Hollinger, Rosemary

From: Ackerman, Joan (CHG Int) [jackerman@mfglobal.com]
Sent: Wednesday, January 21, 2009 12:02 PM
To: Hollinger, Rosemary
Subject: RE: Mark S. Trimble, Phidippides Capital Management, et al Email from Trimble
Sensitivity: Confidential

Per your request --

From: Mark Trimble [mailto:trimtrader@gmail.com]
Sent: Tuesday, January 20, 2009 8:18 AM
To: Monieson, Steve (CHG Int)
Subject: Fwd: Notification

Steve,
I'm meeting the authorities at 11 today. This is the letter I sent them. They have not notified any one of this matter, therefore I need to make sure you and dani disclose this to no one.

Sent from M Trimble

Begin forwarded message:

> **From:** "Trimble" <mtrimble3@cox.net>
> **Date:** January 19, 2009 9:24:22 PM CST
> **To:** "Mark Trimble" <trimtrader@gmail.com>
> **Subject: Notification**
>
> January 16, 2008
>
> To Family, Friends, and Clients:
>
> On or around November 15th I was contacted by the local FBI & IRS. They wanted to know what the nature of my business was, and why our wire transfers to Chicago (MF Global our clearing firm) were so large. They asked me if I knew certain names they mentioned and how I knew a few of you etc... The following week I provided them all the legal documents of the Hedge Fund and all our signatures and agreements. In mid to late December I was notified by the United States District Court that by January 6, 2009 I had to provide the FBI all my clients names, balances, and profit and loss statements for Q-4 of 2008. I provided the authorities all these documents on January 4th or 5'Th. Last week on Tuesday the 14'th I provided them (FBI & IRS) our Hedge Fund statements from MF Global and then on Friday the 16th at 4:15 I was notified by MF Global that my personal accounts (2) and our Hedge Fund accounts (2) were frozen and we were not authorized to trade, or transfer any capital into or out of these accounts. I have not been contacted by any authorities about this matter, nor have I been notified of any pending investigation against me personally or the Hedge Fund. In fact the two local agents that I have cooperated with told me in mid December that they did not see a need to contact any of my clients, nor should I even tell Dave Lynn or Brad Kelly about this.
>
> After spending the weekend of January 16-19 contemplating why the FBI and IRS would freeze our accounts at MF Global. I have come to the conclusion that it must be due to the

EXHIBIT 5

difference in our balances that I have provided all of you, including the FBI & IRS and what MF Global shows our capital balances to be. The reason our balances are off is because I could not look myself in the mirror and face all of you and notify you that in the last quarter of 2008 we lost all the profits for the year and then some. The reason your statements did not show the loss is because I have been in the process of seeking a loan to offset the loss and make the balances match. My plan was to take a $250,000 per month deduction against profits until the loan was paid off. Now taking out a loan within the Hedge Fund is not illegal according to my attorneys, but I now feel that I have made some very bad decisions and could be facing criminal charges for my actions. All of you may be asking yourself, how can this happen and why? I have no answer that will make sense except to say that when one manages large amounts of capital it puts enormous pressure on the human mind and body. Psychologically my pride, ego, shame, disappointment and feeling of total failure kept me from being honest about our losses in the last quarter. I want all of you to know that I have never used any of the funds capital for personal gain, nor have I ever taken a dime for personal use, my personal trading account more than supports my life. At this point in time I do not know what else I can say, except that I'm sorry I have failed in managing your money and most importantly losing your trust.

I want all of you to know that the decisions made within the Hedge Fund are 100% my responsibility. Neither Dave nor Brad has ever had anything to do with the accounting of the fund or the statements. I will be in contact with each of you once I have been notified by the authorities as to what is actually happening with our accounts in Chicago.

M Trimble

Joan P. Ackerman
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Legal & Regulatory Affairs
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Chicago, IL 60605

From: Hollinger, Rosemary [mailto:rhollinger@CFTC.GOV]
Sent: Wednesday, January 21, 2009 11:53 AM
To: Ackerman, Joan (CHG Int)
Subject: RE: Mark S. Trimble, Phidippides Capital Management, et al
Sensitivity: Confidential

Can you send me a copy of the letter that Trimble sent to Steve Monieson. Thanks again for all of your help.

From: Ackerman, Joan (CHG Int) [mailto:jackerman@mfglobal.com]
Sent: Tuesday, January 20, 2009 6:19 PM
To: Hollinger, Rosemary