# THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

UNITED STATES COMMODITY	§	
FUTURES TRADING COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. A-12-CV-0862-LY
	§	
SENEN POUSA, INVESTMENT	§	
INTELLIGENCE CORPORATION,	§	
DBA PROPHETMAX MANAGED FX,	§	
JOEL FRIANT, MICHAEL DILLARD, and	§	
ELEVATION GROUP, INC.,	§	
	§	
Defendants.	§	

### **MOTION FOR APPROVAL TO PAY EXPENSES**

Guy M. Hohmann, the Court-appointed Receiver in the above-referenced ProphetMax Receivership matter and the ancillary IB Capital matter, files this Motion for Approval to Pay Expenses ("Motion") covering August 01, 2020, through August 31, 2020. The Receiver believes this Motion and brief in support demonstrate the expenses are reasonable and necessary.

### I. Van Oosten Schulz de Korte Advocaten, Amsterdam, the Netherlands

Fees incurred with this firm relate to their ongoing handling of a matter before the Court of Appeal at the Hague complaining against a USD \$900 million settlement between ING Bank and the Dutch State. The proceeding at the Court of Appeal at the Hague is anticipated to come to a close by the end of 2020. In addition, the firm is also preparing a proposed Complaint against ING Bank seeking damages for amounts misappropriated from IB Capital which the Receiver has been unable to have repatriated to the Receivership estate. Total fees and expenses for their most recent invoice are EUR 26,788 (USD \$31,566.13)<sup>1</sup>.

<sup>&</sup>lt;sup>1</sup>XE:Convert EUR/USD (September 8, 2020). Retrieved from https://www.xe.com/currencyconverter/convert/?Amount=26%2C788&From=EUR&To=USD

### II. Senior and Junior Paralegal

The senior paralegal's main focus for the month of August included assisting the Receiver with court papers, researched investors with new investor responses, claim questions and prepared mailings to send to investors who did not respond to the Receiver's request via email, Receivership ProphetMax website or the Receivership Facebook site to update or validate their current addresses and contact information, in anticipation of a first interim distributions. The main focus of another more junior paralegal was monitoring the Receivership email box and responding to investor questions and address notifications.

The senior paralegal worked a total of 20.2 hours for the month of August; her time was invoiced at \$50.00 per hour which is one-third of her normal hourly rate for a total of \$1010.00. The junior paralegal worked a total 16.6 hours from July 23, 2020, through August 19, 2020; his time was invoiced at \$30.00 per hour which is a forty percent discount to his normal hourly rate for a total of \$498.00.

### III. Expenses

The Receiver mailed an Apostille document to Cyprus and to Slovakia at the request of local counsel. They were mailed Worldwide Express International Shipping at costs of \$96.81 and \$112.81. The Receiver ordered 250 postcards and stamps to mail within the US and internationally to notify investors who did not respond to the Receiver's request via email, Receivership ProphetMax website or the Receivership Facebook site to update to validate or update their current addresses and contact information. The cost from Minuteman Press was \$205.27 and the USPS stamps were \$173.80. Due to the activity of recent filings through April 1, 2020 thru June 30, 2020, the Receiver incurred filing charges from Public Access to Court Electric Records (PACER) in amount of \$33.60 (quarterly charge).

#### PRAYER FOR RELIEF

The Receiver requests the Court enter the proposed Order filed with this Motion to approve the payment of total expenses of USD \$33,539.55, referenced above. The expenses were both reasonable and necessary for the Receiver to fulfill his Court-ordered duties.

Respectfully submitted, GUY HOHMANN

By: /s/ Guy Hohmann

Guy Hohmann State Bar No. 09813100 guyh@hohmannlaw.com 114 West 7<sup>th</sup> Street Suite 1100 Austin, Texas 78701 (512) 495-1438

## RECEIVER FOR THE PROPHETMAX AND IB CAPITAL RECEIVERSHIP ESTATES

### **CERTIFICATE OF CONFERENCE**

The Receiver conferred with Timothy Mulreany, counsel for the CFTC, who stated the CFTC does not take a position on the Motion nor the relief sought herein.

/s/ Guy Hohmann
Guy Hohmann

### **CERTIFICATE OF SERVICE**

On September 9, 2020, I electronically submitted the foregoing document with the Clerk of the Court of the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Guy Hohmann Guy Hohmann

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

UNITED STATES COMMODITY	§	
FUTURES TRADING COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
V.	§	Civil Action No. A-12-CV-0862-LY
	§	
SENEN POUSA, INVESTMENT	§	
INTELLIGENCE CORPORATION,	§	
DBA PROPHETMAX MANAGED FX,	§	
JOEL FRIANT, MICHAEL DILLARD, and	§	
ELEVATION GROUP, INC.,	§	
	§	
Defendants.	§	

## PROPOSED ORDER ON RECEIVER'S MOTION TO PAY FEE EXPENSES

Before the Court is the Receiver's Motion to Pay Fee Expenses (the "Motion") to approve the payment of total expenses of USD \$33,539.55. Having considered the Motion, the evidence presented, and arguments of counsel, if any, the Court finds the Motion should be, and is hereby, GRANTED.

ereby, GRANTED.	
SIGNED this day of _	
	LEE YEAKEL UNITED STATES DISTRICT JUDGE