

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

EQUITY FINANCIAL GROUP, LLC,
et al.,

Defendants.

Civil No. 04-1512-RBK-AMD

SCHEDULING ORDER

This Scheduling Order confirms the directives given to the litigants at the telephone status conference held on the record on December 5, 2005; and the Court noting the following appearances: Elizabeth M. Streit, Esquire, appearing on behalf of Commodity Futures Trading Commission; Bina Sanghavi, Esquire, appearing on behalf of Equity Receiver; Melvyn J. Falis, Esquire, appearing on behalf of Coyte E. Murray, Tech Traders, Inc., Tech Traders, Ltd., Magnum Investments, Ltd. and Magnum Capital Investments, Ltd.; Samuel Abernathy, Esquire, appearing on behalf of Equity Financial Group; Robert Shimer, appearing pro se; Martin Russo, Esquire, appearing on behalf of the Sterling entities; Miguel M. Debon, Esquire, appearing on behalf of claimants Green and List; J. Vernon Abernethy, appearing pro se; and Dr. Jeffrey Marrongelle appearing pro se.

IT IS this **12th** day of **December 2005**, hereby **ORDERED**:

1. Pretrial factual discovery, as set forth on the record, shall be concluded by **January 30, 2006**. All pretrial discovery shall be concluded by that date.

2. All experts' reports on behalf of plaintiff shall be served upon counsel for defendants not later than **February 15, 2006**. All experts' reports on behalf of defendants shall be served upon counsel for plaintiff no later than **March 15, 2006**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **March 30, 2006**.

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F.R.Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

3. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **February 28, 2006**. Opposition to the motion should be served in a timely fashion. Counsel are to follow Local Civil Rules 7.1(c), (d) and (e), 56.1 and 78.1 (Motion Practice - Generally).

4. The Final Pretrial Conference on **April 20, 2006 at 10:00** A.M. shall remain.

5. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under Rule 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

6. **THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Ann Marie Donio

ANN MARIE DONIO
United States Magistrate Judge

cc: Hon. Robert B. Kugler
Barbara Fisher-Arthur, Courtroom Deputy