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 November 01, 2020, through December 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 finalizing tasks of a matter before the Court of Appeal at the Hague (the "Court") complaining against a USD \$900 million settlement between ING Bank ("ING") and the Dutch State. In addition, the firm recently had a number of conferences and communications with counsel for ING and the Receiver concerning a possible settlement of the Receiver's claims against ING.

Total fees and expenses for their most recent invoices are November EUR €3066.00 (USD \$3762.25)¹ and December EUR €3810.00 (USD \$4,675.02)².

II. Munsch, Hardt

As noted above, there are ongoing settlement discussions between the Receiver and ING. ING had expressed a desire to be free of any additional claims for the conduct at issue herein if it were to enter into a settlement with the Receiver. The Receiver's U.S. counsel was retained to provide a memorandum to the Receiver regarding points of U.S. law in regard to the proposed ING complaint and a summary of relevant Fifth Circuit case law addressing this issue. Munsch, Hardt's second and final invoice is for December fees in the amount of \$2744.00.

Senior Paralegal

The senior paralegal's primary activities for the months of November and December continued to focus on correspondence with investors answering their claim questions, providing status updates and responding to several investors that had questions via email regarding the postcards the Receiver mailed in an attempt to validate their contact information. She also validated or updated their contact information and updated the investor spreadsheet and monitored the Receivership email box daily for general investor inquiries.

The senior paralegal worked a total of 9.75 hours for the months of November and December; her time was invoiced at \$50.00 per hour which is one-third of her normal hourly rate for a total of \$487.50.

¹XE:Convert EUR/USD (January 7, 2021). Retrieved from

https://www.xe.com/currencyconverter/convert/?Amount=3%2C066&From=EUR&To=USD

²XE:Convert EUR/USD (January 7, 2021). Retrieved from

https://www.xe.com/currencyconverter/convert/?Amount=3%2C810&From=EUR&To=USD

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 \$11,698.77 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 7th Street Suite 1100 Austin, Texas 78701 (512) 495-1438

RECEIVER FOR THE PROPHETMAX AND IB CAPITAL RECEIVERSHIP ESTATES

CERTIFICATE OF CONFERENCE

	The Receiver	conferred wi	th Timothy	Mulreany,	counsel	for the	CFTC,	who	stated th
CFTC	does not take a	position on t	he Motion	nor the relie	f sought	herein.			

/s/ Guy Hohmann Guy Hohmann

CERTIFICATE OF SERVICE

On January 11, 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

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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 \$11,698.77 covering November 01, 2020, through December 31, 2020.

The expenses are for the following: Van Oosten Schulz de Korte Advocaten,

Amsterdam, the Netherlands Total fees and expenses for their most recent invoices are

November EUR €3066.00 (USD \$3762.25) and December EUR €3810.00 (USD \$4,675.02)

exchange rates footnoted in the Motion. Munsch, Hardt's second and final invoice is for

December fees in the amount of \$2744.00. The Hohmann Law Firm's senior paralegal worked a

total of 9.75 hours for the months of November and December; her time was invoiced at \$50.00

per hour which is one-third of her normal hourly rate for a total of \$487.50.

Having considered the Motion, the evidence presented, and arguments of counsel, if any, the Court finds the Motion should be, and is hereby, GRANTED.

Case 1:12-cv-00862-LY Document 194-1 Filed 01/11/21 Page 2 of 2

SIGNED this day of	, 2021.
	LEE YEAKEL
	UNITED STATES DISTRICT JUDGE