

ROBERT W. SHIMER, ESQ. *Pro se*

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

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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

Motion For Summary Judgment

Defendants.

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Pursuant to Federal Civil Procedure Rule 56(b) defendant Robert W. Shimer, Esq. *pro se* respectfully moves the Court for Summary Judgment for himself with respect to Counts I, II and V of Plaintiff’s First Amended Complaint For Injunctive and Other Equitable Relief And Civil Monetary Penalties Under the Commodity Exchange Act, 7 U.S.C. §§ 1 *et se*. More specifically, Robert W. Shimer separately moves for Summary Judgment with respect to each of the following:

- 1) Plaintiff’s claim that defendant Shimer violated Section 4b(a)(2) of the Commodity Exchange Act 7 U.S.C. §§ 6b(a)(2) and in support of Defendant’s Motion For Summary Judgment with respect to said alleged violation, Defendant Shimer respectfully refers the Court to his Brief filed with this motion and defendant Shimer’s signed, Sworn Statement and Statement of Uncontested Facts also submitted in support thereof;

- 2) Plaintiff's claim that defendant Shimer violated Section 13(b) of the Commodity Exchange Act, 7 U.S.C. §13c(b) by knowingly inducing Defendant Equity's alleged violation of Section 4(b)(2)(i)-(iii) of the Commodity Exchange Act 7 U.S.C. §§ 6b(a)(2)(i)-(iii) and in support of Defendant's Motion For Summary Judgment with respect to said alleged violation by Shimer, Defendant respectfully refers the Court to his Brief filed with this motion and defendant Shimer's signed, Sworn Statement and Statement of Uncontested Facts also submitted in support thereof;
  
- 3) Plaintiff's claim that defendant Shimer violated Section 4o(1) of the Commodity Exchange Act, 7 U.S.C. §6o(1) and in support of Defendant's Motion For Summary Judgment with respect to said alleged violation, Defendant Shimer respectfully refers the Court to his Brief filed with this motion and defendant Shimer's signed, Sworn Statement and Statement of Uncontested Facts also submitted in support thereof;
  
- 4) Plaintiff's claim that defendant Shimer violated Section 13(b) of the Commodity Exchange Act, 7 U.S.C. §13c(b) by knowingly inducing Defendant Equity's alleged violation of Section 4o(1) of the Commodity Exchange Act, 7 U.S.C. §6o(1) and in support of defendant's Motion For Summary Judgment with respect to said alleged violation by Shimer, Defendant respectfully refers the Court to his Brief filed with this motion and defendant Shimer's signed, Sworn Statement and Statement of Uncontested Facts also submitted in support thereof;
  
- 5) Plaintiff's claim that defendant Shimer violated Section 13(a) of the Commodity Exchange Act, 7 U.S.C. §13c(a) by aiding and abetting defendant Equity's violation of Regulation 4.30 17 C.F.R. § 4.30 and in support of Defendant's Motion For Summary Judgment with respect to said alleged violation, Defendant Shimer respectfully refers the Court to his Brief filed with this motion and defendant Shimer's signed, Sworn Statement and Statement of Uncontested Facts also submitted in support thereof.

Respectfully submitted,

s/ Robert W. Shimer  
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