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Attorneys for defendant Equity Financial Group LLC,

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

	IMODITY FUTURES TRADING : IMISSION, :	Civil Action No. 04-1512
EQUI	Plaintiff, vs. ITY FINANCIAL GROUP LLC, <i>et al.</i> , Defendants.	NOTICE OF MOTION FOR DISMISSAL PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6)
 To: Elizabeth M. Streit, Esq. 525 West Monroe Street, Suite 1100 Chicago, Illinois 60661 Paul Blaine, Esq. 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 Samuel F. Abernethy, Esq. Menaker & Herrmann, LLP 10 Easth 40th Street, 43 Floor New York, NY 10016 		se

Melvyn J. Falis, Esq. Gusrae, Kaplan, Bruno & Nusbaum, PLLC 120 Wall Street New York, NY 10005

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Mr. Robert W. Shimer 1225 West Leesport Road Leesport, PA 19533

Vincent J. Firth 3 Aster Court Medford, NJ 08055

PLEASE TAKE NOTICE that Mennaker & Herrmann, LLP and Witman, Stadtmauer & Michaels, P.A., attorneys for defendant Equity Financial Group, LLC ("Equity") shall move before Honorable Robert Kugler, U.S.D.J., sitting in the United States District Court for the District of New Jersey, at the Mitchell H. Cohen, United States Courthouse, 1 John F. Gerry Plaza, Camden, New Jersey on Monday, the 20th day of May, 2005, at 10:00 a.m. or as soon thereafter as counsel may be heard for an order for dismissal in favor of Equity and against plaintiff pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

In support of this motion, Equity shall rely upon the accompanying certification of Samuel F. Abernethy, Esq. and the papers submitted by and on behalf of defendants Robert W. Shimer and Vincent J. Firth in support of their motion for similar relief, which motion is also returnable May 20, 2005. Pursuant to L. Civ. R. 7.1(d)(1), this is to indicate that no brief is submitted herewith since Equity joins in the arguments set forth in the brief filed by codefendants.

WITMAN, STADTMAUER & MICHAELS, P.A. Attorneys for defendant Equity Financial Group, LLP

Dated: April 28, 2005

By: s/Lewis Cohn

Lewis Cohn, Esq.