

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

UNITED STATES COMMODITY
 FUTURES TRADING COMMISSION,

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Plaintiff,

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v.

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

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

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Defendants.

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**PROPOSED ORDER ON RECEIVER’S MOTION TO PAY FEE EXPENSES FOR
 MAY 01, 2021 THROUGH JULY 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 \$41,035.37 for May 01, 2021, through July 31, 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 YAEKEL
 UNITED STATES DISTRICT JUDGE

Total fees and expenses for their most recent invoices are May 2021 EUR €1098.00 (USD \$1282.07)¹, June EUR €4923.00 (USD \$5748.13)² and July 2021 EUR €1245.33 (USD \$1454.05)³.

II. Munsch, Hardt

The Munsch Hardt firm's time in May and July related primarily in continuing assist with the Receiver in his attempts 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. The Receiver's counsel at the Munch Hardt firm continued analysis of numerous Moroccan documents and correspondence as related to the five tracts of land and assignment agreements that need to be re-executed with the Moroccan consulate in the U.S. He had extensive communication with the Seychelles counsel and reviewed and considered recommendations from local Seychelles counsel in regard to Riknik & Sons Ltd. He reviewed and assessed Slovakian counsel opinion and researched Slovakian law to assist in resolving the course of action with the forfeited charter in the Seychelles. In addition, the firm also spent time reviewing documentation in support of the Receiver's claims against a party which the Receiver is precluded from commenting upon in this fee application due to a confidentiality agreement he has entered into with that other party. Total fees and expenses for their most recent invoice for May time amounts to \$14,181.50. Total fees and expense for their most recent invoice for July time amounts to \$12,486.50.

¹XE:Convert EUR/USD (August 19, 2021). Retrieved from <https://www.xe.com/currencyconverter/convert/?Amount=1098&From=EUR&To=USD>

²XE:Convert EUR/USD (August 19, 2021). Retrieved from <https://www.xe.com/currencyconverter/convert/?Amount=4923&From=EUR&To=USD>

³ XE:Convert EUR/USD (August, 2021). Retrieved from <https://www.xe.com/currencyconverter/convert/?Amount=1245.33&From=EUR&To=USD>

III. Montanios & Montanios, LLC

The Montanios firm has been assisting the Receiver in pursuing a claim arising out of the collapse of Cyprus Popular Bank (the “Bank”). Two of the relief defendants, Randius, Ltd. and Neotex, Ltd., were the recipients of approximately \$8.3 million in funds that had been misappropriated from IB Capital and were being held at the Bank at the time of the Bank’s collapse. At issue in the litigation was whether the receiver would be limited to the EUR 100,000 depositor insurance limits for each of the accounts. The Cyprus Supreme Court recently issued its opinion which found USD \$1,006,848 and EUR 131,426 from the Neotex account is being held by (or will be transferred to) the Cyprus Attorney General.

With respect to the Randius account, the Court held that EUR 100,000 should be available for confiscation plus some additional amount that will be determined at the conclusion of the reorganization process of the Bank. The outstanding invoice to the Montanios firm is EUR 1,755,00 (USD \$2,066.12)⁴

IV. Senior and Junior Paralegal

The senior paralegal’s primary activities for the months of May, June and July 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 monitored the Receivership email box daily for general investor inquiries. The senior paralegal assisted the Receiver’s with a project that falls under a confidentially agreement. Her hours for the months of May, June and July of 2021 were 45.3; her time was invoiced at \$50.00 per hour which is one-third of her normal hourly rate for a total of \$2,265.00. The junior paralegal primary activities

⁴ XE:Convert EUR/USD (August, 2021). Retrieved from <https://www.xe.com/currencyconverter/convert/?Amount=1755&From=EUR&To=USD>

for the months of May, June and July of 2021 continued to assist the senior paralegal and the Receiver by focusing on correspondence with investors answering their claim questions, providing status updates and responding to several investors that had questions. He also validated or updated their contact information and updated the investor spreadsheet and monitored the Receivership email box for general investor inquiries. He also assisted the Receiver with a project that falls under the confidentially agreement. His total hours for the months of May, June and July 2021 were 48.4 his hourly rate is 30.00 per hour, a discounted rate of forty percent of his normally hour rate, for a total of \$1452.00.

The Hohmann Law Firm incurred expenses from InterPret Language Services \$100.00 on June 26, 2021, for translation of an agreement between the Receiver and one of the Relief Defendants (Essadia Moutaouakkil).

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 \$41,035.37 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
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**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.

/s/ Guy Hohmann

Guy Hohmann

CERTIFICATE OF SERVICE

On August 31, 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