¶ 10, Attachment 8). McGaffick demanded return of \$575,000 from Tech Traders in February 2002. (*See* Exhibit E at ¶ 10, Attachment 9). Tech Traders returned over \$569,000 to Karum Corporation through an offshore account. (*See* Exhibit E at ¶ 10). Karum therefore received at least \$130,000 more than it invested in Tech Traders. *See* Exhibit E at ¶ 12. In 2002, the Superintendent of Securities, on behalf of the Iowa Division of Insurance, issued a cease and desist order against McGaffick and Karum for soliciting for the "Synergy Index Trading Program" (*See* Exhibit E at ¶ 11, Attachment 10). McGaffick is currently incarcerated in the Federal Bureau of Prisons Duluth Minnesota facility. *See* Exhibit E at ¶ 11, Attachment 11.

Because Synder failed to respond to the Commission's repeated requests for information, the Commission wrote directly to Janelle Wagner on April 18, 2005 requesting general information about the Janelle Wagner Family Trust and investments in Snyder and Karum. *See* April 18, 2005 Letter attached as Exhibit M. When the Commission received no response to this letter, it called Ms. Wagner, who acknowledged receiving the letter and said the matter had been referred to her attorney Lance Wonderlin. Later that day, Wonderlin called the Division and said he had mailed a response. *See* Declaration of Hugh Rooney, attached as Exhibit N hereto. However, the response failed to address most of the information the Division seeks, including the nature of Janelle Wagner's relationship to Karum Corporation. The Commission therefore wrote Wonderlin and stated that it would object to any distribution to his clients until it received the information it requested. *See* May 16, 2005 Letter, attached as Exhibit O hereto.

To date, the Commission has received no response to its repeated requests for information over the last six months. Because the information Synder and Wagner provided to support the Wagner claim is incomplete and inaccurate, because it has not responded to the Commission's repeated requests for information and because neither entity has explained Wagner's relationship to Karum Corporation, no distribution should be made to Janelle Wagner Family⁵ Trust until this information is provided and evaluated.

UNIVERSE CAPITAL APPRECIATION, LLC
(Claim No. 85)

Universe Capital Appreciation, LLC ("Universe") was an investor in Shasta and has filed a claim in the amount of \$2,647,165 through its manager, William D. Perkins. On its claim form, Perkins listed over 15 "members" of Universe, and he has testified that there were over 40.

⁵ Snyder Financial Service has also not explained its relationship to the Janelle Family Trust and why it has filed a claim on Janelle's behalf.

See Excerpts of Perkins Deposition, attached as Exhibit P hereto, at 327, 330. It appears from the claim form that Universe pooled funds from many investors to invest in commodities.

Neither Perkins nor Universe has ever been registered with the Commission. The failure to so register may be a violation of the Commodity Exchange Act. *See* 7 U.S.C. § 6m (2004).

It also appears that Perkins and Universe are intimately connected to Defendant Robert Shimer. Perkins was the president of Kaivalya Holding Group, a previous investment vehicle that Perkins testified was initiated by Shimer. *See* Exhibit P at 39-41. As with Shasta, several Universe investors were also Kaivalya investors. *See* Exhibit E at ¶ 14. Universe was apparently Shimer's idea and was set up for investors who could not afford Shasta's \$100,000 threshold. *See* Exhibit P at 319-320. The funds of Universe were pooled and sent to Shasta where they were further pooled and sent to Tech Traders to trade. *Id.* Shimer created Universe's Operating Agreement, Subscription Agreement and Form D filings with the Securities and Exchange Commission, all of which replicated Shasta's corresponding documentation. Exhibit P at 318, 321. Universe's investors received copies of Shasta promotional material and were directed to Shasta's website. Exhibit P at 326-327, 335-36. Perkins also received over \$160,000 from Universe, either directly or through separate businesses he ran. Exhibit E at ¶ 13. Given Universe's, and Perkins' close association with Shimer, the possibility that Universe investors invested funds with Universe that were obtained through Kaivalya (and thus came originally from Tech Traders), and concerns about whether it was operated in accordance with the Commodity Exchange Act, no claim distribution should be made to Perkins on behalf of Universe until these issues can be resolved.

THE STERLING ENTITIES
(Claims 70-76)

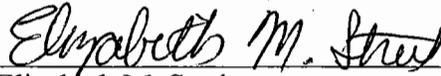
The Commission informed the Court at the May 13, 2005 hearing that Vernice Woltz had been re-served with a subpoena on May 5, 2005. This subpoena was issued from the Western District of North Carolina and was returnable in the Western District of North Carolina and thus cured any possible defect that it was issued out of the wrong district. Sterling had objected to the Commission's last subpoena on that ground. *See* March 14, 2005 Letter from Russo to Streit, attached as Exhibit Q hereto. Sterling did not respond to the Commission's inquiry about whether it intended to comply with the subpoena at the hearing on the 13th. However, on Monday, May 16, 2005, the Commission received a letter from Sterling's counsel in which it claimed, for the first time that "Ms. Woltz works abroad and no longer resides in North Carolina." *See* May 16, 2005 Letter to Streit from Russo attached as Exhibit R hereto. Sterling also claimed that the subpoena is defective because it "purports to serve Ms. Woltz as agent of a number of the Sterling Group of Companies which has not authorized her to accept service on their behalf and do not have sufficient contacts with the Western District of North Carolina to justify jurisdiction." *Id.*

Once again, the Sterling Entities try to shield themselves from any inquiry by hiding behind their alleged foreign status. They spirited off the Vernon Abernethy back-up tape to the Bahamas in an apparent attempt to prevent its disclosure. They brought Vernice Woltz in to testify less than a month after this case was filed in an extraordinary attempt to obtain a lion's share of the limited receivership estate before too much information could be learned about them. Now they do not want her to answer any questions. They refuse to reveal who their clients are who provided the money to fund their Tech Traders investment, citing foreign law which does not support their position. They have submitted themselves to the jurisdiction of this Court

to obtain equitable relief. The Court should not provide any such relief until they provide the witnesses and information that will determine their right to that relief.

Date: May 20, 2005

Respectfully submitted,



Elizabeth M. Streit
Lead Trial Attorney
A.R.D.C. No. 06188119

Scott R. Williamson
Deputy Regional Counsel
A.R.D.C. No. 06191293

Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, Illinois 60661
(312) 596-0537 (Streit)
(312) 596-0520 (Hollinger)
(312) 596-0560 (Williamson)
(312) 596-0700 (office number)
(312) 596-0714 (facsimile)

CERTIFICATE OF SERVICE

The undersigned, non-attorney, does hereby certify that on May 20, 2005, she caused a true and correct copy of the foregoing ***Objection of the Commodity Futures Trading Commission to the Claims of Certain Claimants*** to be served by via electronic mail and Federal Express mail:

***On behalf Coyt E. Murray, Tech Traders, Inc. Ltd.,
Magnum Investments, Ltd., and Magnum Capital
Investments, Ltd***

Melvyn J. Falis
Martin H. Kaplan
Gusrae, Kaplan, Bruno & Nusbaum, PLLC
120 Wall Street
New York, NY 10005
(212) 809-5449 (fax)
mkaplan@gkblaw.com
mfalis@gkblaw.com
Email

On behalf of Equity Financial Group

Samuel Abernathy
Menaker and Hermann
10 E. 40th St., 43rd Floor
New York, NY 10014
(212) 545-1656 (fax)
SFA@mhjur.com
Email

Defendant J. Vernon Abernethy, pro se

Jack Vernon Abernethy
413 Chester Street
Gastonia, North Carolina 28052
Federal Express

Defendant Robert W. Shimer, pro se

Robert W. Shimer
1225 Leesport Road
Leesport, PA 19533
shimer@enter.net
Email

Defendant Vincent Firth, pro se

Vincent Firth
3 Aster Court
Medford, NJ 08055
triadcapital@comcast.net
Email

On Behalf of Sterling entities

Mr. Martin P. Russo
Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP
One North Broadway
White Plains, NY 10601
Email: mrusso@kelaw.com
E-mail

On Behalf of Sterling entities:

Warren W. Faulk
Brown & Connery Esqs.
360 Haddon Avenue
PO Box 539
Westmont, NJ 08108
(856) 854-8900
Email: wfaulk@brownconnery.com
Email

Receiver

Stephen T. Bobo
Sachnoff & Weaver, Ltd.
10 S. Wacker Drive, 40th Floor
Chicago, IL 60606
(312) 207-6400 (fax)
sbobo@sachnoff.com
Email

On Behalf of Samuel Grimes, Jr.

Montfort S. Ray, Esquire
10 Warren Drive
Savannah, Georgia 31407
Federal Express

Alison Shimer
1225 W. Leesport Road
Leesport, Pennsylvania 19533
Federal Express

Dr. Edward J. Evors
Vice President Bally Lines, Ltd.
720 Orient St.
Tampa, Florida 33603
Federal Express

***On Behalf of Greg Amerman and Dream Venture
Group***

Andrew J. Ekonomou, Esquire
Ekonomou, Atkinson & Lambros, LLC
450 Hurt Building
50 Hurt Plaza, S.E.
Atlanta, Georgia 30303
Federal Express

***On behalf of Brian Snyder and Snyder Financial
Services***

Lance W.. Wonderlin, Esquire
8710 N. Meridian Street
Indianapolis, Indiana 46260
Federal Express

Janelle A. Wagner
Wagner Family Trust
11441 Longwater Chase Court
Fort Myers, Florida 33908
Federal Express.

W. David Perkins
90 South 1250 West
St. George, Utah 84770
Federal Express



Venice M. Bickham
Paralegal