

Vincent J. Firth, *pro se*
3 Aster Court
Medford, NJ 08055
(609) 714-1981

RECEIVED
U.S. DISTRICT COURT
2006 DEC 12 A 9 20
U.S. DISTRICT COURT

**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

NOTICE OF MOTION FOR
DISQUALIFICATION
PURSUANT TO 28 U.S.C. § 455(a)
& CANON 3C(1) OF THE CODE
OF CONDUCT FOR UNITED
STATES JUDGES

Defendants.

-----X

TO: Elizabeth Streit, Esq.
Commodity Futures Trading Commission
525 West Monroe St., Suite 1100
Chicago, Illinois 60661

AUSA Paul Blaine, Esq.
Camden Federal Building
401 Market Street, 4th Floor
Camden, New Jersey 08101

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Raven Moore, Esq.
Sachnoff & Weaver, Ltd.
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Martin H. Kaplan, Esq.
Melvyn J. Falis, Esq.
Gusrae, Kaplan, Bruno & Nusbaum, PLLC
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New York, New York 10005

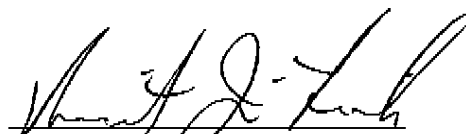
Samuel F. Abernethy, Esq.
Menaker & Herrmann
10 E. 40th Street, 43rd Floor
New York, New York 10016-0301

Robert W. Shimer
1225 W. Leesport Rd.
Leesport, PA 19533

PLEASE TAKE NOTICE that on Friday, January 5, 2007 at 10:00 A.M., or as soon thereafter as movant may be heard, the undersigned *pro se* defendant, Vincent Firth ("Firth") will move pursuant to the Local Civil Rules of the District Court for the District of New Jersey 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 granting defendant Firth's Motion for Disqualification.

ORAL ARGUMENT IS HEREBY REQUESTED.

In support of this motion, movant relies upon the brief of defendant Robert W. Shimer, Esq. submitted in support thereof. A proposed form of order granting the Motion sought is also submitted.



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3 Aster Court
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RECEIVED
CLERK OF SUPERIOR COURT
2006 DEC 12 A 9 50

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

UNITED STATES
DISTRICT COURT

COMMODITY FUTURES TRADING :
COMMISSION, :

Plaintiff,

: Hon. Robert B. Kugler

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

Hearing Date: January 5, 2007

Defendants.

-----X

**MOTION FOR DISQUALIFICATION OF ROBERT B. KUGLER
PURSUANT TO 28 U.S.C. § 455(a) & CANON 3C(1) OF THE CODE OF CONDUCT
FOR UNITED STATES JUDGES**

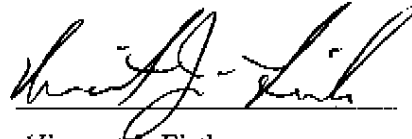
In accordance with the Local Civil Rules of the District Court for the District of New Jersey defendant Vincent Firth ("Firth"), acting *pro se* respectfully moves the Court for disqualification of Robert B. Kugler pursuant to the requirements of 28 U.S.C. § 455(a) and the Code of Conduct For United States Judges.

In support thereof, Firth relies upon and refers the Court to the brief of defendant Robert W. Shimer ("Shimer") filed Tuesday, December 12, 2006.

For all of the reasons stated in Shimer's brief movant respectfully requests that his current Motion for Disqualification be granted.

Dated: Monday, December 11, 2006

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Vincent J. Firth", written over a horizontal line.

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RECEIVED
U.S. DISTRICT COURT
CAMDEN, NJ
DEC 12 10 57 AM '06

December 11, 2006

Clerk of the Court
United States District Court
John F. Gerry Plaza
Fourth & Cooper Streets, Room 1050
P.O. Box 2797
Camden, NJ 08101

RE: CFTC v. Equity Financial et al Civil Action No. 04-1512

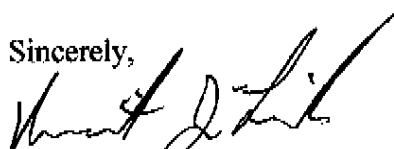
Dear Clerk of the Court:

Enclosed please find my *Pro Se* Motion For Disqualification of Robert B. Kugler Pursuant to 28 USC § 455(a) and Canon 3C(1) of the Code of Conduct For United States Judges.

Also enclosed is Proposed Order reflecting the enclosed Notice of Motion and Motion. Also enclosed is my Certificate of Service on all parties in this matter. My co-defendant Robert W. Shimer has separately filed *pro se* a supporting Brief and similar separate motions in this matter to which my enclosed motion relies upon and to which they refer.

The enclosed signed paper filings are accompanied by a CD disk with all documents in Adobe PDF format. If there is a charge for filing these motions and accompanying documents please advise accordingly and I will be happy to forward the required fee.

Sincerely,



Vincent J. Barth