

Cirino M. Bruno, Esq. (CB-1192)
Martin H. Kaplan, Esq. (MK-6258)
Melvyn J. Falis, Esq. (MF-7047)
Gusrae, Kaplan, Bruno & Nusbaum PLLC
120 Wall Street
New York, New York 10005
(212) 269-1400

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

-----X
Commodity Futures Trading Commission,

Plaintiff,

v.

Civil Action No. 04 CV 1512

Hon. Robert B. Kugler

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 Abernethy,

Defendants.
-----X

**DECLARATION OF CIRINO M. BRUNO, ESQ. IN SUPPORT OF
TECH TRADERS ENTITIES AND MURRAY'S MOTION TO STRIKE
THE EQUITY DEFENDANTS' CROSS-CLAIMS**

CIRINO M. BRUNO, ESQ., an attorney duly admitted to this Court, declares the following under penalty of perjury:

1. I am admitted to practice before this Court, and I am a member of the law firm of Gusrae, Kaplan, Bruno & Nusbaum PLLC ("GKB"), the attorneys of record for Defendants Tech Traders, Inc., Tech Traders, Ltd., Magnum Capital Investments, Ltd., Magnum Investments, Ltd. (collectively, the Tech Traders Entities) and Coyt E. Murray ("Murray") in the above-captioned matter. I submit this affidavit in support of the Tech Traders Entities and Murray's motion to

strike (the “Motion to Strike”) the cross-claims filed by Defendants Equity Financial Group LLC, Vincent J. Firth and Robert W. Shimer (collectively, the “Equity Defendants”) pursuant to Fed.R.Civ.P. 12(f). I am fully familiar with the facts and circumstances alleged herein.

2. On or about February 9, 2005, the Equity Defendants served upon the Tech Traders Entities and Murray what is entitled the Cross-Claims (the “the Cross-Claims”) of Defendants Equity Financial Group LLC, Vincent J. Firth and Robert W. Shimer.

3. The Cross-Claims properly should have been contained in the Equity Defendants’ answer dated September 21, 2004 (the “Answer”) to the Plaintiff’s first amended complaint dated June 24, 2005 (the “Amended Complaint”). *See* Fed.R.Civ.P. 12(b), 13(g).

4. In the interest of judicial economy, the Tech Traders Entities and Murray hereby join in the Plaintiff’s motion to strike the Equity Defendants’ Cross-Claims dated February 24, 2005, (the “Plaintiff’s Motion to Strike”) and incorporate by reference the remainder of the allegations contained in the Plaintiff’s Motion to Strike as if they were fully set forth herein.

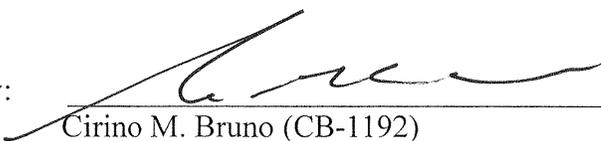
5. Further, in the interest of judicial economy, we are not filing an accompanying brief to this Motion to Strike, as respectfully submitted, we believe is not necessary since the Tech Traders Entities and Murray adopt the law provided and arguments made in the Plaintiff’s Brief in Support of Plaintiff’s Motion to Strike.

[Remainder of page intentionally left blank]

WHEREFORE, for the foregoing reasons, Tech Traders and Murray respectfully request that this Court strikes the Equity Defendants' Cross-Claims pursuant to Fed.R.Civ.P. 12(f) and for such other and further relief as this Court deems just, equitable and proper.

Dated: New York, New York
February 25, 2005

GUSRAE, KAPLAN, BRUNO & NUSBAUM PLLC

By: 

Cirino M. Bruno (CB-1192)
Attorneys for Defendants Coyt E. Murray, Tech Traders, Inc., Tech Traders, Ltd., Magnum Capital Investments, Ltd. and Magnum Investments, Ltd.
120 Wall Street
New York, New York 10005
(212) 269-1400

MRR1813.DOC