

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**UNITED STATES COMMODITY
FUTURES TRADING COMMISSION,
Plaintiff,**

-vs-

Case No. 6:09-cv-508-Orl-28DAB

**CAPITAL BLU MANAGEMENT, LLC; DD
INTERNATIONAL HOLDINGS, LLC;
DONOVAN DAVIS JR.; BLAYNE DAVIS;
and DAMIEN BROMFIELD;
Defendants.**

JUDGMENT

Defaults have been entered against Defendants Capital Blu Management, LLC, DD International Holdings, LLC, and Blayne Davis, and this action was tried by a jury on the issue of liability, with only Defendants Damien Bromfield and Donovan Davis Jr. appearing. The jury rendered a verdict, and thereafter the issue of equitable relief was determined by the Court.

It is ordered as follows:

A. Permanent Injunction

1. Defendants Capital Blu Management, LLC, DD International Holdings, LLC, Donovan Davis Jr., Blayne Davis, and Damien Bromfield are hereby permanently restrained, enjoined, and prohibited from directly or indirectly engaging:

a. in conduct that violates Sections 4b(a)(1)(A)-(C), 4b(a)(2)(A)-(C), 4c(b) or 4o(1) of the Commodity Exchange Act ("the Act"), as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII

(subtitled “CFTC Reauthorization Act of 2008” (“the CRA”)), §§ 13101-13204, 122 Stat. 1651 (enacted June 18, 2008), and as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (“Dodd-Frank Act”), Pub. L. No. 111-203, Title VII, §§ 701-774, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 6b(a)(1)(A)-(C), 6b(a)(2)(A)-(C), 6c(b), and 6c(1);

b. in conduct that violates Regulations 4.20(b) or (c) or 32.9(a)-(c) (17 C.F.R. §§ 4.20(b) and (c) and 32.9(a)-(c) (2010)); and

c. in any activity related to trading in any commodity, as that term is defined in Section 1a of the Act, as amended, to be codified at 7 U.S.C. § 1a (“commodity interest”), including, but not limited to, the following:

(i) from trading any commodity interest account for themselves or on behalf of any other person or entity;

(ii) from soliciting, receiving, or accepting any funds in connection with the purchase or sale of any commodity interest contract;

(iii) from applying for registration or claiming exemption from registration with the CFTC in any capacity, and engaging in any activity requiring such registration or exemption from registration with the CFTC, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2010), and from acting as a principal, agent, or any other officer or employee of any person registered, exempted from registration, or required to be registered with the CFTC, except as provided for in Regulation 4.14(a)(9); and

(iv) from engaging in any business activities related to commodity interest trading.

2. These injunctive provisions are binding on these Defendants, upon any person who acts in the capacity of an officer, agent, servant, employee, attorney, successor, and/or assign of any of these Defendants, and upon any person who receives actual notice of this injunction by personal service or otherwise insofar as he or she is acting in active concert or participation with any of these Defendants.

B. Restitution

1. Defendants Capital Blu Management, LLC, DD International Holdings, LLC, Donovan Davis Jr., Blayne Davis, and Damien Bromfield shall pay, jointly and severally, restitution in the amount of \$2,463,592.12 plus post-judgment interest. All restitution payments are immediately due and owing.

2. Post-judgment interest shall accrue beginning on the date of entry of this Judgment and shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Judgment, pursuant to 28 U.S.C. § 1961(a).

3. To effect payment by Defendants and the distribution of restitution, the Court hereby appoints the National Futures Association (“NFA”) as Monitor. The Monitor shall collect restitution payments from Defendants and shall make distributions as set forth below. Because the Monitor is not being specially compensated for these services and because these services are outside the normal duties of the Monitor, the Monitor shall not be liable for any action or inaction arising from its appointment as Monitor except for actions involving fraud.

4. Defendants shall make their required restitution payments payable in the name of “CBM FX Fund, LP—Restitution Fund” and shall send such restitution payments by either electronic funds transfer or by U.S. postal money order, certified check, bank cashier’s check, or bank money order to the Office of Administration, National Futures Association, 300 South Riverside Plaza, Suite 1800, Chicago, Illinois, 60606, under a cover letter that identifies the paying Defendant and the name and docket number of this proceeding. The paying Defendant shall simultaneously transmit copies of the cover letter and the form of

payment to (a) Director, Division of Enforcement, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW, Washington, DC 20581, and (b) Chief, Office of Cooperative Enforcement, Division of Enforcement, at the same address.

5. The Monitor shall oversee Defendants' restitution obligation and shall have the discretion to determine the manner of distribution of funds in an equitable fashion to the Participants in the CBM FX Fund, LP, or may defer distribution until such time as it may deem appropriate in the event that the amount of restitution payments to the Monitor are of a de minimis nature such that the Monitor determines that the administrative costs of making a restitution distribution to the Participants in the CBM FX Fund, LP is impractical.

6. To the extent that any funds accrue to the U.S. Treasury as a result of Defendants' restitution obligation, such funds shall be transferred to the Monitor for disbursement in accordance with the procedures set forth in the preceding paragraphs.

7. Any amount paid to any Participant in the CBM FX Fund, LP pursuant to this judgment shall not limit the ability of that Participant to independently prove in a separate action that a greater amount is owed from any person or entity, and nothing herein shall be construed in any way to limit or abridge the rights of any Participant in the CBM FX Fund, LP that exist under federal, state, or common law to assert a claim for recovery against Defendants, subject to any offset or credit that Defendants may be entitled to claim under the law governing that Participant's claim.

8. Pursuant to Rule 71 of the Federal Rules of Civil Procedure, each Participant in the CBM FX Fund, LP is hereby explicitly made an intended third-party beneficiary of this Judgment and may seek to enforce obedience of this Judgment to obtain satisfaction of any

portion of the restitution amount that has not been paid, to ensure compliance with any provision of this Judgment, and to hold Defendants in contempt for any violations of any provision of this Judgment.

C. Civil Monetary Penalties

1. Defendant Damien Bromfield shall pay a civil monetary penalty in the amount of \$4,927,184.24 plus post-judgment interest.

2. Defendant Blayne Davis shall pay a civil monetary penalty in the amount of \$4,927,184.24 plus post-judgment interest.

3. Defendant Donovan Davis Jr. and DD International Holdings shall pay, jointly and severally, a civil monetary penalty in the amount of \$4,927,184.24 plus post-judgment interest.

4. Post-judgment interest shall accrue beginning on the date of entry of this Judgment and shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Judgment, pursuant to 28 U.S.C. § 1961(a).

5. Defendants' civil monetary penalties are immediately due and owing.

6. Defendants shall pay their civil monetary penalties by electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order. If payment is to be made other than by electronic funds transfer, the payment shall be made payable to the Commission and sent to the address below:

Commodity Futures Trading Commission
Division of Enforcement
Attn: Marie Bateman—AMC-300
DOT/FAA/MMCA
6500 S. MacArthur Blvd.

Oklahoma City, OK 73169
(405) 954-6569

If payment is to be made by electronic funds transfer, the paying Defendant shall contact Marie Bateman or her successor at the above address to receive payment instructions and shall fully comply with those instructions. The Defendant shall include with the penalty payment a cover letter that identifies the paying Defendant and the name and docket number of this proceeding. The Defendant shall simultaneously transmit copies of the cover letter and the form of payment to the Director, Division of Enforcement, U.S. Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, and the Chief, Office of Cooperative Enforcement, at the same address.

D. Priority of Monetary Sanctions and Partial Payments

1. All payments by Defendants pursuant to this Judgment shall first be applied to satisfaction of their joint and several restitution obligation, consistent with the authority granted by the Monitor in Section B above. After satisfaction of the restitution obligation, any further payments by a Defendant pursuant to this Judgment shall be applied to satisfy his or its respective civil monetary penalty obligation.

2. Any acceptance by the Commission and/or Monitor of partial payment of the restitution obligation and/or civil monetary penalty shall not be deemed a waiver of a Defendant's requirement to make further payments pursuant to this Judgment or a waiver of the Commission's right to seek to compel payment of any remaining balance.

Date: _____

Clerk of Court