

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

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|-----------------------------------|---|----------------------------------|
| UNITED STATES COMMODITY | § | |
| FUTURES TRADING COMMISSION, | § | |
| | § | |
| <i>Plaintiff,</i> | § | |
| | § | |
| 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., | § | |
| | § | |
| <i>Defendants.</i> | § | |

RECEIVER’S STATUS UPDATE

Comes now, Guy M. Hohmann, the Court-appointed Receiver in the above-referenced ProphetMax Receivership matter and the ancillary IB Capital matter and files this his Status Update. Since the Receiver’s status report previously reported of August 31, 2022, there has been significant activity to report.

A. ING Settlement

As previously reported, the Court held the ING Settlement hearing on September 12th and had a few items for the Receiver to address. The Court requested the Receiver contact ING’s counsel to request ING agree to make two modifications to the settlement agreement.

The Receiver with his US Counsel addressed the Court’s concerns with ING Bank’s counsel. On November 3, 2022, the Receiver filed his First Amended Motion to Approve Settlement, to Issue Ancillary Channeling and Bar Injunctions, and to Establish Distribution Procedures [Dkt. 250] and a Declaration of Guy M. Hohmann [Dkt. 250-1]. On November 14, 2022, the Receiver filed his Motion for Distribution Plan and Procedures for Approval of

Disbursement of Funds to Approved Investor Claimants from the ING Bank Settlement and a proposed Order detailing the responsibilities of the Receiver, the distribution agent and the CFTC. [Dkt. 253,253-1]

B. Motion for First Interim Distribution

On November 02, 2022, the Receiver submitted to the Court and Unopposed Motion for Disbursement of Funds for Approval of First Interim Distribution Plan & Procedures and proposed order detailing the responsibilities of the Receiver, the distribution agent and the CFTC. [Dkt. 249, 249-1]. The first interim distribution, if granted would allow the Receiver to distribute \$4,829,874.28. This distribution would be distributed from funds the Receiver has recovered and would represent a return of approximately 20 cents on the dollar for each approved investor

C. Cyprus - Randius, Ltd. – Amount currently held (approximately EUR 100,000)

The Receiver is in periodic contact with the Dutch Public Prosecutor’s Office (“DPPO”) to learn when he will receive a transfer of approximately EUR \$100,000. Most recently, the Receiver emailed the DPPO for a status update on January 25, 2023. Once, that amount is received, the Cyprus recovery efforts will be exhausted

D. Slovakia - Riknik & Sons Ltd. Funds – Estimated recovery USD 7,200,000

1. Step One Complete - Forfeiture proceeding in the Netherlands

The DPPO explained to the Receiver that, once the convictions of Echade and Geurkink occurred, it was then necessary for a forfeiture proceeding to be filed in the Netherlands. Once the Netherlands forfeiture proceeding was finalized, a separate proceeding had to be initiated in Slovakia to have the results of the forfeiture proceeding recognized in Slovakia. The Receiver has been informed by the DPPO, the forfeiture proceeding in the Netherlands is complete.

2. Step Two - In Process– Slovakian Court to recognize Forfeiture Proceeding

The Receiver has been unable to obtain any substantive updates from his contacts at the DPPO regarding the proceeding or the results of the forfeiture proceeding that has to be recognized in Slovakia. This may be due to the fact the Slovakian government appears to be undergoing significant turmoil.¹

If these funds are not repatriated within the next six to nine months, the Receiver will likely recommend the Slovakian recovery efforts be abandoned. In the interim, the Receiver does not expect to incur any significant expenses in attempting to await the funds repatriation.

E. Morocco - Funds frozen MAD 46,641,689 (Estimated possible recovery USD 4,601,834.25)

The Receiver continues his efforts to repatriate funds in three separate bank accounts and to possibly take possession of and sell four tracts of land. The funds in question are presently on deposit in a bank in Morocco and are in Moroccan Dirham (MAD). The amounts referenced in this section are at estimated exchange rates in U.S. dollars

To date, the Receiver has not been satisfied with the pace of the recovery efforts in Morocco. On December 2, 2022, the Receiver filed a motion seeking permission of the Court to hire new counsel which has an established track record of recovering funds from Morocco. [Dkt. #254]. As previously reported, The Receiver understands it is very difficult to have funds transferred out of the Kingdom of Morocco

¹ Friedrich Nauman Foundation SLOVAKA (22.12.2022) January 30, 2023, *Slovakia in chaos before Christmas: the collapse of the government is only the beginning*. Retrieved January 30, 2023
<https://www.freiheit.org/central-europe-and-baltic-states/slovakia-chaos-christmas-collapse-government-only-beginning>

Conclusion

The next status report will be submitted to the Court on July 31, 2023. If significant developments occur in the interim, the Receiver will file a report before that date.

Respectfully submitted,

GUY HOHMANN

By: /s/ Guy Hohmann

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**RECEIVER FOR THE PROPHETMAX AND
IB CAPITAL RECEIVERSHIP ESTATES**

Certificate of Service

On January 31, 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).

/s/ Guy Hohmann
Guy Hohmann