

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.*

**RECEIVER'S MOTION FOR APPROVAL TO PAY EXPENSES  
FOR AUGUST 01, 2021 THROUGH OCTOBER 31, 2021**

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, 2021, through October 31, 2021. 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 a number of conferences and communications with counsel for ING Bank, the Dutch Public Prosecutor’s Office and the Receiver concerning the Receiver’s claims against various relief defendants which includes emails, letters, telephone conference calls. The Receiver’s Dutch counsel has also been of considerable assistance in helping to facilitate a recent settlement with ING Bank (“ING”).

Total fees and expenses for their most recent invoices are August and September 2021 EUR €1,657.00 (USD \$14,327.31)<sup>1</sup>, October EUR €8,895.00 (USD \$10,068.62)<sup>2</sup>.

## **II. Munsch, Hardt**

The Munsch Hardt firm's time in August and July related primarily in continuing assist with the Receiver in his attempts to repatriate the approximate USD \$4.5 million which is on deposit with Banque Populaire in Morocco and approximately USD \$7.2 million on deposit with Československá obchodná banka, in Slovakia. The Receiver's counsel at the Munch Hardt firm continued analysis of numerous Moroccan documents and correspondence as related to the five tracts of land and assignment agreements that need to be re-executed with the Moroccan consulate in the U.S. He had extensive communication with the Seychelles counsel and reviewed and considered recommendations from local Seychelles counsel in regard to Riknik & Sons Ltd. He reviewed and assessed Slovakian counsel opinion and researched Slovakian law to assist in resolving the course of action with the forfeited charter in the Seychelles. In addition, the firm also spent considerable time facilitating the recent settlement with ING and in preparing the settlement agreement, drafting the motion to approve the settlement agreement and the proposed order as well as other documents that are ancillary to the settlement. Total fees and expenses for their most recent invoice for August time amounts to \$12,486.50. Total fees and expense for their September time amounts to \$7,877.50 and for their most recent October invoice total time and expenses amounts to \$5,537.00.

---

<sup>1</sup>XE:Convert EUR/USD (November 17, 2021). Retrieved from <https://www.xe.com/currencyconverter/convert/?Amount=12657&From=EUR&To=USD>

<sup>2</sup>XE:Convert EUR/USD (November 17, 2021). Retrieved from <https://www.xe.com/currencyconverter/convert/?Amount=8895&From=EUR&To=USD>

### **III. Senior Paralegal**

The senior paralegal's primary activities for the months of August, September and October of 2021 continued to focus on correspondence with investors answering their claim questions, providing status updates and responding to investors questions. She also validated or updated their contact information where applicable and updated the investor spreadsheet and monitored the Receivership email box daily for general investor inquiries. The senior paralegal assisted the Receiver's with a project that arose out of the ING settlement. Her hours for the months of August, September and October of 2021 were 38.60; her time was invoiced at \$50.00 per hour which is one-third of her normal hourly rate for a total of \$1,920.00.

The Hohmann Law Firm incurred expenses from InterPret Language Services \$100.00 on October 27, 2021, for a French translation of a Waiver of Recourse Against Order of Restitution for Emed Echadi.

### **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 \$52,316.93 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 November 23, 2021, 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

**FILED**

**FEB 25 2022**

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

CLERK, U.S. DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 BY           JN            
 DEPUTY CLERK

UNITED STATES COMMODITY  
 FUTURES TRADING COMMISSION,

*Plaintiff,*

v.

Civil Action No. A-12-CV-0862-LY

SENE POUSA, INVESTMENT  
 INTELLIGENCE CORPORATION,  
*DBA* PROPHETMAX MANAGED FX,  
 JOEL FRIANT, MICHAEL DILLARD, and  
 ELEVATION GROUP, INC.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**ORDER ON RECEIVER'S MOTION TO PAY FEE EXPENSES FOR  
 AUGUST 01, 2021 THROUGH OCTOBER 31, 2021**

*(Doc. # 204)*

Before the Court is the Receiver's Motion to Pay Fee Expenses (the "Motion") to  
 approve the payment of total expenses of USD \$52,316.93 for August 01, 2021, through October  
 31, 2021. Having considered the Motion, the evidence presented, and arguments of counsel, if  
 any, the Court finds the Motion should be, and is hereby, GRANTED.

SIGNED this 25<sup>th</sup> day of February, 2022

Lee Yeakel  
 LEE YEAKEL  
 UNITED STATES DISTRICT JUDGE