

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

UNITED STATES COMMODITY  
FUTURES TRADING COMMISSION,

v.

SENEN POUSA, et al.

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

**NOTICE**

Please take notice that Guy H. Hohmann, acting in his capacity as Receiver (“Receiver”) for IB Capital FX (NZ) LLP (“IB Capital”), has filed an Amended Motion to Approve Settlement, to Issue Ancillary Channeling and Bar Injunctions, and to Establish Distribution Procedures (the “Motion”) in respect of the claims of the Receivership Estate and/or the IB Capital Investors who transferred funds directly or indirectly to ING bank accounts (“Deposits”) established in the name of IB Capital (“IB Capital Investors”) by ING Bank N.V. (“ING”).

The purpose of the Motion is to present for approval a settlement by, among, and for the mutual benefit of ING, the Receiver, IB Capital, and the IB Capital Investors (“ING Settlement”) of any and all claims arising out of or related in any way to the Deposits made by the IB Capital Investors, as well as the terms and conditions of the settlement as reflected in the ING Settlement Agreement, and to request an ancillary channeling injunction, bar order, and distribution procedures. After substantial investigation and negotiation, the Receiver believes the terms of the ING Settlement are adequate, fair, reasonable, and equitable, and so is recommending the ING Settlement be approved. If the settlement is confirmed, the Receiver will be able to offer restitution to IB Capital Investors of approximately 31% of their net cash losses.

EXHIBIT 1

If you wish to receive a full copy of the Motion and the proposed order the Receiver seeks, please send an email to: [receiver@prophetmaxreceivership.com](mailto:receiver@prophetmaxreceivership.com) or you may download a copy of these documents from the website: <https://prophetmaxreceivership.com>. If you have any questions regarding the proposed ING Settlement, you may direct them to the same email. A hearing on the Motion has been set for September 12, 2022, at 9:30 a.m. in the above-referenced Court.

If you wish to be heard, for or against, the proposed ING Settlement, you may submit papers to the above email by no later than August 26, 2022. If you wish to file a response to the Motion, you should do so by email by August 26, 2022. You may retain counsel or you can find information on the Court's website in order to accomplish a pro se filing at: <https://www.txwd.uscourts.gov>.

If you take no action, in due course, the Receiver will post notice of the Court's action on the Receiver's website page: <https://prophetmaxreceivership.com> and make an announcement on the Receiver's Facebook site: <https://www.facebook.com/prophetmax.receivership>.

If no action is taken, the Court's approval order will resolve and bar any claim you could have asserted individually against ING.

The Distribution will provide restitution to you but that restitution will be conditioned upon the requirement that, you must first sign and return a document acknowledging the settlement amount, requesting payment, and waiving your rights to sue ING Bank. By signing the waiver, you release all claims, known or unknown, against ING Bank N.V. and its direct and indirect group companies, parents, subsidiaries, current and former employees, directors, officers, agents and insurers arising from or related to IB Capital FX, LLC (aka IB Capital FX (NZ) LLP) and accept this payment in full satisfaction thereof.

EXHIBIT 1

Any settlement funds which the Receiver is unable to distribute will have to be returned to ING within 180 days from the date upon which the Receiver obtains the settlement funds from ING.

Respectfully,

GUY HOHMANN

By: /s/ Guy Hohmann

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RECEIVER FOR THE PROPHETMAX AND  
IB CAPITAL RECEIVERSHIP ESTATES

EXHIBIT 1