

ATTACHMENT 1

DECLARATION OF THOMAS J. BLOOM

**IN THE UNITED STATES DISTRICT COURT FOR
OKLAHOMA-WESTERN DISTRICT**

**Commodity Futures Trading
Commission,**

Plaintiff,

vs.

**Mark S. Trimble, and
Phidippides Capital Management LLC,
Defendants, and
Phidippides Capital LP,
Relief Defendant.**

Civil Action No: 09 CV

00154-D

Judge Timothy D. DeGiusti

DECLARATION OF THOMAS J. BLOOM

My name is Thomas J. Bloom and I am over 18 years of age. I have personal knowledge of the facts and circumstances described below. If called upon to testify under oath I would state as follows:

1. I am the Branch Chief with the Division of Clearing and Intermediary Oversight and the Regional Administrator for the CFTC's Southwestern Region. I am a Certified Public Accountant, licensed to practice in the State of Missouri. In December 1980, I received a Bachelor of Science degree in accounting from Northwest Missouri State University. I have worked for the CFTC since August 1984. Since December 2003, I have been the Supervisory Auditor (Branch Chief) for the Division of Clearing and Intermediary Oversight at the CFTC's Southwestern Regional Office. From August 2002 to December 2003, I was a Supervisor Auditor at the

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CFTC and, prior to August 2002, I was a staff auditor. Since February 2004, I have also served as the Regional Administrator (previously titled Regional Coordinator until January 2008) for the CFTC's Southwestern Regional Office. My responsibilities at the CFTC include the investigation of registered and unregistered commodity firms and individuals located throughout the United States to ensure compliance with and enforcement of the Commodity Exchange Act, and the rules and regulations promulgated thereunder.

2. From 1982 to 1984, I worked at the Kansas City Board of Trade as an auditor and then as Compliance Supervisor for the Department of Audits & Investigations. During that time, I planned, scheduled, conducted, and supervised audits of futures commission merchants to determine their compliance with Kansas City Board of Trade rules and with the provisions of the Commodity Exchange Act, 7 U.S.C. § 1 *et seq.*, and the rules and regulations promulgated thereunder.
3. Since January 26, 2009, together with two other auditors in the CFTC's Southwestern Regional Office, I have worked on the investigation of Mark S. Trimble and Phidippides Capital Management LLC. In the course of that investigation, I have reviewed account statements and supportive

documents from MF Global, Mid-First Bank and Bank of America. Based on these documents I can state the following:

4. On January 16, 2009, Mark Trimble withdrew \$653,887 from the Phidippides Capital Management LLC ("PCM") account at Mid-First Bank. He deposited these funds into his personal account at Bank of America.
5. On January 21, 2009, Mark Trimble wired \$250,000 from his personal account at Bank of America to the account of Nancy Trimble at Arvest Bank and \$250,000 to an account at JP Morgan Chase in the name of Denise McGinnis.
6. On April 2, 2009, I asked Mr. Trimble to explain several withdrawals from PCM's bank account at Mid-First bank. One of those transactions was a withdrawal of \$653,887 on January 16, 2009. (Exhibit 1)
7. On April 15, 2009, I received an email from Mr. Trimble explaining that the \$653,887 (and a significantly smaller withdrawal) were "the final balance of my commissions I received in 2008. If you remember I was paid 1.7 million in fees and (sic) commish in 2008." (Exhibit 2)

I declare under penalty of perjury that the foregoing is true and correct.



Thomas J. Bloom

EXHIBIT 1

Hollinger, Rosemary

From: Trimble [mtrimble@coxinet.net]
Sent: Thursday, April 02, 2009 9:29 AM
To: Bloom, Thomas J.
Subject: FW: Unexplained Withdrawals

From: Mark Trimble [mailto:trimtrader@gmail.com]
Sent: Thursday, April 02, 2009 9:28 AM
To: mtrimble@coxinet.net
Subject: Re: Unexplained Withdrawals

Tom,

I will look into these withdrawals, some I know off the top of my head but most of them look like I will have to do some digging. I will get back to you ASAP on this matter.

On Thu, Apr 2, 2009 at 9:16 AM, Mark Trimble <trimtrader@gmail.com> wrote:

Sent from M Trimble

Begin forwarded message:

From: "Bloom, Thomas J." <tbloom@CFTC.GOV>
Date: April 2, 2009 6:09:20 AM CDT
To: "Mark Trimble" <trimtrader@gmail.com>
Cc: <Mack@martinlawoffice.net>
Subject: Unexplained Withdrawals

Mark,

Attached is a spreadsheet with the supporting documentation we have regarding some withdrawals from PCM's MidFirst Bank account. Based upon the records that we have received to date, we are unable to determine the purpose of these withdrawals and the disposition of the funds (i.e. - none of the withdrawn funds appear to have been deposited into a PCM or Pool account).

Please provide us with any explanation/documentation you have regarding these transactions.

If you have any questions let me know.

Tom

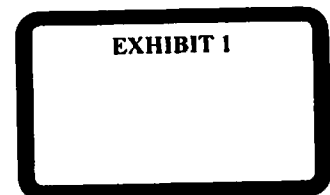


EXHIBIT 2

Hollinger, Rosemary

From: Bloom, Thomas J.
Sent: Wednesday, April 15, 2009 3:16 PM
To: Hollinger, Rosemary
Subject: FW: LISTING OF UNEXPLAINED WITHDRAWALS

Fyi – we'll look this over and see if it makes sense.

From: Mark Trimble [mailto:trimtrader@gmail.com]
Sent: Wednesday, April 15, 2009 3:04 PM
To: Bloom, Thomas J.
Subject: LISTING OF UNEXPLAINED WITHDRAWALS

Tom,

The answers to your questions that I'm providing to you are to the best of my ability accurate. The reason I state this is because I can't verify 100% the withdrawals from 7/14/2006- 10/9/2007. Prior to becoming a CPO the fund was all ran out of one check book which was PCM account #1901008374 and #3801006185. The deductions from account #1901008374 during the period of 7/14/06 thru 10/9/07 of 6,000, 1,000, 1,000, 2,500, 15,000 and 15,000 would have been deducted from either me or my wife's account within the fund. The deduction of 6,000,000 on 10/10/2007 from account #1901008374 was sent to MF Global according to my records.

The deduction of 680,428 on 4/2/08 from account #3801006185 was the first quarter bonus that the fund earned. Your records as well as Archway's will show we made about 3.7million in quarter one of 2008. The 100,000 deducted from #3801006185 on 9/9/08 was taken from the management fee (ie:2%) on the balance sheet from the fund.

The deductions of 653,887 & 19,724 from account #3801006185 on 1/16 & 20 of 2009 was the final balance of my commissions I received in 2008. If you remember I was paid 1.7million in fees and commish in 2008.

Sorry for the delay in getting this back to you and please feel free to call or email me about any other questions you may have.

Thanks again for all your help,
Mark

EXHIBIT 2