

ROBERT W. SHIMER, ESQ. *Pro se*

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

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.

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Sworn Statement

I, Robert W. Shimer, representing my self *pro se* state that all facts recited and contained in that certain Brief that accompanies my Motion for Summary Judgment under Federal Rule 56(b), my Motion to Dismiss under Federal Rule 12(b)(1) for lack of Subject Matter Jurisdiction and my Motion To Dismiss under Federal Rule 12(b)6 for Failure To State A Claim Upon Which Relief Can Be Granted concurrently filed with this Sworn Statement are 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 defendant Shimer's 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 accompanying Brief.

I further state and affirm that Plaintiff cannot, with any credibility refute that all quotations in the accompanying Brief are accurate and do exist 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 Defendant Shimer is willing and able to

produce the same to the Court and defendant Shimer is further willing to testify under oath that the document tendered came into his possession in the ordinary course of business as legal counsel for Shasta Capital Associates, LLC and Equity Financial Group, LLC and that the document has not been altered or amended in any way.

Defendant Shimer further hereby states under oath that to his best knowledge and belief any and all documents and facts referred to in the accompanying Brief can be further corroborated by the sworn testimony of Robert W. Shimer, Vincent J. Firth and Elaine Teague if the Court should decide that the same is necessary prior to a final decision by the Court with respect to defendant Shimer's Motions.

On this 12th day of April, before me _____, a Notary Public, came Robert W. Shimer, 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. Shimer did execute this sworn statement in my presence for the purpose stated herein.

s/ Robert. W. Shimer

Robert W. Shimer
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