

BEFORE THE
NATIONAL FUTURES ASSOCIATION

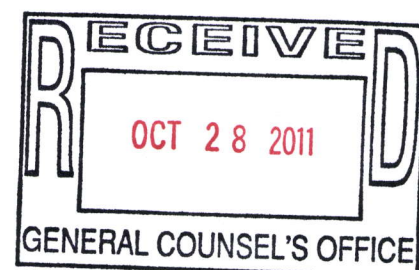
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In the Matter of:

TRADE DOCK CAPITAL, LLC
(NFA ID #0417738)

AND

DOMINIQUE MIGUEL DA'CRUZ
(NFA ID #0369464)

Respondents
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ANSWER AND AFFIRMATIVE DEFENSES
OF
TRADE DOCK CAPITAL, LLC AND DOMINIQUE MIGUEL
DA'CRUZ

Trade Dock Capital, LLC ("TDC") and Dominique Miguel Da'Cruz ("Da'Cruz")(sometimes collectively "Respondents"), in response to the Complaint issued by the Business Conduct Committee ("BCC"), state as follows:

ANSWER

1. Respondents, affirm and admit, Mr. Da'Cruz as the sole owner, decision maker, principal and managing partner in addition to the sole required Associated Person of the independently owned and operated Limited Liability Company of Trade Dock Capital LLC and is subject to the proceedings for any violations pursuant to this complaint, in response to all Paragraphs of this complaint.

2. Respondents recognize and confirm the NFA registration dates and bygone listings published in Paragraph Three.
3. Respondents firmly deny that Trade Dock Co. nor Benoit Brookens III was acting, operating or was lawfully recognized or qualified to be listed as an owner or principal of Trade Dock Capital LLC at any time relevant to the NFA or the NFA Complaint or NFA MRA, in response to all Paragraphs of this complaint.
4. Respondents, Trade Dock Capital and Mr. Da'Cruz deny having at any time any access, right of ownership, or lawful privilege to the private information, documentation or correspondence or other corporate records of Trade Dock Co. at anytime relevant to the NFA, in response to all Paragraphs of this complaint.
5. Respondents deny endorsing any promotional material, website or business listing and deny owning and operating any website or transmitting any materials in a manner in which violates any NFA regulation, in response to all Paragraphs of this complaint.
6. Respondents admit that any and all websites which may have been sanctioned by Respondents was in anyway operational to any commercial end, was not in use, and resulted in absolutely no commercial activity for respondents. Respondents, re-affirm that any and all digital design media created by 3rd parties on behalf of Trade Dock Capital LLC never employed, deployed, intended or utilized in any capacity for public view or use, inclusive of solicitation; in which suggestions to the contrary have consistently resulted in demonstrations and pleas of innocence; in response to all paragraphs in this complaint.
7. Respondents recognize the existence of mutually viewed website in Paragraph Four and deny any functional or NFA related commercial or endorsement of content on said website of use of or relating to Respondents.

Respondents re-affirm and as follows:

1. Respondents never submitted a disclosure document to NFA for approval or filed an

exception for any pools for the CTA itself and did not submit any promotional materials to NFA and had no immediate interest in operating any pools or acting in any capacity as a CTA and did not submit documentation to the contrary as the Recipients has expressly no interest doing so.

2. Website, intrinsically, did not function to any operational end.
3. Website, intrinsically, contained substantial filler text and repetitive content; readily recognizable by any reasonable person as junk text and not real, hypothetical.
4. Respondents, affirm that if they were never approached by any potential client or person expressing interest in doing business with Trade Dock Capital and did not pursue any person or relationship to any investment interest
5. Website, intrinsically, contained blatantly non-Respondent related news in addition to information which referenced the name "Trade Dock Capital"; non "Trade Dock Capital" media functioned as a working hyperlink and the lack of relevancy was clear as "news items" on the said website with held reference to "TD Capital" (not Trade Dock Capital LLC) were distinctively and exclusively text items unlike the other operational web links obviously served as filler content.
6. Website, intrinsically, did not contain any contact information whatsoever for Respondents nor any contact information for any person or entity operating in any official capacity, as an officer, principal or in any manner related to the NFA.
7. Bank statements, were transmitted immediately with explanations without reservation demonstrating no clients were ever accepted nor were there any NFA related transaction in any

- Trade Dock Capital had ever taken place
8. Respondents, affirmed immediately, clearly and promptly that no transactions relevant to the NFA had taken place and that no brokerage accounts we ever held or owned for any activity subject to any regulation whatsoever inclusive of the NFA.
 9. NFA independently learned that Trade Dock Capital never owned or opened a brokerage account and never engaged in any successful client solicitation as reflected by the complete transparency in the banking records belonging to Trade Dock Capital LLC.
 10. Respondents, entirely and promptly provided all accessible and legally privileged information including banking records to NFA; demonstrating Respondents operated in no Capacity as a CTA or CPO, NFA Member.

8. Respondents admit, that during a phone conversation taking place prior to the MRA and Complaint issued by the NFA, a conversation between Mr. Da'Cruz and Kimberly Nordoff revealed an error in registration during questioning of Mr. Da'Cruz by Kimberly Nordoff, about the connectivity between Trade Dock Co. and Respondents and whether intellectual property ownership rights constituted ownership or a listing within the NFA Online Registration website, where in which it was revealed plainly to Respondents that a misunderstanding around the registration requirements pertaining to the primary basis of corporate connectivity between the independently incorporated entities with different members, responsibilities and activities resulted in the improper listing of Trade Dock Co. in the Trade Dock Capital LLC registration which was corrected within the NFA Online Registration System website, by removing Trade Dock Co., as listed principal, in response to Paragraphs Three, Four, Five, Six, Eleven, Thirteen and Fourteen of the Complaint.

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10. Re-affirmed, Respondents admit, recognize and take full responsibility for the improper registration of Trade Dock Co. as a principal of Trade Dock Capital LLC; pursuant to a phone conversation between Mr. Da'Cruz and Kimberly Nordoff taking place pursuant to the MRA and This Complaint where a candid dialogue took place about requirements and regulations where in which Kimberly Nordoff clarified and disclosed that intellectual property rights of ownership did not constitute a form of association recognized by the NFA. Respondents also wholly admit and aver that trademark / intellectual property ownership constituted the sole basis of the listing of Trade Dock Co. as a principal of TDC, in response to any reference of Trade Dock Co. within the Complaint.
11. Respondents wholly admit to a lapse in updating the address information for TDC in the NFA Online Registration System; Respondents, however do also admit that the NFA Registration System address listing was updated promptly and properly for Mr. Da'Cruz, as the sole director, principal and associated person of Trade Dock Capital LLC and recognize that Mr. Da'Cruz had successfully received all mail from the NFA , at that location, as both addresses are mailed simultaneously according to protocols, in response to Paragraph twelve of the Complaint.
12. Respondents admit and recognize the reasonable difficulty and logistical issues posed by an unannounced on-site visit, made by Kimblerly Nordorff, while Mr. Da'Cruz was off-site attending to pressing personal concerns; Mr. Da'Cruz also admits that prompt notification was provided to Kimberly Nordoff, when the logistical difficulty to Kimberly Nordoff's request was presented.

AFFIRMATIVE DEFENCES

1. The Complaint, in relying on NFA Compliance Rules 2-9 and 2-36, fails to state a claim on which relief can be granted because

under Section 2(a) of the Commodity Exchange Act, as amended, 7 U.S.C. § 2(a), and other relevant legal authority, NFA lacks the authority and/or jurisdiction to sanction Recipients.

2. The Complaint, in relying on NFA Compliance Rules 2-9 and 2-36 fails to state a claim on which relief can be granted because under sections 2(c) and 17 of the Commodity Exchange act, as amended, U.S.C. §§ 2(c) and 21, and other relevant legal authority, NFA lacks the authority and/or jurisdiction to enact or enforce those Rules.

3. The Complaint, in relying on NFA Compliance Rule 2-36 fails to state claim on which relief can be granted in that it fails to allege as it must that Respondents engaged in any wrongful conduct in connection with a "foreign currency futures or options" transaction.

4. The Complaint, in relying on NFA Compliance Rule 2-36, fails to state a claim on which relief can be granted because Respondents did not engage in any wrongful conduct in connection with "foreign currency futures or options"

5. The Complaint, in relying on NFA Compliance Rule 2-36 , fails to state claim on which relief can be granted because NFA Compliance Rule 2-36 is void for vagueness in violation of the Due Process Clause of the United States Constitution.

6. The Complaint, in relying on alleged conduct which predates 02/08/2010, fails to state claim on which relief can be granted because of such reliance violates, amongst other things, principles of accord and satisfaction.

7. The Complaint, in relying on alleged conduct which predates 02/08/2010, fails to state claim on which can be granted because such because reliance violates, amongst other things, principles of *res judicata*.

8. The Complaint, in replying of NFA Compliance Rules 2-8 and 2-36, fails to state a claim on which relief can be granted because such reliance violates, amongst other things, 7 U.S.C. § 17, Article III of the NFA Articles of Incorporation, the antitrust laws of the United States, and other relevant legal authority.

9. The Complaint, in replying of NFA Compliance Rules 2-5, and 2-2(f), fails to state a claim on which relief can be granted because it represents a selective prosecution of Respondents, Da'Cruz and Trade Dock Capital LLC.

10. The Complaint fails to state claim on which relief can be granted because it seeks to retaliate, in violation of the First Amendment of the United States Constitution, for the lawful activities of Respondents, Da'Cruz and Trade Dock Capital LLC in petitioning the Congress of the United States to legislate in ways contrary to those of the endorsed of proposed by the NFA.

WHEREFORE, Respondents, Trade Dock Capital, LLC and Dominique M. Da'Cruz respectfully request the Complaint be dismissed with prejudice.

Respectfully Submitted,

Trade Dock Capital, LLC
Dominique Da'Cruz

By: 
Dominique Da'Cruz, Managing

Partner
Dominique Da'Cruz
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Telephone:
Dated: September 29th, 2011