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

COMMODITY FUTURES)
TRADING COMMISSION,)
)
Plaintiff,)
)
v.)
)
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 # 04-cv-1512
Honorable Robert B. Kugler

**MCDERMOTT WILL & EMERY LLP'S AMENDMENT
TO ITS DECEMBER 2, 2005 MEMORANDUM IN RESPONSE TO THE
MOTION BY EQUITY RECEIVER FOR ENTRY OF TURNOVER ORDER**

McDermott Will & Emery LLP ("McDermott") hereby amends its response to the Equity Receiver's Motion for Entry of Turnover Order Directed at McDermott Will & Emery LLP ("Receiver's Motion"), which requests that McDermott turn over to the receivership estate the sum of \$164,362.43 that McDermott received from Tech Traders, Inc. as retainer funds and that McDermott stopped applying to invoices or outstanding fees following this Court's entry on April 1, 2004 of its Statutory Restraining Order and Order Appointing Receiver ("Restraining Order").

On December 2, 2005, McDermott filed and served its response to the Receiver's Motion ("Response"). In its Response, McDermott stated that it is prepared to immediately turn over to the receivership estate the sum of \$74,251.74, which represents the \$164,362.43 in retainer funds less \$90,110.69 in McDermott attorneys' fees and costs incurred and billed for March through June 2004. As explained further in McDermott's Response, the \$90,110.69 in fees and costs consists of: (1) \$20,254.50 in fees and costs for services rendered in March 2004; (2) \$58,396.76 in fees and costs for services rendered from April 1 through April 8, 2004; and (3) \$11,459.43 in fees for the period from April 8 through June 2004. Now, McDermott amends its Response to withdraw the portion of its request for \$11,459.43 in fees and costs for the period from April 8 (more precisely, April 9) through June 2004. Accordingly, McDermott is prepared to immediately turn over to the receivership estate the sum of \$85,711.17, which represents the \$164,362.43 in retainer funds less \$78,651.26 in McDermott attorneys' fees and costs incurred and billed for March through April 8, 2004. An amended proposed order is submitted herewith.

WHEREFORE, McDermott prays that this Court:


(a) enter an Order directing McDermott to turn over to the receivership estate the sum of \$85,711.17;

(b) grant such further relief to McDermott as is equitable and appropriate under the circumstances.

DATED this 13th day of January, 2006.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

By: 
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Counsel for Nonparty
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**COMMODITY FUTURES
TRADING COMMISSION,**

Plaintiff,

v.

**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 # 04-cv-1512 (RBK)

Hearing Date: December 16, 2005

ORDER

This matter having been brought before the Court by Stephen T. Bobo, as Equity Receiver for defendants Equity Financial Group, LLC, Tech Traders, Inc., Tech Traders, Ltd., Magnum Investments, Ltd., Magnum Capital Investments, Ltd., Vincent J. Firth, and Robert W.

Shimer, by his attorneys; and the Court having considered the application and McDermott Will & Emery LLP's Memorandum in Response to Equity Receiver's Motion for Entry of Turnover Order and attached Declaration of Paul J. Pantano, Jr. dated December 1, 2005; and McDermott Will & Emery LLP's Amendment to McDermott's December 2, 2005 Memorandum in Response to Motion by Equity Receiver for Entry of Turnover Order dated January 13, 2006, and for good cause shown:

IT IS this ____ day of _____ 2006, hereby:

ORDERED that the Equity Receiver's Motion is **GRANTED IN PART AND DENIED IN PART**;

IT IS FURTHER ORDERED that within ____ business days of the entry of this Order, McDermott Will & Emery LLP shall turn over to the receivership estate the sum of \$85,711.17 that McDermott Will & Emery LLP originally received from Tech Traders, Inc. as retainer funds.

Honorable Robert B. Kugler

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 13th day of January, 2006, I caused a true and correct copy of the foregoing McDERMOTT WILL & EMERY LLP'S AMENDMENT TO ITS MEMORANDUM IN RESPONSE TO THE MOTION BY EQUITY RECEIVER FOR ENTRY OF TURNOVER ORDER to to be delivered via regular mail to:

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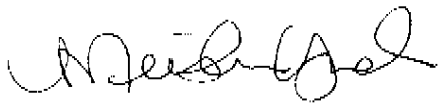
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01/13/06


MEISHIN YUEH
Notary Public, State of New York
No. 02YU8095758
Commission Expires 07/21/2008


Matthew Schieffer