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**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)**

SUPPLEMENTAL OBJECTION OF THE COMMODITY FUTURES TRADING COMMISSION TO THE CLAIM OF UNIVERSE CAPITAL APPRECIATION, LLC

The Commodity Futures Trading Commission (“CFTC or Commission”) files this supplemental Objection to the Objection to the Claims of Certain Claimants (“Objection”) filed on May 20, 2005, in accordance with the Court’s instructions at the June 13, 2005 phone status conference. The Commission learned after it filed its Objection that William David Perkins (“Perkins”), the manager of Universe Capital Appreciation, LLC (“Universe”) who filed a claim on its behalf, is currently incarcerated in federal prison in Las Vegas, Nevada. Perkins’ incarceration is an additional reason why the Commission objects to the Universe claim.

As set forth in the Objection, Universe was a third tier investor; that is, Universe consists of 40 or more investors who pooled their funds for investment in Shasta, the commodity pool run by defendants Equity Financial, Firth and Shimer, for further transmittal to Tech Traders. Objection at 13. The Commission objected to its claim because of a) the close association of defendant Shimer with Universe and Perkins (according to Perkins, Universe was Shimer’s idea and Shimer created all of Universe’s documents with investors and Form D filings with the Securities and Exchange Commission, all of which replicated Shasta’s corresponding documents); b) the overlap of Universe and Kaivalya investors (some Universe investors were also Kaivalya investors and Perkins was the president of Kaivalya, another investment vehicle created by Shimer); and c) concerns about whether Universe was operated in accordance with the Commodity Exchange Act. Perkins’ incarceration in federal prison is an additional compelling reason to withhold distribution to Universe at this time.

On March 2, 2005, Perkins plead guilty to one count of a violation of Title 18, section 371, conspiracy to defraud the United States, in the United States District Court for the Middle District of Pennsylvania. *See* Judgment in *United States v. William David Perkins*, No. 1:04-CR-

0137, attached as Exhibit A hereto. As a result of entering into a plea agreement, Perkins was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of four months in Federal Prison Camp Nellis in North Las Vegas, Nevada on May 18, 2005. Perkins' projected release date is September 16, 2005. *See* Exhibit A at 2. He also has been ordered to pay restitution in the amount of \$365,193 to the Internal Revenue Service. *Id.* at 6. Upon release, Perkins is required to be on home detention for four months and supervised release for a term of two years. *Id.* at 3, 5. He is not a person who should be handling the return of investor funds pursuant to this claims process.

Shimer is not a suitable replacement. As stated above and in the previously filed Objection, Shimer was the mastermind behind Universe. According to Perkins, Shimer created Universe to attract smaller investors who could not meet the \$100,000 minimum Shimer set for Shasta. *See* Excerpts of Perkins Deposition Transcript ("Perkins Trans."), attached as Exhibit P to the Objection at 319, 320. Universe was an investor in Shasta Capital Associates, LLC ("Shasta"). Shimer's own relatives were Universe and Shasta investors. *See* Universe Claim Form at RCF 001522 (Shimer-George W. Trust) attached as Exhibit B hereto. Thus, in addition to the fact that Shimer is a named defendant charged with fraud, and is not licensed to practice law in New Jersey, he has an intimate connection to Universe that creates a conflict of interest to any proposed representation of those investors' interests.

For the above reasons and the reasons set forth in the Commission's Objection, no disbursements should be made on the Universe claim at this time.


Attorney for Plaintiff
Rocell J. Cyrus

EXHIBIT A

AO 245 B (Rev. 12/03) Sheet 1 - Judgment in a Criminal Case

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 1:04-CR-0137

VS.

USM NUMBER: 12393-067

WILLIAM DAVID PERKINS

Thomas A. Thornton, Esquire

Defendant's Attorney

FILED
HARRISBURG, PA

MAR 02 2005

MARY E. D'ANDREA, CLERK
Per *MW*
Deputy Clerk

THE DEFENDANT:

- pleaded guilty to count(s) I of Information.
- pleaded nolo contendere to count(s) _____
- which (was)(were) accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title/Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy to Defraud the United States	10/18/2000	I

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____.
- Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence or, mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

March 2, 2005

Date of Imposition of Sentence

Christopher C. Conner

CHRISTOPHER C. CONNER, U.S. DISTRICT JUDGE
MIDDLE DISTRICT OF PENNSYLVANIA

Certified from the record

Date March 3, 2005

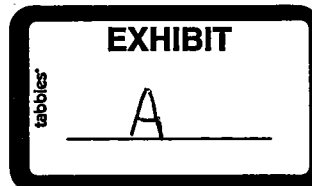
Mary E. D'Andrea, Clerk

Per *Mary E. D'Andrea*
Deputy Clerk

3-2-05
Date Signed

CFTC 032 01 0001

★U.S.GPO:1990-722-448/10286



Defendant: WILLIAM DAVID PERKINS
Case Number: 1:04-CR-0137

Judgment - Page 2 of 7

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Four (4) Months.

The court makes the following recommendations to the Bureau of Prisons:

The court recommends that FPC Nellis (North Las Vegas, Nevada) be designated as the place of confinement.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

at _____ a.m./p.m. on _____.

as notified by the U.S. Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,

before 2 p.m. on WEDNESDAY, MAY 18, 2005.

as notified by the United States Marshal.

as notified by the probation office.

The defendant is to contact the United States Marshal's Office no later than three days prior to the above date to be notified of the place of confinement.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____

_____, with a certified copy of this judgment.

United States Marshal

Deputy Marshal

Defendant: WILLIAM DAVID PERKINS
Case Number: 1:04-CR-0137

Judgment - Page 3 of 7

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of Two (2) Years.
(See Page 5 for additional conditions of supervised release.)

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable).

The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable).

The defendant shall participate in an approved program for domestic violence. (Check, if applicable).

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;

Defendant: WILLIAM DAVID PERKINS
Case Number: 1:04-CR-0137

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STANDARD CONDITIONS OF SUPERVISION CONTINUED

- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time a home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 13) the defendant, as directed by the probation officer, shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
- 15) the defendant shall participate in a program of testing and treatment for drug abuse, as directed by the Probation Office, until such time as you are released from the program by the Probation Officer.
- 16) the defendant shall notify the Court and U.S. Attorney's Office of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.
- 17) the defendant shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer unless the defendant is in compliance with the installment schedule for payment of restitution, fines or special assessments.
- 18) the defendant shall provide the Probation Officer with access to any requested financial information.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____

Date _____

U.S. Probation Officer/Designated Witness

Date

Defendant: WILLIAM DAVID PERKINS

Judgment - Page 5 of 7

Case Number: 1:04-CR-0137

ADDITIONAL CONDITIONS OF SUPERVISION

1. The defendant shall remain at his residence for a period of four (4) months unless given permission in advance by the probation officer to be elsewhere. The defendant shall maintain a telephone without special features at his place of residence for the four month period. The probation officer shall make provisions for the defendant's absence from his residence for employment, medical/mental health services, religious services, and necessary shopping. Said home detention shall commence as directed by the probation officer and may be electronically monitored. The defendant shall pay the cost of electronic monitoring not to exceed the daily contractual rate.

2. The defendant shall pay any balance of the restitution imposed by this judgment which remains unpaid at the commencement of the term of supervised release in minimum monthly installments of no less than \$150.00.

Defendant: WILLIAM DAVID PERKINS
 Case Number: 1:04-CR-0137

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100.00	\$ N/A	\$ 365,193.00

The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245 C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below, jointly and severally with the case of Robert Singleton (Docket No. 1:04-CR-177). In addition, defendant shall receive credit for any offsets to the restitution amount collected from the Estate of Leon Martin Martin (ID No. 188-30-8968) by the Internal Revenue Service. No further payment shall be required after the sum of the amounts actually paid by both defendants have been covered the compensable losses.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. 3664(i), all non federal victims must be paid in full prior to the United States receiving payment.

<u>NAME OF PAYEE</u>	<u>TOTAL LOSS</u>	<u>RESTITUTION ORDER</u>	<u>PRIORITY OF PERCENTAGE</u>
Internal Revenue Service P.O. Box 1267 Harrisburg, PA 17108 Attn: Ernest Binder		\$365,193.00	100%
TOTALS		<u>\$ 365,193.00</u>	

Restitution amount ordered pursuant to plea agreement \$ _____.

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

- the interest requirement is waived for the fine restitution.
- the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

Defendant: WILLIAM DAVID PERKINS
Case Number: 1:04-CR-0137

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A Lump sum payment of \$ 365,293.00 due immediately, balance due
 not later than _____ or
 in accordance with C, D, E F below; or
- B Payment to begin immediately (may be combined with C, D, or F below): or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of Supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The Court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

The defendant shall pay any balance of the restitution imposed by this judgment which remains unpaid at the commencement of the term of supervised release in minimum monthly installments of no less than \$150.00, with any balance to be paid within two (2) years of release from custody.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, Middle District of Pennsylvania, 235 North Washington Ave. and Linden Street, Room 101, Post Office Box 1148, Scranton, Pa. 18501, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Defendant William David Perkins (Docket No. 1:04-CR-137) is ordered to make restitution in the amount of \$365,193.00 to the Internal Revenue Service. Restitution is applied jointly and severally with the case of Robert Singleton (Docket No. 1:04-CR-177), and defendant shall receive credit for any offsets to the restitution amount collected from the Estate of Leon Martin Martin (ID No. 188-30-8968) by the Internal Revenue Service.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States: CFTC 032 01 0007

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO 245B (Rev12/03) Judgment in a Criminal Case, Statement of Reasons
Attachment (Page 1)

DEFENDANT: WILLIAM DAVID PERKINS
CASE NUMBER: 1:04-CR-0137
DISTRICT: Middle District of Pennsylvania

STATEMENT OF REASONS

(Not for Public Disclosure)

THE COURT ADOPTS THE PRESENTENCE REPORT AND GUIDELINE APPLICATIONS WITHOUT CHANGE.
OR

THE COURT ADOPTS THE PRESENTENCE REPORT AND GUIDELINE APPLICATIONS BUT WITH THESE CHANGES: (Use Page 3, if necessary)

Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level or specific offense characteristics):

Chapter Three of the U.S.S.G. Manual adjustment determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility): The Court finds that the defendant is entitled to a two-level decrease in offense level as a minor participant under U.S.S.G. 3B1.2(b).

Chapter Four of the U.S.S.G. Manual determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):

THE COURT ADOPTS THE PRESENTENCE REPORT WITH THESE COMMENTS OR FINDINGS (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions. Specify court comments or findings, including paragraphs in the presentence report.) (Use Page 3, if necessary).

GUIDELINE RANGE DETERMINED BY THE COURT (BEFORE DEPARTURES):

Total Offense Level: 14

Criminal History Category: I

Imprisonment Range: 15 to 21 months

Supervised Release Range: 2 to 3 years.

Fine Range: \$ 4,000 to \$ 40,000

Fine is waived because of the defendant's inability to pay.

THE SENTENCE IS WITHIN THE GUIDELINE RANGE, THAT RANGE DOES NOT EXCEED 24 MONTHS, AND THE COURT FINDS NO REASON TO DEPART.

OR

THE SENTENCE IS WITHIN A GUIDELINE RANGE, THAT RANGE EXCEEDS 24 MONTHS, AND THE SPECIFIC SENTENCE IS IMPOSED FOR THESE REASONS: (Use Page 3, if necessary.)

FILED
HARRISBURG, PA
MAR 02 2005
MARY E. D'ANDREA, CLERK
Deputy Clerk

DEFENDANT: WILLIAM DAVID PERKINS
CASE NUMBER: 1:04-CR-0137
DISTRICT: Middle District of Pennsylvania

STATEMENT OF REASONS

(Not for Public Disclosure)

RESTITUTION DETERMINATIONS

TOTAL AMOUNT OF RESTITUTION: \$ 365,193.00

[] For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).

[] For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and related then to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).

[] For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii)

[] Restitution is not ordered for other reasons:

[] Partial restitution is ordered under 18 U.S.C. § 3663(c) for these reasons:

DEPARTURE (Check all that apply)

[X] The sentence departs below the guideline range for the following reasons; or

[] The sentence departs above the guideline range for the following reasons:

Pursuant to a Plea Agreement

[X] based on 5K1.1 motion of the government based on the defendant's substantial assistance;

[] based on a government motion pursuant to an early disposition program;

[] based on a binding plea agreement for departure which the court has accepted (cite below reason, if applicable);

[] based on a plea agreement which cites the below reason for departure, which the court finds to be justified; or

[] based on a plea agreement which states that the government will not oppose a defense departure motion and cites the below reason.

~~Pursuant to a Motion Not Addressed in a Plea Agreement~~

[] pursuant to a 5K1.1 motion of the government based on the defendant's substantial assistance;

[] pursuant to a government motion based on the below reason for departure; or

[] pursuant to a defense motion based on the below reason for departure to which the government has not objected; or

[] pursuant to a defense motion based on the below reason for departure to which the government has objected.

[] Other than plea agreement or motion by the parties based on the below reason for departure.

CFTC 032 01 0003

Reason(s) for Departure

[] 4A1.3 Criminal History Adequacy (explain)

[] 5K2.0 Aggravating or Mitigating

Circumstances (explain):

[] 5K2.1 Death

[] 5K2.2 Physical Injury

[] 5K2.3 Extreme Psychological Injury

[] 5K2.4 Abduction or Unlawful Restraint

[] 5K2.5 Property Damage or Loss

[] 5K2.6 Weapons and Dangerous Instruments

[] 5K2.7 Disruption of Government Function

[] 5K2.8 Extreme Conduct

[] 5K2.9 Criminal Purpose

[] 5K2.10 Victim's Conduct

[] 5K2.11 Lesser Harm

[] 5K2.12 Coercion and Duress

[] 5K2.13 Diminished Capacity

[] 5K2.14 Public Welfare

[] 5K2.16 Voluntary Disclosure of Offense

[] 5K2.17 High-Capacity Semiautomatic Firearm

[] 5K2.18 Violent Street Gang

[] 5K2.20 Aberrant Behavior

[] 5K2.21 Dismissed and Uncharged Conduct

[] 5K2.22 Age or Health of Sex Offenders

[] 5K2.23 Discharged Terms of Imprisonment

[] 5K3.1 Early Disposition, "fast-track" Program

[] Other (e.g., 2B1.1 commentary, 5H1.1-5H1.6 or 5H1.11)(explain and state guideline and/or statutory basis).(Use Page 3, if necessary)

AO 245B (Rev.12/03) Judgment in a Criminal Case, Statement of Reasons
Attachment (Page 3)

DEFENDANT: WILLIAM DAVID PERKINS
CASE NUMBER: 1:04-CR-0137
DISTRICT: Middle District of Pennsylvania

STATEMENT OF REASONS

(Not for Public Disclosure)

ADDITIONAL PRE-SENTENCE REPORT AND GUIDELINE APPLICATION CHANGES
(If necessary.)

SPECIFIC SENTENCE IS IMPOSED FOR THESE REASONS
(If necessary.)

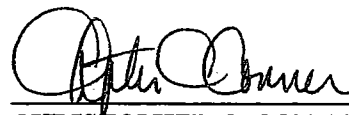
**ADDITIONAL COMMENTS OR FINDINGS CONCERNING INFORMATION IN PRE-SENTENCE
REPORT**
(If necessary.)

ADDITIONAL REASONS FOR DEPARTING FROM THE GUIDELINE RANGE
(If necessary.)

Defendant's Soc. Sec. No.: 528-68-8149
Defendant's Date of Birth: 11/02/1958

March 2, 2005
Date of Imposition of Sentence

Defendant's Residence Address:
90 S. 1250 West
St. George, UT 84770



CFTC 032 01 0010

CHRISTOPHER C. CONNER, U.S. DISTRICT JUDGE
MIDDLE DISTRICT OF PENNSYLVANIA

Defendant's mailing Address:
90 S. 1250 West
St. George, UT 84770

3-2-05
Date Signed

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

COMMODITY FUTURES TRADING)
COMMISSION,)

Plaintiff,)

vs.)

Civil Action No.: 04CV 1512

EQUITY FINANCIAL GROUP, LLC,)
TECH TRADERS, INC., TECH)
TRADERS, LTD., MAGNUM)
CAPITAL INVESTMENTS, LTD.,)
MAGNUM INVESTMENTS, INC.,)
VINCENT J. FIRTH, ROBERT W.)
SHIMER, COYT E. MURRAY, and J.)
VERNON ABERNETHY,)

Honorable Robert B. Kugler

Defendants.

CLAIM FORM FOR INVESTORS IN SHASTA CAPITAL ASSOCIATES, LLC

Please complete the following statements, make any changes necessary to ensure accuracy, sign and return it to the address shown on the bottom of this form.

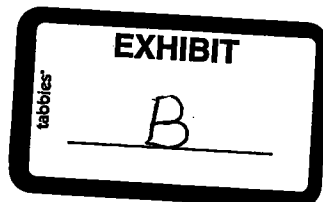
1. I invested funds for commodity trading with the Shasta Capital Associates, LLC ("Shasta") commodity pool operated by Equity Financial Group, LLC.

2. My interest in Shasta is recorded under the following account name and account number, if available: Universe Capital Appreciation, LLC 102-SC-2001

3. I originally learned about Shasta from Robert Shimer and was solicited to invest in Shasta by Robert Shimer.

4. According to the most recent information provided to me as of FEB 2004 STATEMENT (date), I understand that the amount of the account balance shown for my interest in Shasta is

\$2,832,833.14.



RCF 001512

5. I received information regarding the amount of my equity in Shasta from:

Vincent Firth

6. On the dates listed, the following amounts were transferred to fund my investment in Shasta:

<u>Date</u>	<u>Amount</u>	<u>Source of Funds Used to Invest</u>	<u>Person Making Transfer</u>	<u>Recipient of Transfer</u>
1-15-02	10,000.00	Initial Member	BOB RICHARDSON MADE DIRECTLY TO →	Shasta - citibank
2-27-02	10,000.00	member	David Perkins	Robert Shimer Shasta - citibank
5-9-02	50,000.00	"	"	"
5-24-02	127,000.00	"	"	"
6-11-02	40,000.00	"	"	"
7-12-02	31,000.00	"	"	"
7-31-02	37,000.00	"	"	"
8-23-02	7,500.00	"	"	"
9-13-02	20,000.00	"	"	"
10-10-02	50,000.00	"	"	"
11-8-02	104,000.00	"	"	"
11-13-02	10,000.00	"	"	"
11-27-02	95,000.00	"	"	"
1-9-03	10,000.00	"	"	"
2-7-03	100,000.00	"	"	"
3-4-03	94,000.00	"	"	"
3-7-03	55,000.00	"	"	"
3-21-03	85,000.00	"	"	"

6. On the dates listed, the following amounts were transferred to fund my investment in Shasta:

<u>Date</u>	<u>Amount</u>	<u>Source of Funds Used to Invest</u>	<u>Person Making Transfer</u>	<u>Recipient of Transfer</u>
4-14-03	50,000.00	MEMBERS	DAVID PERKINS	ROBERT SHIMER SHASTA-CITIBANK
5-2-03	50,000.00	"	"	"
5-16-03	52,000.00	"	"	"
6-4-03	69,000.00	"	"	"
6-13-03	90,000.00	"	"	"
6-23-03	47,000.00	"	"	"
7-11-03	50,000.00	"	"	"
8-06-03	105,000.00	"	"	"
8-26-03	142,000.00	"	"	"
9-24-03	75,000.00	"	"	"
10-9-03	180,000.00	"	"	"
10-16-03	25,000.00	"	"	"
11-10-03	70,000.00	"	"	"
11-26-03	71,000.00	"	"	"
12-19-03	104,000.00	"	"	"
12-29-03	198,000.00	"	"	"
1-9-04	210,000.00	"	"	"
1-20-04	75,000.00	"	"	"

6. On the dates listed, the following amounts were transferred to fund my investment in Shasta:

<u>Date</u>	<u>Amount</u>	<u>Source of Funds Used to Invest</u>	<u>Person Making Transfer</u>	<u>Recipient of Transfer</u>
1-23-04	50,000.00	MEMBER/S	DAVID PERKINS	ROBERT SHIMER SHASTA-CITI BANK
2-9-04	38,000.00	"	"	"
2-23-04	150,000.00	"	"	"
3-8-04	25,000.00	"	"	"
3-15-04	50,000.00	"	"	"
3-22-04	98,000.00	"	"	"
3-26-04	70,000.00	"	"	"

7. The following distributions of funds were made on account of my investment in

Shasta:

<u>Date</u>	<u>Amount</u>	<u>Source of Payment</u>	<u>Recipient of Transfer</u>
9-17-02	1,500.00	ROBERT SHAMER SHASTA - CITIBANK	Universe Capital Appreciation LLC
12-30-02	1,500.00	"	"
2-28-03	1,500.00	"	"
3-17-03	3,000.00	"	"
4-18-03	3,500.00	"	"
5-16-03	3,500.00	"	"
6-17-03	5,000.00	"	"
7-10-03	5,000.00	"	"
7-25-03	120,000.00	"	"
9-15-03	12,000.00	"	"
10-20-03	15,000.00	"	"
11-17-03	25,000.00	"	"
12-16-03	22,000.00	"	"
1-22-04	111,570.00 (5,000 add'l. was received erroneously & was wired back on 1-23-04)	"	"
2-6-04	56,265.00	"	"
3-18-04	46,000.00	"	"

8. Check and complete all statements below that are accurate:

_____ a. No other person has an interest of any kind in my investment in Shasta;

_____ b. The following persons have a share of my investment in Shasta (list such persons' names and addresses): _____

_____;

_____ c. I act as trustee or representative of one or more other persons who hold a beneficial interest in my investment in Shasta (list names and addresses of all persons holding such beneficial interests): _____

_____;

d. I am a representative or agent of the following entity which invested funds in Shasta (list name and address of entity and your relationship to the entity): Universe Capital Appreciation, LLC
(Manager) 90 S. 1250 W. St. George UT 84770

9. I have enclosed with this form copies of all available statements received regarding my participation in Shasta.

10. I have also enclosed with this form copies of all checks, wire transfer advices and all other records of transfer relating to the funds deposited in or withdrawn from Shasta.

11. I have enclosed copies of all other documents in my possession or control in connection with my investment in Shasta, including correspondence, e-mails, K-1 or other tax forms, subscription agreements, independent verification agreements, and private placement memoranda.

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12. I am aware of the following persons who also had an investment in Shasta (list names and addresses of such persons):

I aver and affirm that the above information is true and correct under penalty of perjury.

David Perkins
Signature

Name: DAVID PERKINS
(Please type or print)

Address: 90 S. 1250 W.
ST. GEORGE UT 84770

State of UTAH

Home Phone: 435-688-8401

County of WASHINGTON

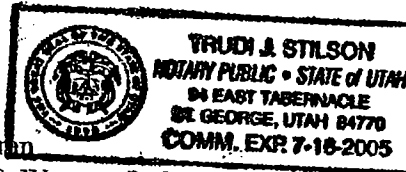
Daytime Phone: 435-652-9668

Subscribed to before me
this 23rd day of SEPTEMBER
2004.

Fax: 435-652-9332

Email Address: dperk@charter.net

Trudi J. Stilson
Notary Public



Please return to:

Cheryl Barron
Sachnoff & Weaver, Ltd.
30 South Wacker Drive
Suite 2900
Chicago, Illinois 60606

RCF 001518

Please note:

Investment amounts for each member are net figures after Shasta Capital Associates subtracted a 1% initial fee.

Universe Capital Appreciation, LLC
Balance Sheet
As of August 31, 2004

	Aug 31, 04
Rabin - Mitchell	
Investments	2,000.00
Profits	775.39
Total Rabin - Mitchell	2,775.39
Richardson - Bob & Theresa	
Draws	-25,000.00
Investments	99,000.00
Profits	137,735.07
Total Richardson - Bob & Theresa	211,735.07
Rooney- Pat & Anne	
Investments	94,050.00
Profits	16,228.07
Total Rooney- Pat & Anne	110,278.07
Rooney - Pat & Lori	
Draws	-30,000.00
Investments	86,625.00
Profits	55,074.74
Total Rooney - Pat & Lori	111,699.74
Schmalz - Harry	
Investments	138,600.00
Profits	173,669.17
Total Schmalz - Harry	312,269.17
Sedlacek - Bruce	
Investments	49,500.00
Profits	41,682.21
Total Sedlacek - Bruce	91,182.21
Sheets - Robert	
Investments	22,770.00
Profits	21,896.88
Total Sheets - Robert	44,666.88
Sherman Family Trust-Miriam	
Draws	-4,000.00
Investments	49,500.00
Profits	7,399.10
Total Sherman Family Trust-Miriam	52,899.10
Shimer-George W. Trust	
Draws	-54,833.62
Investments	34,650.00
Profits	20,183.62
Total Shimer-George W. Trust	0.00
Simpson - Terre	
Investments	50,000.00
Total Simpson - Terre	50,000.00
Thompson - Reece	
Investments	49,500.00
Profits	37,178.55
Total Thompson - Reece	86,678.55
VICO, INC	
Investments	98,208.00
Profits	30,239.23
Total VICO, INC	128,447.23

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Universe Capital Appreciation, LLC
Balance Sheet
 As of August 31, 2004

	Aug 31, 04
Walt - Madge	
Investments	46,810.00
Profits	11,734.61
Total Walt - Madge	58,544.61
Wedel- Harland & Donna	
Draws	-8,000.00
Investments	65,142.00
Profits	17,541.20
Total Wedel- Harland & Donna	74,683.20
Yamane Family Trust - Ian	
Investments	99,000.00
Profits	27,583.59
Total Yamane Family Trust - Ian	126,583.59
Zullani - Michael	
Investments	9,900.00
Profits	20,076.12
Total Zullani - Michael	29,976.12
Total Partner's Capital	4,224,883.14
Net Income	-50.00 <i>(Bank Service Charge)</i>
Total Equity	4,224,833.14
TOTAL LIABILITIES & EQUITY	4,224,997.95

RCF 001523

CERTIFICATE OF SERVICE

The undersigned, a non-attorney, does hereby certify that on June 17, 2005, she caused true and correct copies of the foregoing ***SUPPLEMENTAL OBJECTION OF THE COMMODITY FUTURES TRADING COMMISSION TO THE CLAIM OF UNIVERSE APPRECIATION, LLC*** to be served via electronic mail and first class U.S. mail:

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

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On behalf of Equity Financial Group,

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William David Perkins - #12393067
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Venice M. Bickham
Paralegal