

VINCENT J. FIRTH, *Pro se*

RECEIVED-CLERK
U.S. DISTRICT COURT

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

2005 APR 15 P 12:28

COMMODITY FUTURES TRADING :
COMMISSION, : Hon. Robert B. Kugler
:

Plaintiff,

vs.

Civil Action No. 04-1512

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

Defendants.

-----X

Sworn Statement

I, Vincent J. Firth, representing my self *pro se* state that all facts recited in that certain Brief that accompanies defendant Robert W. Shimer's Motion for Summary Judgment, Motion To Dismiss For Lack Of Subject Matter Jurisdiction and Motion to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted recently filed with the Court are substantially true and correct to the best of my knowledge and belief.

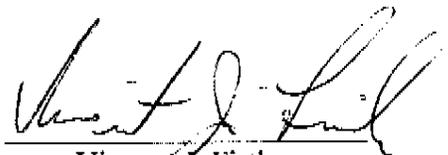
I further state that to my best knowledge and belief, the facts as stated cannot be refuted with any credibility by Plaintiff because, to my best knowledge and belief Plaintiff does not have currently in its possession any evidence that refutes or contradicts in any substantial credible way the facts stated in the Brief accompanying defendant Shimer's Motions.

I further state and affirm that Plaintiff cannot, with any credibility refute that all quotations in the Defendant Shimer's Brief are accurate to my best knowledge and belief and can be found in the documents specifically referred to therein and that to the extent that Plaintiff does not have in its possession any specific document in its possession these documents can be readily produced for review by the Court.

PLEASE TAKE NOTICE that on Friday, May 20, 2005 at 10:00 A.M., or as soon thereafter as movant may be heard, the undersigned *pro se* defendant, Vincent J. Firth will move before the Hon. Robert B. Kugler, U.S.D.J., sitting at the U.S. District Courthouse at 4th and Cooper Streets, Camden, New Jersey, for an order dismissing Plaintiff's Complaint For Injunctive And Other Equitable Relief And Civil Monetary Penalties Under the Commodity Exchange Act, 7 U.S.C. §§ 1 *et seq.* as against him in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12 (b)(6) and/or in the alternative, for Summary Judgment as the Court may deem appropriate pursuant to Federal Rule 56(b).

ORAL ARGUMENT IS HEREBY REQUESTED.

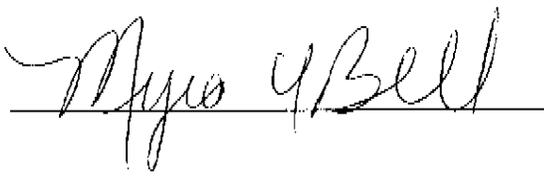
In support of this motion, movant relies upon the Brief separately filed in this matter by defendant Robert W. Shimer, Statement of Uncontested Facts, and Sworn Statement submitted herewith. A proposed form of order granting the relief sought is also submitted.



Vincent J. Firth
3 Aster Court
Medford, New Jersey 08055
(609) 714-1981
(609) 714-1980

I further hereby state under oath that to my best knowledge and belief any and all documents and facts referred to in the Brief that accompanies defendant Shimer's Motions can be further corroborated by my own sworn testimony and by the testimony of Robert W. Shimer and Elaine Teague if the Court should decide that the same is necessary prior to a final decision by the Court on the Motions which I hereby submit on my own behalf.

On this 13th day of April, before me Myra Bell, a Notary Public, came Vincent J. Firth, who upon being duly sworn did state and affirm under oath that the statements made in this affidavit are true and correct to his best knowledge and belief and that Mr. Firth did execute this Sworn Statement in my presence for the purpose stated herein.



MYRA Y. BELL
Notary Public of New Jersey
Commission Expires September 1, 2005



Vincent J. Firth
3 Aster Court
Medford, N.J. 08055
(609) 714-1982
(609) 714-1980 (fax)