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

RECEIVER'S MOTION FOR APPROVAL TO PAY EXPENSES FOR OCTOBER 1, 2022 THROUGH DECEMBER 31, 2022

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 October 1, 2022, through December 31, 2022. 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 October related primarily in continuing to assist the Receiver with post-hearing communications regarding ING and the pending settlement. This included reviewing modifications to the settlement, currency conversion analysis and assisting the Receiver with preparation of related material for ING's counsel to review.

During the month of October and December, The Munsch Hardt firm's time also invoiced for communications with the Receiver regarding foreign recovery efforts in Morocco. This included communications with the Receiver, the Receiver's prospective French and Moroccan counsel. He also received Moroccan counsel's correspondence and responded to

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points regarding appropriate handling of legalization of assignment documents and requested additional documents needed from the Receiver.

Total fees and expenses for their most recent invoice for their combined fee note for October time amounts to \$1,606.50. Their most recent invoice for December amounts to \$962.00.

II. Senior Paralegal

Due to the hearing on September 12, 2022, the senior paralegal's primary activities for the months of October through November of 2022 related to post-hearing activities. She posted an announcement on the Receivership Facebook site and updates on the Receivership website with Court papers. There was very heavy communication with investor claimants via email and telephone regarding responses to claim questions, providing status updates and responding to individual specific questions as they pertained to their claims and the timing of anticipated distributions. She also validated or updated their contact information where applicable and updated the investor spreadsheet.

In November, she assisted the Receiver with revising and editing numerous documents as they related to pending motions regarding the disbursement of funds to the Investor Claimants from the ING Bank settlement and the first interim distribution and other related court documents as well as the preparation and uploading of all the documents to electronic CM/ECF PACER court system.

Additional focus for the month of December included monitoring the Receivership email box daily for general investor inquiries, communicating with investor claimants via email and telephone regarding their claim questions and providing status updates. She also assisted the Receiver by preparing draft motions and multiple exhibits, as it related to foreign recovery

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efforts in Morocco; she also uploaded all the documents to electronic CM/ECF PACER court system.

Her total hours for the months of October were 37.10, November were 23.20, December

5.90; her time was invoiced at \$50.00 per hour which is one-third of her normal hourly rate for a total of \$3,310.00

PRAYER FOR RELIEF

The Receiver requests the Court enter the proposed Order filed with this Motion to approve the payment of total expenses of \$5,878.50 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 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 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 26, 2023, 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

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Defendants.	§

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

ORDER ON RECEIVER'S MOTION FOR APPROVAL TO PAY EXPENSES FOR OCTOBER 01, 2022 THROUGH DECEMBER 31, 2022

Before the Court is the Receiver's Motion for Approval to Pay Expenses for

October 31, 2022, through December 31, 2022, (the "Motion") for the following expenses:

- 1. Munsch, Hardt for their invoice total fees and expenses of \$2,568.50.
- 2. Senior paralegal total fees of \$3,310.00.

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 ______ day of ______, 2023.

LEE YEAKEL UNITED STATES DISTRICT JUDGE