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**In The United States District Court
For The District Of New Jersey**

Commodity Futures Trading Commission,
Plaintiff,

vs.

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.

Civil Action No: 04 CV 1512
(RBK/AMD)

Judge Robert B. Kugler
Magistrate Judge Ann Marie Donio

**Plaintiff's Response to Defendant
Shimer's Request to Produce
Documents**

Plaintiff Commodity Futures Trading Commission ("Commission"), by and
through its undersigned attorney, hereby responds to Defendant Robert W. Shimer

Request for Production of Documents in the possession of the Commission's Division of Enforcement, Chicago Regional Office.

GENERAL OBJECTIONS

1. The Commission objects to the Defendants' Requests to the extent that they violate Rule 34 of the Federal Rules of Civil Procedure by demanding that the Commission produce records already in the possession or which have already been made available to the Defendants.
2. The Commission does not intend to waive any of the privileges asserted in this objection by any inadvertent production of protected document which may occur despite the Commission's diligence. The Commission reserves the right to demand the return of any privileged documents inadvertently produced to Defendants. Furthermore, the Commission reserves the right to amend its list of documents for which it claims these privileges.
3. To the extent that the Commission objects to a particular request on the grounds that it is overly broad, vague or irrelevant to this case, the Commission respectfully requests that the Defendants describe with particularity those documents which it is seeking and otherwise narrow the scope of the request to a more reasonable breadth.
4. Pursuant to Federal Rule of Civil Procedure 26(e), the Commission reserves its right to supplement its disclosures and/or responses. In advance of trial, the Commission will make all documents available that it plans to introduce as exhibits at trial.
5. The Commission will identify those documents for which it claims a privilege in a Privilege Log which will be produced to the Defendant at the time the Commission's documents are available for inspection.

REQUESTS AND RESPONSES

1. With respect to the Plaintiffs Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 and Plaintiffs Amended Complaint dated June 24, 2004, identify and provide all documents in Plaintiff's possession and files now or at the time that Original Complaint was filed and now or in Plaintiff's files at the time the First Amended Complaint was filed on June 24, 2004 about the actual operation of the entity Shasta Capital Associates, LLC that support Plaintiff's repeatedly stated allegation that Shasta was a commodity pool.

Response to Request No. 1

The Commission objects to this request because it has already been concluded as a matter of law that Shasta Capital Associates LLC ("Shasta") was a commodity pool. See Order dated October 4, 2005 [Docket Document 266.] The Commission also objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint. Therefore, any information about allegations in the Original Complaint is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

2. With respect to the Plaintiffs Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 identify and provide all documents in Plaintiff's possession and files now or at the time that the Original Complaint was filed and provide all documents in Plaintiff's possession and files now or at the time that the Amended Complaint dated June 24, 2004 was filed concerning the actual day to day operation of either the entity Shasta Capital Associates, LLC or the entity Equity Financial Group, LLC that support your repeatedly stated allegation in both the Original and Amended Complaint that defendant Equity Financial Group, LLC acted as a commodity pool operator of the entity Shasta.

Response to Request No. 2

The Commission objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint. Therefore, any information about allegations in the Original Complaint is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

3. With respect to the Plaintiff's Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 identify and provide any and all documents now or ever in Plaintiff's possession and files that support the allegation found in paragraph 23 on page 8 of that Original Complaint that Defendants Vincent J. Firth and Equity Financial Group, LLC solicited any person to purchase commodity futures contracts.

Response to Request No. 3

The Commission objects to this request because the allegations of the Original Complaint have been rendered moot by the filing of the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence.

4. As a follow up to Request # 3 above identify and provide the specific name of any investor in the entity Shasta Capital Associates, LLC who purchased a commodity futures contract as a result of being solicited by either defendant Vincent J. Firth and/or Equity Financial Group, LLC as alleged by Plaintiff in Paragraph 23, Page 8 of Plaintiffs Original Complaint.

Response to Request No. 4

5. As further follow up to Requests # 3 and 4 above identify any and all investors or prospective investors solicited by either defendant Firth or Equity "to purchase commodity futures contracts using a 'unique computerized approach called the Synergetic Portfolio Trading System'" as alleged in Paragraph 23, Page 8 of Plaintiffs Original Complaint.

Response to Request No. 5

The Commission objects to this request because the allegations of the Original Complaint have been rendered moot by the filing of the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence.

6. As further follow up to Requests # 3, 4 and 5 above identify and provide any and all documents now or ever in Plaintiff's possession or files that the entity Shasta Capital Associates, LLC, Defendant Equity Financial Group, LLC, Defendant Shimer and/or Defendant Firth engaged in the purchase or sale of commodity futures contracts for and on behalf of either themselves or for and on behalf of any other individual or entity during the period of time alleged in both Plaintiff's Original and First Amended Complaint.

Response to Request No. 6

The Commission objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence. The Commission also objects to this request because it is vague and ambiguous. Notwithstanding this objection, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

7. Identify and provide any and all documents now or ever in Plaintiff's files that support a finding or that will be offered by Plaintiff at trial that any defendant (other than Defendant Coyt E. Murray and his company defendant Tech Traders, Inc.) named in either Plaintiff's Original or First Amended Complaint ever engaged in the purchase or sale of commodity futures contracts during the period of time alleged in both Plaintiff's Original and First Amended Complaint.

Response to Request No. 7

The Commission objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence. The Commission also objects to this request because it is vague and ambiguous. Notwithstanding this objection, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

8. Identify and provide any and all documents now or ever in Plaintiff's files that supports a finding or that will be offered by Plaintiff at trial to support a finding that Defendant Coyt E. Murray and Defendant Tech Traders, Inc and/or any other corporate entity owned or controlled by Defendant Coyt E. Murray ever advised Defendant Shimer, Defendant Firth, the Defendant Equity Financial Group, LLC and/or the entity Shasta Capital Associates, LLC (and/or any specific member of the entity Shasta) of the value of or advisability of any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility.

Response to Request No. 8

The Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the

manner in which the Commission currently maintains the documents, at a mutually acceptable time.

9. With respect to the Plaintiff's Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 identify and provide any and all documents now or ever in Plaintiff's files that support or tend to support the allegation of Plaintiff found on Page 9, paragraph 24 of that Original Complaint that the "Synergy Trading System" belonged to Defendant Equity Financial Group, LLC as alleged in that paragraph 24.

Response to Request No. 9

The Commission objects to this request because the allegations of the Original Complaint have been rendered moot by the filing of the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence.

10. With respect to the Plaintiff's Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 (Paragraph 25, page 9) and with respect to Plaintiff's First Amended complaint dated June 24, 2004 (paragraph 44, page 20) identify and provide any and all documents now or ever in Plaintiff's files that support the allegation found in those above stated paragraphs that Defendant Equity claimed that the entity Shasta earned returns of 30.19% or that the entity Shasta ever earned returns "no less that 9% for every month since January, 2001".

Response to Request No. 10

The Commission objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

11. With respect to the Plaintiffs Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 identify and provide any and all bank and/or other documents now or ever in Plaintiff's files that support the implied allegation of Plaintiff found on Page 10, paragraphs 28 and 29 that there existed a \$5.3 Million dollar discrepancy between the amounts received into Defendant Shimer's attorney escrow account at Citibank for the benefit of his client Shasta Capital Associates, LLC and the amounts transferred by Defendant Shimer for the benefit of his client Shasta to Defendant Tech Traders, Inc.

Response to Request No. 11

The Commission objects to this request because the allegations of the Original Complaint have been rendered moot by the filing of the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence

12. With respect to the Plaintiff's Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 identify and provide any and all banking and/or other documents now or ever in Plaintiff's files to support the actual computation of the implied "discrepancy" referred to in Request # 11 above and that demonstrate or show how Plaintiff computed the number \$9.6 million alleged in paragraph 29, page 10 of that Original Complaint filed April 1, 2004 to have been "at least" transferred to defendant Tech Traders by Defendant Shimer.

Response to Request No. 12

The Commission objects to this request because the allegations of the Original Complaint have been rendered moot by the filing of the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence.

13. With respect to Request # 12 above identify and provide all documents including but not limited to the banking records of the attorney escrow account of Defendant Shimer at Citibank to support how the specific number of \$9.6 million was computed.

Response to Request No. 13

The Commission objects to this request because the allegations of the Original Complaint have been rendered moot by the filing of the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence.

13. [sic] With respect to paragraphs 38 and 39, found on pages 12 and 13 of Plaintiff's Original Complaint for Injunctive and Other Equitable Relief filed on April 1, 2004 alleging a violation of Section 4b(a)(2)(i)-(iii) by Defendants Firth and Equity and with respect to Paragraphs 53 and 57 of Plaintiff's First Amended Complaint filed on June 24, 2004 alleging a similar violation by Defendants Firth and Shimer identify and provide the following specific documents and information in Plaintiff's files:

a.) Name specifically the "other persons" as required by the Statutory language of Section 4b(a)(2)(i)-(iii) that Defendants Equity, Firth and Shimer allegedly defrauded in connection with "orders to make, or the making of contracts of sale of commodities, for future delivery made or to be made for or on behalf of such other persons."

Response to Request No. 13a

The Commission objects to this request to the extent that it a) requires the creation of a document that does not already exist and b) seeks Commission work product prepared in anticipation of litigation, and materials governed by informal investigatory and deliberative process privileges because they concern opinions, recommendations and advice about agency decisions. The Commission has also already listed all Shasta investors in its Initial 26(a) Disclosures which were exchanged with all parties.

b) With respect to any person specifically named in response to Request 13a) above, provide a list of the specific contracts of sale of commodities, for future delivery that were allegedly made or to be made for such named other persons.

Response to Request No. 13b

The Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

14. With respect to Plaintiff's allegation found in paragraph 44, pages 13 and 14 of Plaintiff's Original Complaint dated April 1, 2004 and with respect to Plaintiff's allegation found in paragraph 72 of Plaintiff's First Amended Complaint dated June 24, 2004 identify and provide any and all documents now or ever in Plaintiff's files that describe the "trading in any commodity for future delivery on or subject to the rules of any contract market or derivatives transaction execution facility" engaged in by Defendant Equity Financial Group, LLC.

Response to Request No. 14

The Commission objects to this request because it has already been concluded as a matter of law that Shasta Capital Associates LLC ("Shasta") was a commodity pool. See Order dated October 4, 2005 [Docket Document 266.] The Commission also objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

15. With respect to Plaintiff's allegation found in paragraph 50, page 15 of Plaintiff's Original Complaint dated April 1, 2004 and, with respect to Plaintiff's allegation found in paragraph 79, page 30 of Plaintiff's First Amended Complaint dated June 24, 2004,

identify and provide any and all documents now or ever in Plaintiff's files that describe the "trading in any commodity for future delivery on or subject to the rules of any contract market or derivatives transaction execution facility" engaged in by Defendant Equity Financial Group, LLC.

Response to Request No. 15

The Commission objects to this request to the extent that it mischaracterizes paragraph 79 of the First Amended Complaint. The Commission also objects to this request because it has already been concluded as a matter of law that Shasta Capital Associates LLC ("Shasta") was a commodity pool. See Order dated October 4, 2005 [Document 266.] The Commission also objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint. Notwithstanding these objections, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

16. With respect to Plaintiffs allegation found in paragraph 6 1, page 16 of Plaintiffs Original Complaint dated April 1,2004 and with respect to Plaintiff's allegation found in paragraph 102, page 34 of Plaintiffs First Amended Complaint dated June 24, 2004 identify and provide any and all documents now or ever in Plaintiff's files that support a finding that Defendant Tech Traders, Inc. or Defendant Tech Traders, Ltd. ever provided any advice to the entity Shasta as to the advisability of trading in commodity futures contracts.

Response to Request No. 16

The Commission also objects to this request to the extent that it seeks information with respect to the Original Complaint because that Complaint has been superseded by the First Amended Complaint and the request is therefore not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, the Commission will make any non-privileged documents responsive to this request available for inspection and copying at the Commission's office in Chicago, in the manner in which the Commission currently maintains the documents, at a mutually acceptable time.

17. With respect to Request # 16 above, identify and provide all documents now or ever in Plaintiff's files concerning the alleged specific advice provided by Defendant Tech Traders, Inc or by Tech Traders, Ltd. or by Defendant Coyt E. Murray to the entity Shasta Capital Associates, LLC, to the entity Equity Financial Group, LLC or to either Robert Shimer or Vincent Firth concerning the advisability of trading in commodity futures by the entity Shasta.