

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

UNITED STATES COMMODITY  
FUTURES TRADING COMMISSION,

*Plaintiff,*

v.

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

*Defendants.*

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

**ORDER ON RECEIVER’S MOTION  
TO APPROVE NOTICE PROCEDURES AND TO SET HEARING**

Before the Court is the Receiver’s Motion to Approve Notice Procedures and to Set Hearing [Dkt. #207] (the “Motion”). Having considered the Motion and the evidence presented, the Court GRANTS the Motion and ORDERS as follows:

A hearing is set for September 12, 2022 at 9:30 a.m. on the Receiver’s Amended Motion to Approve Settlement, to Issue Ancillary Channeling and Bar Injunctions, and to Establish Distribution Procedures [Dkt. #235];

1. No later than July 12, 2022, the Receiver shall email the hearing Notice attached as Exhibit 1 hereto to the IB Capital Investors using the email addresses listed on the Receiver’s Claim Ledger.
2. In light of Receiver’s previous steps to contact all non-responsive investors which included mailing postcards to non-responsive investors by the United States Postal Service (the “USPS”), the Receiver shall have his paralegal telephone the investor claimants with the telephone numbers provided to the Receiver on their claim forms.

3. The Receiver shall work with Tim Mulreany of the Commodity Futures Trading Commission (the "CFTC") to assist in contacting non-responsive investors. The CFTC shall utilize various individuals and departments to assist in contacting non-responsive investors and instruct them to contact the Receiver.
4. The Receiver shall announce an update on the Receivership Facebook site and post the Notice with an update on the Receivership website.
5. The Receiver shall use all reasonable methods available to him to contact all non-responsive investors to provide them with a copy of the Notice.

Any persons wishing to be heard shall file a response no later than August 26, 2022.

SO ORDERED, this 14<sup>th</sup> day of JUNE, 2022.

  
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JUDGE LEE YEAKEL  
UNITED STATES DISTRICT JUDGE