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2015 AUG 11 PM 12:00

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____ 
DEPUTY

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

UNITED STATES COMMODITY
FUTURES TRADING COMMISSION,

Plaintiff,

v.

SEZEN 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 APPROVING CLAIMS PROCESS, NOTICE PROCEDURES, AND BAR DATE

Before the Court is the motion (“Motion”) of Guy M. Hohmann in his capacity as Receiver of the Prophetmax Receivership Estate seeking entry of an order (“Order”) for approval to: (i) give notice of and instructions regarding the Claims Process by electronic means; (ii) accept claims by electronic means; (iii) determine whether a claim is valid, and if that amount is disputed, assert the amount that is valid; and (iv) establish a Bar Date. The Court, having found that the relief requested in the Motion is in the best interests of the ProphetMax Receivership Estate, Investors, and other parties in interest; and having reviewed the Motion and determining that the Motion establishes just cause for the relief granted herein; **HEREBY ORDERS THAT** the Motion is in all things granted.

I. Requirement to File Claims.

1. All investor victims of the ProphetMax fraud with potential claims for recovery of membership fees and/or investment amounts (each an “Investor,” or collectively, “Investors”) are required to file claims on or before the Bar Date.

II. Bar Date

2. Each person or entity that asserts a claim against the ProphetMax Receivership Estate shall be required to file an original claim (a "Claim") using the Receiver's online claim system in substantially the form ("Claim Form") attached as **Exhibit B** to the Motion. All Claim Forms must be submitted so that they are actually received by 11:59 p.m. (prevailing Central time) on the first Tuesday that is 75 calendar days after the date of entry of this Order (the "Bar Date"). The Claim Form must be completed and submitted through the Receiver's online claim system at http://www.prophetmaxreceivership.com/Claim_Form_2.html, unless the Investor has express, written permission from the Receiver to submit a Claim via alternative means.

III. Untimely or Otherwise Improper Claims

3. All claims must be filed so that they are actually received by the Receiver on or before 11:59 p.m. (prevailing Central time) on the Bar Date. Investors who have not objected to the Receiver's Claim Determination 60 days from the Bar Date are barred from later asserting such Claim against the ProphetMax Receivership Estate.

IV. Notice Procedure

4. The notice procedures proposed in the Motion are approved. Within fourteen days after entry of this Order, the Receiver shall apprise Investors of the Bar Date and pendency of the Claims Process as follows:

a. the Receiver will provide notice of the Claims Process via email to all known Investors in a form substantially similar to the Notice attached to the Motion as **Exhibit A**;

b. the Receiver will provide Notice via postcard to known Investors for whom the Receiver has no email address, or to those for whom the Receiver receives a return email demonstrating that the email address provided is no longer valid; and

c. the Receiver will publish Notice on the Receiver's website at www.prophetmaxreceivership.com, and to the Receivership Facebook page entitled "ProphetMax Receivership."

V. Procedure for Filing a Claim

5. The Receiver's Claim Form is approved in substantially the form attached to the Motion as **Exhibit B**.

6. All Claims should be submitted electronically using the Receiver's Claim Form, found at http://www.prophetmaxreceivership.com/Claim_Form_2.html, except where the Investor can establish cause, in the Receiver's sole discretion, to permit the Investor to submit their claim via alternative means.

VI. Claims Determination Process

7. During the Claims Determination Process, the Receiver will establish the amount of a Claim that the Receiver believes is legitimate (the "Claim Determination"), based on the Receiver's records, information provided in the Claim Form, and supporting documentation provided by the Investor. The Receiver will also determine what amounts, if any, were previously refunded in full to the Investor. The Receiver is authorized to provide the Claim Determination to Investors electronically, except to Investors with whom the Receiver has agreed to provide alternative notice.

8. An Investor will not necessarily receive 100% of the amount of the claim as set out in the Claim Determination. The percentage an Investor can expect to recover on account of the Claim Determination will be established by this Court prior to a distribution by the Receiver.

9. Any objection to the Claim Determination should be submitted via email to the Receiver at receiver@prophetmaxreceivership.com on or before 11:59 p.m. (prevailing Central time) on the date that is 60 days after the Bar Date.

VII. Release

10. The Receiver is authorized to obtain the release attached to the Motion as **Exhibit C** from each Investor who wishes to receive a distribution. If an Investor does not provide a Release to the Receiver 60 days from the date the Receiver sends the Claim Determination, the Investor may be deemed to have forfeited their distribution.

VIII. Failure to Object to a Claim Determination.

11. Any Investor who fails to file an objection to the Receiver's Claim Determination on or before 11:59 p.m. (prevailing Central time) on the date that is 60 days after the Bar Date shall be forever barred, estopped, and enjoined from asserting such claim, and participating in any distribution, or receiving further notices regarding such claim. The ProphetMax Receivership Estate shall be forever discharged from any and all indebtedness or liability with respect to or arising from such Claim.

IX. Miscellaneous.

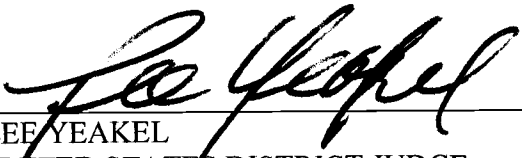
12. The Receiver shall retain the right to dispute, or assert offsets or defenses against, any filed claim as to the nature, amount, liability, or classification thereof. Nothing in this Order is intended to preclude the Receiver from objecting to any claim on any grounds.

13. The notice procedures as set forth in this Order and in the Motion will provide adequate and sufficient notice of the Bar Date, and satisfy the requirements of due process.

14. This Order shall be immediately effective and enforceable upon its entry.

15. The Receiver is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

SIGNED this 11th day of August, 2015.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE