# 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.	§	

# MOTION FOR APPROVAL TO PAY EXPENSES FOR JANUARY 01, 2021 THROUGH APRIL 30, 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 January 01, 2021, through April 30, 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 ING. In addition, the firm also spent time analyzing the total incoming and outgoing wires from the IB Capital accounts as part of the evaluation of the Receiver's claims against ING.

Total fees and expenses for their most recent invoices are February 2021 EUR €5571.00 (USD \$6701.39)¹, March EUR €1209.00 (USD \$1454.28)² and April 2021 EUR €546.00 (USD \$667.53)³.

#### II. Munsch, Hardt

The Munsch Hardt firm's time in February related primarily to assisting with the impasse the Receiver has encountered in trying 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. In March, the Receiver's counsel at the Munch Hardt firm reviewed numerous emails and documents between the Receiver and his current Moroccan and Slovakian counsel. He also interviewed a number of lawyers and has recommended the retention of two different firms which will be more fully discussed in an upcoming Motion to Retain Counsel.

Total fees and expenses for their most recent invoice for February time amounts to \$960.50. Total fees and expense for their most recent invoice for March 1, 2021 through April 30, 2021, amounts to \$7,966.50.

### III. Senior Paralegal

The senior paralegal's primary activities for the months of February, March and April of 2021 continued to focus on correspondence with investors answering their claim questions, providing status updates and responding to several investors that had questions. She also validated or updated their contact information and updated the investor spreadsheet and

<sup>&</sup>lt;sup>1</sup>XE:Convert EUR/USD (April 20, 2021). Retrieved from

https://www.xe.com/currencyconverter/convert/?Amount=5571&From=EUR&To=USD

<sup>&</sup>lt;sup>2</sup>XE:Convert EUR/USD (April 20, 2021). Retrieved from

https://www.xe.com/currencyconverter/convert/?Amount=1209&From=EUR&To=USD

<sup>&</sup>lt;sup>3</sup> XE:Convert EUR/USD (May 20, 2021). Retrieved from

https://www.xe.com/currencyconverter/convert/?Amount=546&From=EUR&To=USD

monitored the Receivership email box daily for general investor inquiries. The senior paralegal worked a total of 6.75 hours for the months of February, March and April of 2021; her time was invoiced at \$50.00 per hour which is one-third of her normal hourly rate for a total of \$337.50.

The Hohmann Law Firm incurred expenses from GoDaddy Inc. On March 21, 2021, the Receivership incurred an expense for \$765.98 for Microsoft 365 Email Plus for a three (3) year renewal. On April 6, 2021, the Receivership incurred an expense for \$563.63 for a three (3) year domain renewal and support for prophetmaxreceiversip.com. Total GoDaddy expenses incurred are \$1,329.61.

#### 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 \$19,417.31 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 Rece	iver conferred	with Timot	hy Mulreany,	counsel	for the	CFTC,	who	stated	the
CFTC	does not ta	ike a position o	n the Motio	n nor the relie	ef sought	herein.				

/s/ Guy Hohmann Guy Hohmann

# **CERTIFICATE OF SERVICE**

On May 24, 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

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

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ELEVATION GROUP, INC.,	§	
	§	
Defendants.	§	

# PROPOSED ORDER ON RECEIVER'S MOTION TO PAY FEE EXPENSES FOR JANUARY 01, 2021 THROUGH APRIL 30, 2021

Before the Court is the Receiver's Motion to Pay Fee Expenses (the "Motion") to approve the payment of total expenses of USD \$19,417.31 for January 01, 2021, through April 30, 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	_ day of	, 2021.
		LEE YEAKEL UNITED STATES DISTRICT JUDGE