UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

COMMODITY FUTURES TRADING COMMISSION,

vs. **Docket No. 08-1558**

EQUITY FINANCIAL GROUP LLC, TECH TRADERS, INC., TECH TRADERS, LTD., VINCENT J. FIRTH, ROBERT W. SHIMER, COYT E. MURRAY, & J. VERNON ABERNETHY

Motion to Join Appeal

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MOTION BY VINCENT J. FIRTH TO JOIN APPEAL OF ROBERT W. SHIMER

Pursuant to Federal Rule of Appellate Procedure 27 Vincent J. Firth ("Firth") acting *pro se* hereby files this motion to join the recently filed *pro se* Appeal of Robert W. Shimer ("Shimer"), now assigned Docket No. 08-1558. The District Court in Civil Action 04-1512 issued an Opinion (Entry No. 593) filed 02/04/2008 and entered 02/05/2008 and a Judgment (Entry No. 594) filed 02/04/208 and entered 02/06/2008 for Plaintiff Commodity Futures Trading Commission ("CFTC"). On February 19, 2008 Defendant Shimer filed a timely Notice of Appeal with the District Court and the Appellate Court subsequently assigned Docket No. 08-1558 to Shimer's appeal. Movant hereby respectfully requests permission to join Shimer's pending appeal.

The reasons for granting Firth's motion to join are as follows:

1) The interests of Firth and Shimer are similar in that both were named defendants in the civil action filed by Plaintiff CFTC that is the subject of Shimer's now pending appeal and (with the exception of Count V of the Amended Complaint) the CFTC basically alleged similar violations of the Commodity Exchange Act ("CEA") by both Shimer and Firth.

2) Firth separately filed on his own behalf two pretrial motions for summary judgment and a motion to dismiss similar in nature to the separate similar pretrial motions to dismiss and for summary judgment filed by Shimer that are the subject of Shimer's appeal now before the Court;

3) The brief filed each time by Shimer in the District Court in support of Shimer's separate motions for summary judgment and Shimer's motions to dismiss specifically referred to the fact that it was also filed in support of Firth's separate similar motions;

4) Any decision by the Appellate Court determining that the District Court erred in not granting Shimer's separate motions for summary judgment and/or Shimer's motions to dismiss would be equally applicable to the similar motions filed in the District Court by Movant Firth.

5) The legal and factual issues raised by Shimer's appeal are equally applicable to Firth.

6) The Opinion (Entry No. 419) and accompanying Order (Entry No. 420) of the District Court partially granting the CFTC's motion for partial summary judgment now the subject of Shimer's appeal also granted partial summary judgment for the CFTC with respect to Firth for the same alleged violations of the CEA;

7) The Opinion of the District Court (Entry No. 593) and the Judgment entered by the District Court (Entry No. 594) against Shimer concluded that Firth also violated similar sections of the CEA and entered judgment for the CFTC against Firth for a significant amount of civil monetary fines and penalties, and imposed upon Firth disgorgement and also imposed upon Firth a similar permanent injunction as imposed upon Shimer;

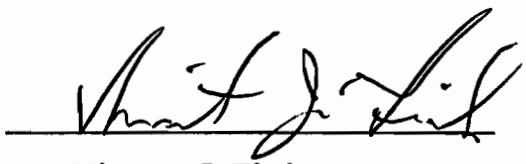
8) A decision allowing Firth to join Shimer's pending appeal is in the interest of judicial economy;

9) There is sufficient time to grant Firth's Motion without affecting the timing or due date of Appellant's brief because the Appeals Court by Order dated March 4, 2008 stayed Shimer's pending appeal until such time as the District Court disposes of a timely post decision motion of a type specified by Fed. R. App. P. 4(a)(4) filed by Plaintiff CFTC.

10) Firth hereby states that he has discussed this matter with Shimer and that Shimer has no objection whatsoever to this motion by Firth to join in Shimer's currently pending appeal.

There are no facts stated above in support of this motion that are in dispute.

Dated: Wednesday, March 12, 2008



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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 12, 2008 he caused a true and correct copy of the foregoing Motion to Join dated March 12, 2008 to be sent via regular First class U.S. Mail to the following:

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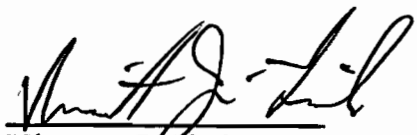

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