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RECEIVED-CLERK  
U.S. DISTRICT COURT  
2005 JUN -2 AM 10 30

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

**COMMODITIES FUTURES TRADING )  
COMMISSION, )**

**Plaintiff, )**

**vs. )**

**Civil Action No.: 04CV 1512**

**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 ABERNATHY, )**

**Honorable Robert B. Kugler**

**Defendants.**

**PLEA AND CLARIFICATION**

**TO: THE HONORABLE ROBERT B. KUGLER AND THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY.**

This plea is presented to the Court neither to beat a drum nor to burden the Court's work load but to make the Court aware of and to clarify a final item concerning Dr. DiIenno's \$790,000.00 deposited into Tech Traders and the validity of his personal claim.

A formal stipulation of facts between The Receiver and Dr. DiIenno (attached hereto) was entered into on March 31, 2005, affirming the validity of the monies transferred from Dr. DiIenno to Tech Traders and that Dr. DiIenno received nothing in return.

Though The Receiver still has issues with Bally Lines and Bally Lines remains in the "Disputed" category for the interim distribution of funds, those issues are separate from and do not involve Dr. DiIenno and should not effect Dr. DiIenno's claim as an individual. Similarly just as The Receiver has disputed issues with Shasta Capital Associates, LLC as a whole and there were previous returns to other individuals of Shasta, that does not effect those individuals of Shasta with undisputed claims who did not receive previous returns. In short, the disputed issues with Shasta do not effect a particular individual's undisputed claim.

If it should be the intention of all of these proceedings to protect the funds of the individuals who deposited monies into Tech Traders, then it follows that those individuals who do not have disputed issues should also be treated equally.

For the authors of the original complaint to selectively omit Dr. DiIenno as an individual, is as arbitrary as taking the individuals of Shasta and lumping them into a "group". The individuals with undisputed claims would then certainly be treated unfairly, because their particular undisputed individual percentages of distribution

would be effected by the disputed issues with Shasta or by the previous returns made to other individuals of Shasta, therefore reducing the amount of money to be distributed to the "group".

The pertinent and striking parallels are consistent and have been repeatedly demonstrated in support of Dr. Dilenno's individual claim:

the individuals of Shasta, deposited monies into Tech Traders, accounted for and through a secondary company (Shasta), and those individuals of Shasta who do not have disputed issues and who have not received any returns are slated to receive the full percentage (38) of the proposed distribution of funds if the Court so judges; likewise

the individual, Dr. Dilenno, deposited monies into Tech Traders, accounted for and through a secondary company (Bally), and the individual, Dr. Dilenno, who does not have disputed issues and who has not received any return, should also receive the full percentage (38) of the proposed distribution of funds if the Court also judges.

In concluding, Dr. Dilenno wishes the court to know that the \$790,00.00 deposited into Tech Traders represents a lifetime of savings: of 24 years of work as a physician; a fund for Dr. Dilenno's, 15 year old son's college education; and Dr. Dilenno's retirement. Dr. Dilenno pleads to the Court to give full consideration to recognize his claim as an individual in these matters and how the realization of that claim will markedly effect the lives of the individuals involved.

Dr. Dilenno is not seeking special treatment. Dr. Dilenno does ask the Court to recognize his individual status as being on the same level as those individuals of Shasta, and to also recognize Dr. Dilenno's claim as undisputed, as referred to in the formal stipulation agreed to by The Receiver and Dr. Dilenno, and to grant Dr. Dilenno the same level of protection and percentage of distribution of funds offered the individuals of Shasta.

May 31, 2005

Respectfully submitted,



Donald A. Dilenno, M.D.



*Katherine H. Pollack 5/31/05*  
*\* personally known*

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SHIMER, COYT E. MURRAY, and J. )  
VERNON ABERNETHY )

Honorable Robert B. Kugler

Defendants.

**STIPULATION OF FACTS CONCERNING OBJECTION OF DONALD DiENNO  
TO MOTION FOR AUTHORITY TO MAKE INTERIM DISTRIBUTION**

Donald A. DiLenno ("DiLenno") and Stephen T. Bobo (the "Receiver"), the Equity Receiver in this case, hereby stipulate to the following facts for the limited purpose of resolving DiLenno's objection to the Receiver's pending motion for authority to make an interim distribution.

1. DiLenno invested a total of \$790,000 with Bally Lines, Ltd. ("Bally Lines") for the purpose of having Bally Lines invest those funds in its account with Tech Traders, Ltd.

2. DiLenno sent \$100,000 to Bally Lines in October 2001 and \$290,000 to Bally Lines in May 2002. He also wired \$400,000 directly to Tech Traders in January 2003 to be added to Bally Lines' account with Tech Traders.

3. The following chart summarizes the transfers of funds between Tech Traders and Bally Lines, Ltd.:

Date	Receipts	Disbursements
6/10/02	\$ 280,000.00	
4/15/03	60,000.00	
5/15/03		\$ 50,000.00
6/25/03	40,000.00	
7/24/03	15,000.00	
7/31/03		15,000.00 (return of 7/24/03 check)
8/06/03	48,000.00	
8/11/03	400,000.00	
11/05/03		75,000.00
12/08/03	180,000.00	
2/09/04		75,000.00
3/17/04		75,000.00
<b>SUBTOTAL</b>	<b>\$1,023,000.00</b>	<b>\$290,000.00</b>

4. DiIenno never received a withdrawal or other return of any of his funds either from Tech Traders or Bally Lines.

AGREED AND STIPULATED:



Donald A. DiIenno



Stephen T. Bobo, Equity Receiver

**CERTIFICATE OF SERVICE**

I, Raven Moore, on oath hereby certify that I caused copies of the **STIPULATION OF FACTS CONCERNING OBJECTION OF DONALD DIENNO TO MOTION FOR AUTHORITY TO MAKE INTERIM DISTRIBUTION** to be served upon:

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  
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Donald A. DiLenno  
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Robert Shimer  
1225 W. Leesport Rd.  
Leesport, PA 19533

via U.S. Mail on this 31<sup>st</sup> day of March, 2005.



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Raven Moore  
Counsel for the Equity Receiver