

**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,  
DAMIEN BROMFIELD,**

**Defendants.**

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**REPORT AND RECOMMENDATION**

**TO THE UNITED STATES DISTRICT COURT**

This cause came on for consideration without oral argument on the following motions filed herein:

**MOTION: MOTION TO DISSOLVE PRELIMINARY INJUNCTION  
AND STATUTORY RESTRAINING ORDER (Doc. No.  
194)**

**FILED: October 4, 2010**

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**THEREON it is recommended that the motion be DENIED.**

**MOTION: MOTION TO DISSOLVE PRELIMINARY INJUNCTION  
AND STATUTORY RESTRAINING ORDER (Doc. No.  
195)**

**FILED: October 6, 2010**

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**THEREON it is recommended that the motion be DENIED.**

Defendants Donovan Davis and Damien Bromfield seek to dissolve the Preliminary Injunction and Statutory Restraining Order issued in this matter, contending that they are “no longer necessary.” Plaintiff has filed a detailed opposition brief (Doc. No. 205) taking issue with that contention. As is clear from the motions and response, any such determination will require a great deal of fact-finding that is more appropriately addressed in an evidentiary setting. As the Court has scheduled trial on the merits of this case for the December term, and there does not appear to be any compelling need to alter the status quo in advance of that imminent trial, it is **respectfully recommended** that the motion be denied, without prejudice to Defendants asserting their arguments and presenting their proof in the normal course of the trial.

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen (14) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

**Recommended** in Orlando, Florida on November 1, 2010.

*David A. Baker*

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DAVID A. BAKER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge  
Counsel of Record  
Courtroom Deputy  
Unrepresented Parties