

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

AMP GLOBAL CLEARING, LLC,
DANIEL CULP, and AMP FUTURES

Plaintiffs,

vs.

BIG MIKE TRADING, LLC and,
MICHAEL BOULTER,

Defendants.

No. 2014L1143

NOTICE OF FILING
PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS

TO: Holland & Knight, LLP, Christopher J. Murdoch, 131 S. Dearborn Street, 30th Floor
Chicago, IL 60603

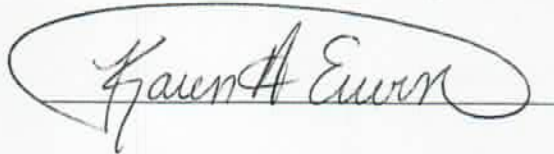
PLEASE TAKE NOTICE that on May 6, 2014 the undersigned filed with the Clerk of the Circuit Court of Cook County, Illinois, Plaintiff's Response to Defendant's Motion to Dismiss Plaintiffs' Complaint at Law, a copy which is attached hereto.

WARNER LAW OFFICE
155 N. Michigan Avenue, Suite 700
Chicago, Illinois 60601
(312) 729-5400
Attorney Number: 40025


SHAWN A. WARNER
one of the Plaintiff's Attorneys

PROOF OF SERVICE

Pursuant to the provisions of 735 ILCS 5/1-109, the undersigned, a non-attorney, certifies that she served a copy of this Notice with attachments upon whom it is directed on May 6, 2014 by depositing a copy of same in the United States mailbox at 155 N. Michigan Avenue, Chicago, Illinois, with proper postage prepaid.



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AMP GLOBAL CLEARING, LLC,
DANIEL CULP, and AMP FUTURES

Plaintiffs,

vs.

BIG MIKE TRADING, LLC and,
MICHAEL BOULTER,

Defendants.

2014 MAY -6 AM 9:32

No. 2014L1143

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS

NOW COME the Plaintiffs, AMP GLOBAL CLEARING, LLC, AMP FUTURES, and DANIEL CULP, by and through their attorneys, WARNER LAW OFFICE and respond to the Defendants, BIG MIKE TRADING, LLC and MICHAEL BOULTER, Motion to Dismiss as follows:

INTRODUCTION

The Plaintiffs in this matter have filed a ten Count Complaint against the Defendants in this matter alleging violations of the Illinois Deceptive Practices Act, Defamation and Commercial Disparagement.

SECTION 2-615 and SECTION 2-619 MOTIONS TO DISMISS

A Section 2-615 motion is appropriate only if the motion may be determined solely from the face of the pleadings. A Section 2-615 motion is inappropriate if matters not apparent on the face of

the pleadings must be considered to decide the motion; that is, if the defect challenged lies in the underlying facts rather than in the pleadings. See, e.g., Dunn v. Baltimore & Ohio R. Co., 162 Ill.App.3d 97, 515 N.E.2d 1027 (4th Dist. 1987). A Section 2-615 motion admits all well-plead facts, and all reasonable inferences drawn from those facts, and attacks only the complaint's legal sufficiency. Kendall v. Kendall, 71 Ill.2d 374, 375, 375 N.E.2d 1280 (1978); Curtis v. Cook County, 109 Ill.App.3d 400, 440 N.E.2d 942 (1st Dist. 1982), aff'd in part, rev'd in part on other grounds, 98 Ill.2d 158, 456 N.E.2d 116 (1983).

In determining whether a complaint states a cause of action, courts liberally construe the complaint so as to do substantial justice between the parties and to determine the controversy according to the substantive rights of the parties. Borushek v. Kincaid, 78 Ill.App.3d 295, 397 N.E.2d 172 (1st Dist. 1979); Ill.Rev.Stat.1991 ch. 110 §§ 1-106, 2-603(c). The court should interpret facts alleged in a complaint in a light most favorable to plaintiff, and the complaint should not be dismissed unless the pleading discloses no set of facts, if proved, under which plaintiff could recover. Davis v. Keystone Printing Services, Inc., 111 Ill.App.3d 427, 444 N.E.2d 253 (2d Dist. 1982); Cain v. American National Bank & Trust Co. of Chicago, 26 Ill.App.3d 574, 325 N.E.2d 799 (1st Dist. 1975); Callaizakais v. Astor Development Co., 4 Ill.App.3d 163, 280 N.E.2d 512 (1st Dist. 1972). A pleading must show only the possibility of recovery, not an absolute certainty, and it should not be dismissed unless it appears that the pleader in no event would be permitted to recover. Neuman v. City of Chicago, 110 Ill.App.3d 907, 443 N.E.2d 626 (1st Dist. 1982).

A motion to dismiss under 735 ILCS 5/2-619 admits all facts well-pleaded, and the court must accept as true not only those facts but all reasonable inferences therefrom. In re Estate of Krevchena, 244 Ill.App.3d 160, 165, 614 N.E.2d 74, 78 (1st Dist. 1993); Suslick v. Rothchild Securities Corp., 164 Ill.App.3d 589, 517 N.E.2d 600 (1st Dist. 1987).

Where plaintiff has alleged the facts supporting his claim with as much precision as might reasonably be expected, facts rather than conclusions have been alleged. People ex rel. Scott v. College Hills Corp., 91 Ill.2d 138, 435 N.E.2d 463 (1982); John Burns Const. Co. v. City of Chicago, 234 Ill.App.3d 1027, 601 N.E.2d 1024 (1st Dist. 1992). Plaintiff is not required to allege facts with precision where the necessary information is within the defendant's knowledge and plaintiff has not had the benefit of discovery; plaintiff must be given the opportunity to have the benefit of discovery and further develop the facts in this case. John Burns Construction Co. v. City of Chicago, 234 Ill.App.3d 1027, 601 N.E.2d 1024 (1st Dist. 1992); Sherman v. Field Clinic, 74 Ill.App.3d 21, 392 N.E.2d 154 (1st Dist. 1979) (to require plaintiffs, without benefit of discovery, to include in their complaint sufficient factual detail to permit a determination on these questions from the fact of the complaint is both unrealistic and unnecessary); see generally 3 R. MICHAEL, ILLINOIS PRACTICE § 23.4 at 310 (1989).

A motion, even one titled a motion to dismiss, is in reality two motions, a motion to strike the pleading and a motion to dismiss the case, and should be considered in two stages. The first stage consists of the determination of whether the pleading should be stricken. If it is stricken, the court should then consider whether leave to amend should be allowed or whether the action should be dismissed. 3 R. MICHAEL, ILLINOIS PRACTICE § 27.2 at 493 (1989) (citation omitted). Even when plaintiff does not file a formal written request for leave to further amend, it has been held to be an abuse of discretion to deny plaintiff leave to further amend the complaint when plaintiff demonstrates at the hearing on the motion to dismiss that the additional amended complaint would have contained allegations materially different from those of the prior filed complaints and which cure the defect complained of. Deasey v. City of Chicago, 412 Ill. 151, 105 N.E.2d 727 (1952); Chestnut v. Adeli, 131 Ill.App.3d 24, 475 N.E.2d 260 (4th Dist. 1985).

Communications Decency Act

The Defendants base their motion to dismiss solely on the immunity provided in 47 U.S.C. Sec 230. The Defendants contend this immunity expressly and expansively preempts any state and local law inconsistent with Section 230. The Defendant throughout their motion continually cites Section 230 but do not cite the case law which interprets the statute. The Defendants twist the statute into giving them an absolute immunity; which is clearly not recognized under the case law. The case law clearly states that Communications Decency Act (CDA) reflects no congressional intent, expressed or implied, to preempt all state law causes of action concerning interactive computer services; CDA provision reflect Congress' clear and unambiguous intent to retain state law remedies except in event of conflict between those remedies and CDA. *Zern v. America Online, Inc.*, 958 F.Supp. 1124, affirmed 129 F.3d 327, certiorari denied 118 S.Ct. 2341, 524 U.S. 937. In addition immunity afforded by the Communications Decency Act is not absolute and may be forfeited if the site owners invites the postings of illegal materials or makes actionable postings. *Jones v. Dirty World Entertainment Recordings, LLC, E.D.Ky. 2013, 2013 WL 4068780*. Clearly the immunity claimed by the Defendant here must be examined in light of the cases defining the immunity. Nothing in this Section 230 shall be construed to prevent any State from enforcing any State law that is consistent with this section.

First and foremost the Communications Decency Act offers no protection to a service provider for publishing tortious content created by the provider itself. *Doe v. Friendfinder Network, Inc.*, 540 F.Supp 288, reconsideration denied 2008 WL 2001745. Where the tortious information is published by BIG MIKE TRADING, LLC or MICHAEL BOULTER the information is not

protected by Section 230. Section 230 only grants immunity to a computer service provider if defined as a “publisher”; if the service is defined as an “information content provider” no immunity is provided. *Ben Ezra, Weinstein, and Company, Inc.*, 206 F.3d 980, certiorari denied 121 S.Ct. 69, 531 U.S. 937. Nothing tortious published by BIG MIKE TRADING, LLC or MICHAEL BOULTER is immune from liability.

Further where a website operator invited, encouraged or adopted tortious postings the website operator is not entitled to immunity pursuant to the Communications Decency Act. If the operator made comments about defamatory posts or encouraged further defamatory posts no immunity attaches to the site provider. *Jones v. Dirty World Entertainment Recordings, LLC*, E.D.Ky. 2013, 2013 WL 4068780. It is clear that the case law does not allow a website operator to participate in the tortious activity and then claim immunity under Section 230. When the postings by BIG MIKE TRADING, LLC or MICHAEL BOULTER are reviewed they should not be granted immunity given their participation in the actionable postings.

The Courts have held that whether the service provider developed or materially contributed to the content of the posting requires determinations of issues of fact and should not be resolved on a motion to dismiss under the Communications Decency Act. *CYBERSitter, LLC v. Google Inc.*, 905 F.Supp.2d 1080. (2012) Clearly, in Illinois all questions of fact must be submitted to the jury for determination. Here if BIG MIKE TRADING, LLC or MICHAEL BOULTER participated at all or invited participation the tortious post then their request for immunity should fall on deaf ears.

STATEMENTS OF FACTS AND ARGUMENT

Big Mike's Trading "Forum" was established to help traders by openly sharing indicators, strategies, trading journals and discussing psychology of trading". MICHAEL BOULTER is the owner and a frequent poster on BIG MIKE TRADING, LLC. (BMT) As a frequent poster MICHAEL BOULTER is not a "publisher" under the Act but instead he is "information content provider" and as an "information content provider" is not entitled to immunity under the Communications Decency Act. In addition to posting on the forum MICHAEL BOULTER also makes all the decisions as to who can post on the forum and who will be barred from posting on the forum. MICHAEL BOULTER is also the sole decider as to what content is appropriate for posting on the forum and what content is inappropriate on the forum. If MICHAEL BOULTER determines that a poster has not followed the posting rules as to content or the person has made a personal attack on another poster it is MICHAEL BOULTER who, in his sole discretion, determines if the poster is barred from making additional postings. There are two ways of controlling content on a site one by controlling what is posted and the second by controlling what is not allowed to be posted. MICHAEL BOULTER does both. By definition MICHAEL BOULTER is not only a "publisher" as to the information on Big Mike's Trading Forum, he is the sole arbitrator and the gatekeeper as to the content of the forum. This site is clearly not just a site open to the public such as google. MICHAEL BOULTER owns the site, he posts on the site, he moderates information on the site, he determines who can post on the site and he solicits people to post on topics he wants on his site. This site is controlled and directed by MICHAEL BOULTER.

The Plaintiff, Dan Culp, is the owner of AMP GLOBAL CLEARING, LLC. and AMP

FUTURES. (AMP/CULP) In the past, Culp was a poster on Big Mike's Trading Forum. As a poster he was allowed to defend his company against inaccurate information on the site. On September 7, 2011 MICHAEL BOULTER banned Culp/AMP from posting in the forum. (Exhibit 1) After Culp was banned by MICHAEL BOULTER, Culp had a major BMT third party platform sponsor contact MICHAEL BOULTER to try to work out their problems. MICHAEL BOULTER's response to the third party sponsor was I will pass on having a phone call with Culp and asked the third party sponsor to not step between MICHAEL BOULTER and Culp. After which MICHAEL BOULTER posted on BTM that he tried to work out the matters with Culp but instead Culp filed this lawsuit. It should be noted that not until after this lawsuit was filed did MICHAEL BOULTER reach out to Culp. Only when he was faced with the prospect of a lawsuit did MICHAEL BOULTER attempt to contact Culp. Clearly the postings by MICHAEL BOULTER are false.

In addition to not reaching out to Culp until after the lawsuit was filed, on August 13, 2013 MICHAEL BOULTER solicited posters to contact him if AMP Trading/AMP Global was threatening to close the posters accounts for posting on BMT forum. In this post MICHAEL BOULTER refers to himself as a moderator on the forum again showing his control over forum content. MICHAEL BOULTER posted "It has come to my attention from multiple users that AMP Trading/AMP Global is threatening to close trading accounts against users who share their experiences about AMP Trading on BMT. If this has happened to you, please contact me ASAP". (Exhibit 2) In another occasion MICHAEL BOULTER posts "Careful about making complaints about AMP. They may threaten you to remove it.... I have fought AMP with attorneys to preserve the right for people to post their experiences about AMP on BMT freely. Just be prepared to switch brokers if they were to decide to close your account". (Exhibit 3) It

should be noted that AMP has never threatened anyone who was posting on BMT that it would close their trading account because of their postings on BMT nor has AMP ever threatened to file a lawsuit against anyone who posted opinions against AMP on BMT. These statements are just simply not true. AMP's sole purpose of wanting correct information to be reported on this site is because they know the traders on this site react and trade to what they think is accurately reported information. When the information is inaccurate or twisted by MICHAEL BOULTER the independent traders are potentially hurt. MICHAEL BOULTER has made these false and defamatory postings for the sole reason of affecting AMP's business and refuses to let AMP respond.

In addition to the above false and slanderous statements posted MICHAEL BOULTER also made other postings that are not true. MICHAEL BOULTER has posted that he is in litigation with AMP in order to defend his posters rights on BMT. (Exhibit 3) Prior to the present claim, AMP had not been involved in any litigation against MICHAEL BOULTER nor BMT. This lie is for self-promotion of MICHAEL BOULTER to indicate to his posters that AMP is litigious and will sue posters while MICHAEL BOULTER will protect the posters right to post. Neither proposition is true. Clearly when MICHAEL BOULTER himself is posting untrue statements his statements and the corresponding information posted because of his statements on the site cannot be considered immune.

Along with his untrue postings, MICHAEL BOULTER refuses to allow AMP to sponsor on the site. MICHAEL BOULTER does allow other competitors of AMP to pay him to sponsor on the site. Not only does MICHAEL BOULTER not allow AMP to sponsor on the site he will not allow anyone who works with AMP sponsor on the site. (Exhibit 4) Prior to this litigation Allison Buckley, who worked at Global Futures, was attempting to advertise on BTM and in

response to her conversation with MICHAEL BOULTER she emailed him and informed him what clearing houses she worked with. One of her six clearing houses she listed she worked with was AMP. MICHAEL BOULTER states in his reply email to Allison Buckley "I do have serious issues with AMP. I am not interested in starting a new business relationship with anyone that does business with AMP". MICHAEL BOULTER then refuses to do business with Buckley, clearly showing his own personal biases against AMP.

Lastly MICHAEL BOULTER has banned AMP and AMP's employees from posting on the forum. (Exhibit 1) On numerous occasions AMP has contacted MICHAEL BOULTER and informed him that the information on the forum was incorrect and needed to be changed to provide correct information to the individual posters on the forum. AMP was informed that it was banned from posting on the forum and that the forum would not allow them to post any corrections or rebuttals in answer to the postings. By banning AMP from posting MICHAEL BOULTER is controlling the content of the postings by not allowing rebuttal or corrections. MICHAEL BOULTER is the gate keeper to what information is allowed on the forum and what information or posters are not allowed on the forum. Clearly by not letting AMP respond to inaccurate information on the postings MICHAEL BOULTER is controlling the content of the postings on the forum. The Communications Decency Act was not meant to shield this type of behavior.

Not only does MICHAEL BOULTER control the information that is posted on the site he also participates and solicits posters to provide negative information against AMP. On January 7, 2014 MICHAEL BOULTER allowed James Stone to post on BMT a clearly defamatory posting against AMP/Culp even though the subject matter of the posting had nothing to do with the sites stated goals "to help traders by openly sharing indicators, strategies, trading journals and

discussing psychology of trading”.

James Stone was an independent contractor who wrote computer code for AMP. Stone was fired because of performance reasons. When Stone was released all of his invoices to that point in time were paid. Two months after Stone was released he sent AMP a one line invoice for sixty-five thousand dollars. (Exhibit 5) AMP refused to pay this invoice. MICHAEL BOULTER allowed the following defamatory post on the site he controls even though the posting has nothing to do with the forum's stated purpose.

The Posting titled **“The Almighty Unethical AMP Trading”**

Let me tell you a story of how AMP Trading and more specifically the owner Dan Culp conducts business. They will lie to your face, tell you what you want to hear and fail to deliver on any promises made. If you're looking to trade with an ethical company look someplace else, AMP Trading will surely take your money and promise the world they can't deliver.

Not only will they take your money and run, they can't pay their bills. They take advantage of outside vendors, get work then refuse to pay. The staff gets treated poorly and the only person in the company who gets compensation for their daily jobs (above slave labor wages) is the owner Dan Culp.

Why would you trust me? I worked there for several years until I just couldn't take the toddler mentality of the owner who when he doesn't get what he wants throws temper tantrums most two year old BABIES would be proud of. Ask around many people have seen this.

Dan spends more time trying to defeat people that are stating honest facts than he does trying to build an ethical business. Who would ever want to do business with a liar and cheat?

If you are currently doing business with AMP consider your options and move your money before he takes it and runs, he doesn't care about you, he cares about making sure he is liked and that he is known as a big spender on frivolous parties.

Trust me AMP is falling to their knees, take your business to someone who would actually appreciate having it.

Don't be the one getting punched by AMP, take a stand and tell me what you have experienced. (Exhibit 6)

Clearly this posting has nothing to do with the concepts of trading and is only a personal attack on AMP/Culp. For MICHAEL BOULTER, the forum moderator, to allow this personal attack and this defamatory posting on the site when the content clearly violates the sites stated rules is not proper and not protected by any immunity.

In response to the inappropriate posting Culp emailed MICHAEL BOULTER and requested that the post be removed. In Mr. Culp's email he stated:

From: AMP
Sent: Tuesday, January 7, 2014 9:49 AM
To: 'mike@bigmiketradings.com'
Cc: 'Deux, Raymond'
Subject: Sorry your forum being used again : Rogue developer slandering AMP on BMT

This is an owner of a development company we used, that went crazy. Actually told me that he would not work anymore unless I went to church with him on Sundays.

Thank you

Dan
(Exhibit 7)

MICHAEL BOULTER, instead of removing the slanderous posting from the site, sent the email he received from Culp to James Stone, the poster. At 11:18 AM, one hour and twenty minutes after Culp sent MICHAEL BOULTER the email, Culp received a text message from James Stone stating: "Went crazy' huh? I bet I can cost you more than if you were to settle". (Exhibit 8) Clearly, Stone is quoting from the email Culp sent to MICHAEL BOULTER one hour and twenty minutes earlier. When MICHAEL BOULTER forwarded the email to James Stone he is no longer acting as a "publisher" as defined by Communications Decency Act but instead is in the throes of creating the next post. James Stone continued posting slanderous remarks on BMT. On January 7, 2014 he posted at 11:23 AM, 11:41 AM and 1:15 PM. The additional posts state

AMP has no money; your money is not safe with AMP and AMP going out of business. At no point in time did MICHAEL BOULTER prevent the slanderous statements from being posted even though the postings were in violation of MICHAEL BOULTER's own rules and were in no way related to the stated purpose of the forum. Nor did MICHAEL BOULTER allow AMP to defend itself even though AMP requested to write a post.

In the Defendants' Motion to Dismiss and the attached affidavit, they set forth a defense that MICHAEL BOULTER did not edit or change the information posted by James Stone. Their defense is that they are only a publisher of the provided information. What the affidavit does not address is the actions of MICHAEL BOULTER in sending the private email he received from Culp to Stone. This action solicited more postings from Stone. Nor does the Motion to Dismiss address the false and defamatory postings made by MICHAEL BOULTER. In paragraph 24, adopted in each count, the Plaintiffs clearly state that MICHAEL BOULTER himself posted untrue and defamatory statements about the Plaintiffs. Lastly the Defendant's Motion to Dismiss does not address the issue that MICHAEL BOULTER prevented the Plaintiffs from responding or correcting the inaccurate information posted thereby controlling the content presented in the forum. Based on the allegations in the complaint, which must be taken as true, the Defendants' Motion to Dismiss should be denied.

CONCLUSION

To be a service provider and be protected by the immunity set forth in the Communications Decency Act the provider must act as a neutral and not control the content and who is allowed to post on the site. Here MICHAEL BOULTER controlled what was allowed to be

posted on the site, who was allowed to post on the site, who was not allowed to post on the site and who was allowed to rebut the postings on the site. He controlled the content of the post and if he did not like the content of the post he would remove the post. MICHAEL BOULTER by definition is not a service provider who is neutral but an active participant who controls the direction and content of the postings.

The Courts have held that what role the administrator of the site plays in the distribution of the information on the site is a question of fact and should not be decided on a Motion to Dismiss. Here the Defendants request this Court to rule as a matter of law that the actions in controlling the data posted on BMT by Michael Boulter were not enough to raise a question of fact as to his role in the liable information presented on the site. This position is clearly in contrast to the existing law and this Court should deny the Defendants' Motion to Dismiss. This Court would have to rule that as a matter of law even though MICHAEL BOULTER has complete control over the content of the site and the fact that he exercises that control over the content of the site, he is immune from liability for the slanderous and defamatory remarks on the site. This type of ruling would be against all existing law.

Respectfully submitted,

By: 

Shawn A. Warner

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Chicago, IL 60601
(312) 729-5400
Attorney Number: 40025

This is what the FCMs call a partial process. I have been working in the futures industry for approx. 10 years and worked with all major FCMs. Holiday processing is a special art :)

Holiday procedures have been adjusted to correct and check this situation to limit chance of future occurrence.

AMP Trading

September 7th, 2011 09:56 AM

Thank you rounder8 for coming back to settle. "Well the thing is that actually my account is working now and the trading history makes perfect sense now".

PM me and I will see what I can do to make you :) again.

Dan

Tasker_182

September 7th, 2011 10:03 AM

Quote:

Quoting AMP Trading (Post 151824)

@Tasker 182, This was abnormal, thus surprise to AMP. Normally during holiday trading sessions, platforms carry the customer positions to the next full trading session. With Global Exchanges being traded, US Holiday-Labor day - is not celebrated in Europe-EUREX. So it is normal processing for EUREX markets and the US exchanges (except for ICE US-they did not shorten the trading session) carry trades until the next trade date.

This is what the FCMs call a partial process. I have been working in the futures industry for approx. 10 years and worked with all major FCMs. Holiday processing is a special art :)

Holiday procedures have been adjusted to correct and check this situation to limit chance of future occurrence.

Thanks Dan,

Regards,

Big Mike

September 7th, 2011 07:39 PM

Moderator Note

I am sorry to have to report that AMP Futures has been banned from BMT.

After numerous private messages to Dan containing warnings about self-promotion in his posts, as well as rude behavior and most recently his posts bashing another broker, he has been banned.

The decision to ban AMP is based on his behavior and attitude in the forum. He is no longer welcome here. His final post has been deleted.

EXHIBIT

1

EXHIBIT

2

Math. A gateway drug to reality.

Attached Thumbnails

AMP	100	1.40	1.40
AMP	100	1.40	1.40
AMP	100	1.40	1.40
AMP	100	1.40	1.40
AMP	100	1.40	1.40
AMP	100	1.40	1.40

The following user says Thank You to traderwerks for this post:

[Gakine](#)

June 29th, 2012, 12:01 AM

BWhite88
Elite Member
Detroit, MI.Trading Experience: Intermediate
Platform: NinjaTrader
Favorite Instrument: FuturesPosts: 4 since Oct 2012
Thanks: 4 given, 0 received

Just opened an account with AMP

I was wondering about the reliability of TICK data... (CQG - Ninja) I use it for entry and my TOS platform differs significantly. TOS seems to be more accurate for this purpose..

#45 (permalink)

August 13th, 2013, 07:10 PM

Big Mike
Administrator: 'da Big Dawg
Manta, EcuadorTrading Experience: Advanced
Platform: My own custom solution
Favorite Instrument: SP500, StocksPosts: 31,296 since Jun 2009
Thanks: 20,800 given, 38,359 received

Moderator Note

It has come to my attention from multiple users that AMP Trading/AMP Global is threatening to close trading accounts against users who share their experiences about AMP Trading on BIMT.

If this has happened to you, please contact me ASAP.

#46 (permalink)



Due to time constraints, please do not PM me if your question can be resolved or answered on the forum.

Need help?

- 1) Stop changing things. No new indicators, charts, or methods. Be consistent with what is in front of you first.
- 2) Start a journal and post to it daily with the trades you made to show your strengths and weaknesses.
- 3) Set goals for yourself to reach daily. Make them about how you trade, not how much money you make.
- 4) Accept responsibility for your actions. Stop looking elsewhere to explain away poor performance.
- 5) Where to start as a trader? Watch [this webinar](#) and read [this thread](#) for hundreds of questions and answers.
- 6) Help using the forum? Watch [this video](#) to learn general tips on using the site.

If you want to support our community, become an [Elite Member](#).

Last edited by Big Mike; August 14th, 2013 at 06:50 PM.

The following user says Thank You to Big Mike for this post:

[RickAce](#)

August 14th, 2013, 12:09 PM

notebookled
Elite Member
vienna/viennaTrading Experience: Advanced
Platform: ninja trader, fusion, TOS
Favorite Instrument: Stocks, FuturesPosts: 40 since Apr 2012
Thanks: 8 given, 14 receivedin the beginning i had some problems with AMP futures.
after a little bit of raging and complaining, everything is fine now.

Its all about communication, the guys from AMP are sometimes a little bit slow but i give them a 8 out of 10

#47 (permalink)

August 14th, 2013, 12:13 PM

notebookled
Elite Member
vienna/vienna

BWhite88

#48 (permalink)

Shawn Warner

From: AMP <trading@ampclearing.com>
Sent: Wednesday, January 08, 2014 12:19 PM
To: Shawn Warner
Subject: another Mike - and BMT post

Administrator: 'da Big Dawg
 Dallas, TX

Trading Experience: Advanced
 Platform: My own custom solution
 Favorite Instrument: SP500, Stocks



Posts: 30,343 since Jun 2009
 Thanks: 20,441 given, 36,052 received

tderrick

Just had my first price feed drop due to ('SecBuf' quality slow) AMP / NT / CQG

AMP let me know about the ZEN mayhem early, so I switched to CQG at Christmas...

Today was the first problem ... But I have had problems with CQG in the past with data drops..

Rithmic was just offered ... I may move back quickly, as I never had data problems w/ Zen - Rithmic ...

sigh ...

tderrick

If anyone else is having difficulty with CQG or Not would you post here, please? ... Trying to decide if I should switch to Rithmic .

The guys at AMP are going to hate me 😞... I have switched so much over the last few months...
 I just want a feed I can depend on

I'm not sure if the CQG feeds are different ... the AMP / NT / CQG feed may be custom ... beyond my scope

trs3042

I was disconnected this morning at 4:38am EST. This is from the trace file:

```
2014-01-08 04:38:36:928 (AMP Live)
CQG.Adapter.OnConnectionQualityChanged: serviceName='Order
Routing' quality=Slow
2014-01-08 04:38:36:928 (AMP Live)
CQG.Adapter.OnConnectionStatusChanged: status=ConnectionLost
priceStatus=Connected error="" forced=False
```

I switched to Amp/CQG on 12-31-13. This is my first disconnect. Hope this isn't the start of something.

Careful about making complaints about AMP. They may threaten you

to remove it. Or if you post anything negative about them on other forums where they are a paid sponsor, like Elite Trader for example, they may get the admin to remove it.

I have fought AMP with attorneys to preserve the right for people to post their experiences about AMP on BMT freely. Just be prepared to switch brokers if they were to decide to close your account.

Mike

Thank you & have a successful day
Greg K. Khojikian
Principal & Head Broker
greg@globalfutures.com

From: Allison Buckley
Sent: Wednesday, January 08, 2014 7:46 AM
To: Greg Khojikian
Subject: Big Mike's response...

Let me know if you have any questions.

Best Regards,
Allison

From: Mike - BMT [<mailto:mike@bigmiketrading.com>]
Sent: Tuesday, January 07, 2014 5:08 PM
To: Allison Buckley
Subject: RE: Big Mike's Trading Forum Contact Us Form - Advertising Opportunity

Hi Allison,

I don't have issue with RCG, Gain, KCG or Cunningham. I do have serious issues with Amp. I am not interested in starting a new business relationship with anyone that does business with Amp.

Mike

From: Allison Buckley [<mailto:ABuckley@globalfutures.com>]
Sent: Tuesday, January 07, 2014 6:06 PM
To: 'Mike - BMT'
Subject: RE: Big Mike's Trading Forum Contact Us Form - Advertising Opportunity

Hi Mike-

Thanks for taking the time to consider our company and for your thoughtful response.

We have been in business since 1998 and have serviced 30,000+ accounts. We offer both futures and forex, but the majority of our business is futures. We have a very multilingual staff in-house as well as foreign brokers, so we have a large client base in the US, Canada, France, Israel, Germany, Italy & Russia. Customer service is probably what we have the best reputation for, as we are always immediately reachable by phone & online chat.

We are an IB and we clear through RCG, OEC/GAIN, KCG (formerly Knight), AMP & Cunningham. Because we clear through so many FCMs, we offer multiple datafeeds: PATS, CQG, Onyx, Rithmic, and TT to name a few of the main ones, and even more platforms: Ninja Trader, J-Trader, X-Trader, Turbo (white label platform with RCG) and GZT (white label with OEC).

Our NFA ID info is:

Name

NFA ID

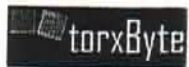
Current Status

GLOBAL FUTURES EXCHANGE & TRADING CO INC

0289721

- FOREX FIRM APPROVED
- NOTICE BROKER DEALER REGISTERED





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INVOICE

torxByte Software Inc
1915 N Whipple St Unit 1, Chicago, IL 60607
773.969.6194
billing@torxbyte.com

DATE: JANUARY 2, 2014
INVOICE # 10010

TO Dan Culp
AMP Global Clearing
221 N LaSalle St
24th Floor
Chicago, IL 60601
312.893.6400
Customer ID [AGC-1]

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
James	2012-2013 Consulting	Due on receipt	Immediately

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
650	Consulting	100	65000
SUBTOTAL			65000
SALES TAX			0
TOTAL			65000

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The almighty unethical AMP Trading



The almighty unethical AMP Trading

 Started: Yesterday (11:12 AM) by CostofBusiness
 Last Reply: 2 Minutes Ago (06:11 PM)

 Views / Replies: 1,584 / 33
 Attachments: 0

Welcome to Big Mike's Trading Forum.

Welcome, Guest!

This forum was established to help traders by openly sharing indicators, strategies, methods, trading journals and discussing the psychology of trading.

BMT is fundamentally different than most other trading forums:

- We work extremely hard to keep things positive on our forums.
- We do not tolerate rude behavior, trolling, or vendor advertising in posts.
- We firmly believe in openness and encourage sharing. The holy grail is within you, it is not something tangible you can download.
- We expect our members to participate and become a part of the community. Help yourself by helping others.

 You'll need to [register](#) in order to view the content of the threads and start contributing to our community. **It's free and simple, and we will never resell your private information.**

-- Big Mike

Page 1 of 4 1 2 3 > Last »

Thread Tools Search this Thread

The almighty unethical AMP Trading

Yesterday, 11:12 AM

 CostofBusiness
 Trading Apprentice
 Chicago IL

 Trading Experience: None
 Platform: NinjaTrader
 Favorite Instrument: Micros

 Posts: 5 since Jan 2014
 Thanks: 0 given, 12 received

The almighty unethical AMP Trading

Let me tell you a story of how AMP Trading and more specifically the owner Dan Culp conducts business. They will lie to your face, tell you what you want to hear and fail to deliver on any promises made. If you're looking to trade with an ethical company look someplace else, AMP Trading will surely take your money and promise the world they can't deliver.

Not only will they take your money and run, they can't pay their bills. They take advantage of outside vendors, get the work then refuse to pay. The staff gets treated poorly and the only person in the company who gets compensation for their daily jobs (above slave labor wages) is the owner Dan Culp.

Why would you trust me? I worked there for several years until I just couldn't take the toddler mentality of the owner who when he doesn't get what he wants throws temper tantrums most two year old BABIES would be proud of. Ask around many people have seen this.

Dan spends more time trying to defeat people that are stating honest facts than he does trying to build an ethical business. Who would ever want to do business with a liar and a cheat?

If you currently do business with AMP consider your options and move your money before he takes it and runs, he doesn't care about you, he cares about making sure he is liked and that he is known as a big spender on frivolous parties.

Trust me AMP is falling to their knees, take your business to someone who would actually appreciate having it.

Don't be the one getting punched by AMP, take a stand and tell me what you have experienced

The following 6 users say Thank You to CostofBusiness for this post:

[alejo](#), [beursindex](#), [Josephine268](#), [kronie](#), [phabian](#), [supermht](#)

#1 (permalink)

Yesterday, 11:12 AM

Quick Summary

Quick Summary Post

Quick Summary is created and edited by users like you... Add FAQ's, Links and other Relevant Information by clicking the edit button in the lower right hand corner of this message.

#2 (permalink)



Yesterday, 11:16 AM

addchild
Elite Member
Portland Oregon

Trading Experience: Intermediate
Platform: TOS, T4, Sierra Chart, TT
Favorite Instrument: CL, ZB

Posts: 621 since Nov 2011
Thanks: 536 given, 609 received

CostofBusiness_0

Let me tell you a story of how AMP Trading and more specifically the owner Dan Culp conducts business. They will lie to your face, tell you what you want to hear and fail to deliver on any promises made. If you're looking to trade with an ethical company look someplace else, AMP Trading will surely take your money and promise the world they can't deliver.

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Don't be the one getting punched by AMP, take a stand and tell me what you have experienced

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First post, right as Mirus is taking a bunch of flack and losing some clients to AMP, makes me go HMMMMMMM.

"If I agreed with you, we'd both be wrong."

The following user says Thank You to addchild for this post:

[alejo](#)

Yesterday, 11:23 AM

CostofBusiness
Trading Apprentice
Chicago IL

Trading Experience: None
Platform: NinjaTrader
Favorite Instrument: Micros

Posts: 5 since Jan 2014
Thanks: 0 given, 12 received

Not from Mirus

addchild_0

First post, right as Mirus is taking a bunch of flack and losing some clients to AMP, makes me go HMMMMMMM.

Give Dan a call and tell him Mr. Stone sent you... then call Mirus and see if they ever heard of me?

The following user says Thank You to CostofBusiness for this post:

[alejo](#)

Yesterday, 11:32 AM

addchild
Elite Member
Portland Oregon

Trading Experience: Intermediate
Platform: TOS, T4, Sierra Chart, TT
Favorite Instrument: CL, ZB

Posts: 621 since Nov 2011
Thanks: 536 given, 609 received

CostofBusiness_0

Give Dan a call and tell him Mr. Stone sent you... then call Mirus and see if they ever heard of me?

I've got no dog in this fight, I just think its odd that you would join a forum solely to post a negative review about a company which you claimed to work for several years ago.

Current BMT User Poll

How much is BMT Elite Membership worth?

- ☐ \$0
- ☐ \$25
- ☐ \$50
- ☐ \$100
- ☐ \$250
- ☐ \$500

☐ \$1000+☐ Priceless

"If I agreed with you, we'd both be wrong."

The following user says Thank You to addchild for this post:

[alejo](#)

Yesterday, 11:36 AM

#6 (permalink)

supermht
Elite Member
bloomington mn

Trading Experience: Intermediate
Platform: ninjatrade
Broker/Data: ib
Favorite Instrument: es

Posts: 727 since Feb 2010
Thanks: 671 given, 459 received

addchild_

I've got no dog in this fight, I just think its odd that you would join a forum solely to post a negative review about a company which you claimed to work for several years ago.

OP is telling you the truth, I have same bad experience with AMP, never trust their customer service.

The following 3 users say Thank You to supermht for this post:

[alejo](#), [kronie](#), [masood](#)

Yesterday, 11:41 AM

#7 (permalink)

CostofBusiness
Trading Apprentice
Chicago IL

Trading Experience: None
Platform: NinjaTrader
Favorite Instrument: Micros

Posts: 5 since Jan 2014
Thanks: 0 given, 12 received

Great point but they owe me money

addchild_

I've got no dog in this fight, I just think its odd that you would join a forum solely to post a negative review about a company which you claimed to work for several years ago.

Very true, why would I? It wasn't several years ago... It was November when I stopped consulting for them after they refused to pay me for my services. Currently they have an outstanding bill of 65k and when I went to collect I get a response of "Off record. U serious? Or just paperwork"- Dan Culp

I feel it is my duty to prevent others from having this happen to them and it is time that the world knows the type of person they are investing with. Only reason you would want your money with a company who doesn't pay their vendors and consultants is because you're exactly like them. In which case, you should get on your knees also. Your time will come.

The following user says Thank You to CostofBusiness for this post:

[alejo](#)

Yesterday, 11:46 AM

#8 (permalink)

jsengxx2
Elite Member
Portugal, Viana do Castelo

Trading Experience: Intermediate
Platform: ninjatrade
Favorite Instrument: 6e

Posts: 205 since Sep 2011
Thanks: 90 given, 170 received

CostofBusiness_

Very true, why would I? It wasn't several years ago... It was November when I stopped consulting for them after they refused to pay me for my services. Currently they have an outstanding bill of 65k and when I went to collect I get a response of "Off record. U serious? Or just paperwork"- Dan Culp

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If you worked for them then just post some proof.

Very suspicious!

The following user says Thank You to jsengxx2 for this post:

[alejo](#)

Yesterday, 01:15 PM

CostofBusiness
Trading Apprentice
Chicago IL

Trading Experience: None
Platform: NinjaTrader
Favorite Instrument: Micras

Posts: 5 since Jan 2014
Thanks: 0 given, 12 received

Lets go to the beginning

jsengxx2

If you worked for them then just post some proof.

Very suspicious!

#2 (permalink)

Let me alleviate your suspicions by starting from the beginning.

I am a software developer and I met Dan/AMP Futures about four years ago while working at gate39media. We were hired to build his online accounts portal (which was at the time actually Dorman's account portal) for his transition into becoming an FCM. AMP Global Clearing was launched in October and I left gate39media that December to go work at a different consulting firm. While I was working at Clarity consulting I decided to start my own business and let Dan know. In August of 2011 I started my own company and began working with AMP Global in October to rebuild his online accounts portal. Dan agreed to the contract of 100 hours per month at a rate of \$100 per hour or 10k per month. The project was to last three months and be ready to go online Jan 1 of 2012. On Christmas night he called to yell at me for not having it online, when his IT company did not have the server ready for me to launch. Jan 3rd we met to talk status and he steps through the entire process changing something in every step which delayed the launch another three months. Then he added this feature and that feature which continued to delay the launch. Much of the development time was spent reworking the process that Dan changed on a monthly basis (my time, his dime). During this time I would receive phone calls/text messages from 3am to 11pm almost daily, there were never any boundaries that he would not cross. We finally went live with the new online accounts portal on December 1 2012, he called gate39media and told them they were fired. Giving them less than two hours notice before they got replaced.

In March of 2013, I went to Tanzania, Africa on a mission trip and accepted Jesus as my Lord and Savior, which led me to reevaluate many facets of my life and helped me gain an understanding of being 'satisfied' in my life and my work. I love writing software but I hated not knowing when Dan was going to pay me. I was tired of working well over 100 hours per month and giving him that labor for free. My monthly hour averages for AMP are close to 150 hours giving him almost \$5000 in labor per month for free. I'm a one man development shop trying to support over 10,000 accounts and make continual progress on new development. Any one in development knows this is a project for a team of three to five people. However Dan's thoughts are that I should work 24/7 solely for his company and not get paid for it. Had he kept true to our contract I would have been able to bring more people on board. He consistently told me he could be consistent, but the only consistency in Dan/AMP is inconsistency.

In November of 2013 I went on another mission trip to Oklahoma to help rebuild a Church for TeenChallenge. While down there I decided that working for AMP was making my life miserable and the added stress of never knowing what months I was going to get paid made it difficult for my business to ever get off the ground. During this time my church was holding a series called 'Satisfied' (media . willowcreek . org). I suggest everyone watch the series, because I don't know too many people who are truly satisfied with every aspect of their lives. When I came back fro OK, I invited Dan to the last message of the series because I was incredibly unsatisfied with they way things were going, while consulting for AMP, and I was tired of living my life in the DOC area (Dangerously Over Challenged). In fact I told Dan to show up or I would not continue doing business with him. He did not show up and we are not in business together; he states that I went crazy. Well in one way he is correct, I was losing my mind building HIS business without any real plans. After all, he changes his mind almost weekly which would require me to rewrite several thousand lines of code; and not get paid. I was tired of it, did I actually go crazy, NO. I asked the man to hold up his end of the bargain, be consistent and to gain an understanding of what I was thinking and where I was coming from.

I stand by my decision to bring God into my business and to invite Dan to church, God knows he needs it. I would surely do it again and ensure that not only am I satisfied in my work but also to ensure that those whom work for me and the people I do business with are truly satisfied in there lives. Dan has a whole in his soul that he is trying to fill with expensive parties, money and a disgusting attitude toward whats fair. If he isn't winning he thinks he is losing. With his attitude he is only losing and I truly hope that he realizes it before he loses everything. Much of his staff is looking for new jobs because they are tired of his attitude, his lack of boundaries and his treatment of people who have his best interest in mind. His only interest is his wallet, anything else... and well he just doesn't care. Sorry Dan life is too short to deal with the small minded mentality that you are the only thing that matters, you're not.

I can honestly say that I am satisfied knowing that Dan is reading this and not commenting... whats wrong Dan? Can't defeat this truth.

1 of 16 (not 24) Wire transfers from Amp Global to torxByte for web development

FED WIRE IN 021788 ORIGINATOR:AMP GLOBAL CLEARING LLC AC/B74908007 221 N LA SALLE ST STE 2400 CHICAGO IL 60601-1503 CHASE MANHATTAN BANK ABA:021000021 BENEFICIARY:TORXBYTE AC/48-0482-2403 US RFB:CAP OF 13/10/01 OBI:WEB DEVELOPMENT

The following 4 users say Thank You to CostofBusiness for this post:

[alejo](#), [kronig](#), [PandaWarrior](#), [traderxd](#)

Yesterday, 02:22 PM

Copy
Elite Member
fairfax, va

Trading Experience: Intermediate
Platform: ninja
Favorite Instrument: ES



good info, I wonder often about who wrote AMP log on interface every time I have to use it.

#10 (permalink)

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iQFEED

"I'm very glad I switched to IQFeed.
It's working perfectly with no lag,
even during fast market conditions."

- Comment from Andy via Email



Posts: 3,795 since Jun 2009
Thanks: 451 given, 3,909 received

The following user says Thank You to cory for this post:

[Tasker_182](#)

Page 1 of 4 1 2 3 > Last »

[Top of Page](#)

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All times are GMT -4. The time now is 06:13 PM.

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Shawn Warner

From: AMP <trading@ampclearing.com>
Sent: Tuesday, April 29, 2014 4:34 PM
To: Shawn Warner
Subject: FW: Sorry your forum being used again : Rogue developer slandering AMP on BMT

From: AMP
Sent: Tuesday, January 07, 2014 9:49 AM
To: 'mike@bigmiketradings.com'
Cc: 'Deux, Raymond'
Subject: Sorry your forum being used again : Rogue developer slandering AMP on BMT

<https://www.bigmiketradings.com/beginners-introductions/30089-almighty-unethical-amp-trading.html#post379972>

This is an owner of a development company we used, that went crazy. Actually told me that he would not work anymore unless I went to church with him on Sundays.

My attorneys are already taking against him, please provide me a professional courtesy and delete these post and ban this user/user ip.

Thank you

Dan

EXHIBIT

7

Shawn Warner

From: AMP <trading@ampclearing.com>
Sent: Tuesday, January 07, 2014 11:07 PM
To: Shawn Warner
Cc: 'Deux, Raymond'; 'mike@bigmiketrading.com'
Subject: Mike is feeding him...look at the times. The email sent to Mike from BMT was before i got this text from James...and this was the only comment or email I made today about James post.

Mike, I am cc'ng you on this...because with all this Ninja/industry drama...I do not need this right now.

I am serious. I am swamped with taking care of all the Ninjatrade customers, a majority of your forum users, that got put in the ZF BS. This is insane. Not one piece of trading input on your forum - only smear Dan Culp/AMP campaign.

-----Original Message-----

From: 3128131920@mms.att.net [mailto:3128131920@mms.att.net]
Sent: Tuesday, January 07, 2014 11:18 AM
To: AMP
Subject:

James/Torxbyte to Dan Culp: 'Went Crazy' huh? I bet I can cost you more than if you were to settle

From: AMP
Sent: Tuesday, January 07, 2014 9:49 AM
To: 'mike@bigmiketrading.com'
Cc: 'Deux, Raymond'
Subject: Sorry your forum being used again : Rogue developer slandering AMP on BMT

<https://www.bigmiketrading.com/beginners-introductions/30089-almighty-unethical-amp-trading.html#post379972>

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Dan

