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

UNITED STATES COMMODITY	§
FUTURES TRADING COMMISSION,	§
	§
Plaintiff,	§
	§
V.	§
	§
SENEN POUSA, INVESTMENT	§
INTELLIGENCE CORPORATION,	§
DBA PROPHETMAX MANAGED FX,	§
JOEL FRIANT, MICHAEL DILLARD, and	§
ELEVATION GROUP, INC.,	§
	§
Defendants.	§

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

#### <u>RECEIVER'S MOTION FOR APPROVAL TO PAY EXPENSES</u> <u>FOR NOVEMBER 01, 2021 THROUGH DECEMBER 31, 2021</u>

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, 2021, through December 31, 2021. The Receiver believes this Motion and brief in support demonstrate the expenses are reasonable and necessary.

#### I. Munsch, Hardt

The Munsch Hardt firm's time in November and December related primarily in continuing to assist with the Receiver with communicating with the Receiver's Dutch counsel and ING's counsel. Discussions included the recent settlement with ING and assembly of and execution set of settlement papers and directing last steps to finalize and execute those documents. The firm also assisted in the preparation of a Declaration to support the ING settlement motion and other ancillary documents involving the settlement, subject to the Court's approval. Total fees and expenses for their most recent invoice for November time amounts to \$1,130.00. Total fees and expense for their December time amounts to \$734.50.

#### II. Senior Paralegal

The senior paralegal's primary activities for the months of November and December 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 revising and editing numerous documents as they related to the ING settlement and other ancillary documents to assist with the preparation of uploading all the documents to electronic CM/ECF PACER court system. She also assisted with the preparation of the Receiver's Motion for Approval of the Receivers Twelfth fee Application and typing and redacting twenty-two months of invoices. Her hours for the months of November were 34 and December 40; her time was invoiced at \$50.00 per hour which is one-third of her normal hourly rate for a total of \$3,700.00

#### **PRAYER FOR RELIEF**

The Receiver requests the Court enter the proposed Order filed with this Motion to approve the payment of total expenses of \$5,564.50 referenced above. The expenses were both reasonable and necessary for the Receiver to fulfill his Court-ordered duties.

> Respectfully submitted, GUY HOHMANN

By: <u>/s/ Guy Hohmann</u>

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.

<u>/s/ Guy Hohmann</u> Guy Hohmann

### **CERTIFICATE OF SERVICE**

On January 27, 2022, 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).

<u>/s/ Guy Hohmann</u> Guy Hohmann Case 1:12-cv-00862-LY Document 225 Filed 02/25/22 Page 1 of 1 Case 1:12-cv-00862-LY Document 211-1 Filed 01/27/22 Page 1 of 1

## FILED

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

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FEB 2 5 2022 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS BY\_\_\_\_\_\_DEPUTY CLERK

UNITED STATES COMMODITY	
FUTURES TRADING COMMISSION,	

Plaintiff,

v.

SENEN POUSA, INVESTMENT INTELLIGENCE CORPORATION, *DBA* PROPHETMAX MANAGED FX, JOEL FRIANT, MICHAEL DILLARD, and ELEVATION GROUP, INC., Civil Action No. A-12-CV-0862-LY

Defendants.

# **NOVEMBER 01, 2021 THROUGH DECEMBER 31, 2021**

(Dec. \$2(1)) Before the Court is the Receiver's Motion to Pay Fee Expenses (the "Motion") to

approve the payment of total expenses of \$5,564.50 for November 01, 2021, through

December 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 *L* day of 2022.

UNITED STATES DISTRICT JUDGE