

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

2024 SEP 20 PM 12:00

**COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**EDDY ALEXANDRE and
EMINIFX, INC.,**

Defendants.

Case No.: 22-cv-3822

Judge Caproni

AMENDED MOTION IN OPPOSITION TO THE RECEIVER'S PROPOSED DISTRIBUTION PLAN

Defendant Eddy Alexandre (hereinafter "Mr. Alexandre", "Defendant") pro se, submits this motion in opposition to the receiver's proposed distribution plan on multiple grounds. Mr. Alexandre intends to present why the proposed distribution plan is a travesty based on nonsensical inferences and conclusory statements by the receiver that EminiFX is a Ponzi scheme without allowing the court proceedings to achieve a judicial decisions to pave the way for his friends to further liquidate the EminiFX estate and give \$18 million dollars to the CFTC achieving the purpose for which he was hired by the CFTC and later confirmed by the court. Mr. Alexandre supports a NET INVESTMENT to allow everyone to get their money and stop the receiver from eating more of the funds and take away all the funds and its profits/interest while keeping money for the CFTC. This motion is submitted pursuant to 17 CFR 17.1 et seq. and the fourteenth Amendment to the United States Constitution.

PRELIMINARY STATEMENTS

Mr. Alexandre understands that the receiver is simply a tool to distract from the main actor, the CFTC, and its regulators behind that enforcement action. Therefore ANY statements made by the receiver are meaningless for having not being put to the test during the adversarial process, they are not even allegations, just pure speculations, until repeated by the CFTC in their enforcement action or by the AUSA in their criminal proceedings where they will be challenged. Henceforth, Mr.

Alexandre wants to point to the court that the conclusory statements of the receiver deciding on its own that EMINIFX is a Ponzi scheme are outrageous and he reserves the rights to challenge them during the proceedings when raised by the plaintiff (the CFTC) with the proper motion.

Although the receiver is doing a good job at vilifying EminiFX and eating the funds at the rate of \$1.5 million dollars per quarter, that along should not be enough motivation to keep on publishing these falsehoods and assumptions versus the required generally accepted account principles (GAAP) reports that are required in an CFTC enforcement action. The honorable judge Caproni is abusing her discretion in allowing that miscarriage of justice to continue and will cause irreparable harm following that logic. The receiver is disbursing million of dollars that will be practically impossible to recover while using that process outside of the boundaries of the established laws and must be stopped before it's too late. No amount of money spent paying internet bloggers and social media activists will be able to shut the truth down. The truth will come out and the tainting the jury pool must be condemned. Mr. Alexandre only hopes that the CFTC uses these fallacious reports so he can challenge them in due time. They are so preposterous that the efforts to dismantle them must yield legal consequences.

BACKGROUND

Mr. Alexandre reincorporates herein by reference all of his previous opposition in his motion to dismiss and his answer to the CFTC complaints.

Mr. Alexandre further reasserts that this is a conspiracy by the CFTC to defraud EminiFX, the investors of EminiFX investment club, and Mr. Alexandre of their liberty, justice and property.

The CFTC and the Receiver are one and the same but they want the public to believe otherwise. Case in point, Mr. Alexandre has three interlocutory appeals made to the Court of Appeals for the Second Circuit. The Receiver and his attorneys declined to participate (not that they are admitted members of the Appellate Circuit), but the CFTC is doing the heavy lifting, defending every action unconstitutional or not of the receiver. There is no separation between both as we know from day one why the CFTC hired the receiver. In Exhibit("Ex.") 1 attached, when the CFTC loses, all the receivers' fees get to be reimbursed as well. The receiver is just a tool of the CFTC to make them win and take the money from the investors.

MEMORANDUM OF POINTS AND AUTHORITIES

1--THE RECEIVER'S CONCLUSORY STATEMENTS ARE NOT FACTS

Mr. Alexandre states that the CFTC-hired and court-appointed receiver is a distraction to allow the CFTC to violate his statutory and constitutional rights by providing "illustrative" financial reports and "exaggerated" scenarios to simulate the fake account profiles with false values for investments rate of returns to achieve the desired goals of his appointment: make EminiFX look bad to take all the money. We have seen what these federal regulators can do when they want to grab millions of dollars. They will stop at nothing to paint a grim picture and "lie" about defendants or accused to achieve the seizure of hard earned money until they get stopped by some good judges left on the bench. See Exhibit 1 attached "where SEC regulators blatantly and repeatedly lied to the court trying to destroyed a digital asset investment company with a crypto fraud allegation. Some of them got fired and all should be fired but the SEC was also ordered to pay \$1.8 million dollars and return all the receivers fees and over \$665k in attorneys fees." See Ex. 1 attached.

The government regulators acting in this capacity are a disgrace for the community and the country as a whole. In this instant action, the regulators lied and presented falsehoods to secure a restraining order and are using the receiver to continue their dirty jobs. Mr. Alexandre is standing against these abuses and claiming justice. Mr. Alexandre will point to certain falsehoods and gross abuse in this proposal, and leave the rest for the Plaintiff to argue, before exposing his strategy of defense.

ARGUMENT

2-GAAP REPORTS

The Code of Federal Regulations ("C.F.R") clearly codified how an a CFTC enforcement action must proceed and what documents would be considered admissible to sustain the U.S. Congress established standard of "preponderance of evidence" for the civil enforcement and the standard of "beyond reasonable doubt" of the criminal proceedings. And in the C.F.R there is absolutely no room for "illustrative" and "creative" financial reports to skew numbers, manipulate "exaggerated scenarios" as the receiver is allowing himself to produce in the pursuit of making the CFTC looks good to take away investors funds and dilapidate hard earn money from small investors unable to fight back with the powerful U.s. government.

No matter how much a presiding judge favors and sides with the government, like witnessed in this instant action, the standard is unequivocal and the quotation below is to shed the light on the miscarriage of justice in allowing the receiver to continue to waste the EminiFX' funds by spending countless millions to pay his friends and his boss at the law firm paying him in return for his actions. Among others, there is one section that requires extra attention. Mr. Alexandre understands that honorable Judge Caproni is biased and conflicted having authorized that debacle and feeling the need to protect them at all costs. Henceforth, the argument below is just to develop the records for the Appellate Court where the case will eventually be fully reviewed and considered on merits. 17 C.F.R has been at the core of the CFTC complaint and is necessary to further advance the conspiracy to deprive Mr. Alexandre and the investors of their hard earn money. In one particular section "17 C.F.R. 5.1(g)(1),(2) Definitions", we find some valuable contents that will show how egregious the actions of the CFTC and its appointed receiver are towards EminiFX and its members.

"(1) Such activities account for more than fifty percent of the futures commission merchant's gross revenues, computed in accordance with generally accepted accounting principles, on an annual basis; (2) The futures commission merchant receives gross revenues, computed in accordance with generally accepted accounting principles, from such activities in excess of \$500,000 in any twelve month period; or (3) The futures commission merchant is a clearing member of a registered derivatives clearing organization."

To the extent that the CFTC attempted to classify EminiFX as a Commodity pool operator for the purposes of the CFTC enforcement, the CFTC failed to follow the C.F.R. by forcing its agents, the receiver to produce proper financial reports to show the audits --before-- starting enforcement. This is a confusing point for these proceedings because honorable Judge Caproni stated on records that the mere existence of the laws or statutes IS considered due process; and that there was no need to afford Mr. Alexandre any further due process "fair notice". That is a first and should be considered a case of first impression but it is not. It is simply a plain reversible error. Mr. Alexandre will deal with that at the Appellate Court but for now, the C.F.R. is being violated repeatedly and Honorable Judge Caproni is not willing to do anything about it. That section expressly requires that the computation of the gross revenues be done in accordance with generally accepted accounting principles ("GAAP"), and on an annual basis. (& the part that EminiFx has only 8 months into existence is very telling.) What we have here is an attempt by the Receiver to produce reports in violations of the exact statutes he is supposedly helping the CFTC to enforce thinking that small investors and immigrants don't have the brainpower to attack his deceitful tactics and mount a proper challenge to his unlawful behaviors.

(1) The CFTC must have had conducted an audit for the past year and demonstrated, using GAAP financial reports that OVER fifty percent of the futures commission merchant's gross revenues came from forex retail activities AND (2) that the GAAP reports show that EminiFX received revenues from such activities in excess of \$500,000.

The good thing about the plain language of the C.F.R. is that any 3rd grader can understand these simple requirements. The only reason we are debating these is because there is a conspiracy to defraud EminiFX, Mr. Alexandre and the EminiFX small investors of \$18,000,000 FINES and unlimited amount of money for the receiver and his friends dubbed "the professionals" in these proceedings. This is wrong. There is no room for creative and illustrative reports. Mr. Alexandre will stop his arguments here and litigate at the proper time where it matters. But for now, the records must be updated to reflect these ongoing violations leading inevitably to the receivers and the CFTC liquidating the portfolios against better judgment and dilapidating the funds of hard working investors.

3-HONORING EMINIFX INTERNAL TRANSFERS (REAL versus VIRTUAL)

The receiver does not have the authority to DENY the internal transfers between members that he found on the books and into the database he is using to pay himself real money while he is claiming the money of the investors to be virtual. This is revolting and only done to support their narrative to make EminiFX a Ponzi scheme without any challenge and then turn around and eat the Ponzi money among themselves. Who would need the government or the police if anytime they come pretending to help the people only to rob them from their hard earned money? The CFTC is pretending to save the EminiFX members, but it must eat \$18 million dollars from the abuse first, in addition to the how many millions the receiver and his friends are eating straight in everyone face in all impunity backed up by honorable judge Caproni. This cannot go any further without a judicial intervention. The same reason why Mr. Alexandre started using the bank accounts to help the members without easy access to cryptocurrency is the reason why now he is taking a stand to fight for the internal transfer to be honored. And this must be honored without any concessions. This is non-negotiable. The hard earned money of the EminiFX investors must be returned to them.

Mr. Alexandre did not take a plea for the CFTC, the receiver and his friends to eat all the money. The fact that Mr. Castleman is able to cherry-pick what works for him and his friends against the interests of the EminiFX investors is heartbreaking and requires judicial intervention to restore the balance of a fair and just process. The receiver found thousands of internal transfer confirmed by the data and he is placing himself above the law to disenfranchise the investors of confirmed transactions just because he can? He does not have that power and Mr. Alexandre opposes the rejection of the internal transfer as they were inherently part of the EminiFX platform.

There is no slicing and dicing at will without supervision and judicial authority to deprive EminiFX, the EminiFX investors and Mr. Alexandre of their property without due process. All the interested parties have a "property interest", in context, they have the rights to their property that cannot be taken away from them without a lawful reason. They did nothing wrong in effecting that transfer to secure their investment packages and therefore the receiver cannot unilaterally decide to take their money out arbitrarily as he has done repeatedly throughout nine status reports. Now, it's time to disburse the money to members and not to turn around trying to keep the funds to continue to feed his friends, the professionals, from a money that is not theirs to keep. The reimbursement should happen immediately honoring the internal transfer of all members of EminiFX investment Club. Mr. Alexandre stipulates that an internal transfer is a valid method of moving funds across the EminiFX platform to secure an investment package. Every internal transfer leaves a trail of proof and documentation. There is NO REASON why the receiver would attempt to deny them.

One should question as to why Mr. Castleman is trying to denied the EminiFX internal transfers? The reason is simple, the more the receiver keeps, the better for him, his law firm, the CFTC and his group of friends eating the money of the poor investors. Only one person is taking a stand against that abuse, and this is Mr. Alexandre putting his life at risk to secure these funds and have them returned to the EminiFX investors ASAP. The receiver held a town hall meeting letting the investors understand that Mr. Alexandre is the one who can block their funds knowing for sure that Mr. Alexandre will definitely oppose that terrible proposed distribution plan denying tons of members their hard earned money while the receiver is paying many bloggers and activists on social media to spread

lies and defamation about Mr. Alexandre. Obviously he has honorable judge Caproni to protect him but he cannot hide the numbers. The money is there for the members without conditions. It is now the time to honor the internal transfers and return the money to the investors. No matter how much investors funds the receiver uses from the Eminifx investors to spread rumors and pay them to taint the jury pool the members will get paid.

4-DISTRIBUTION SHOULD FOLLOW A NET INVESTMENT

To the extent that judge Caproni does not honor the injunctive request to fire the receiver and return EminiFX to its rightful owner, Mr. Alexandre is supporting a NET INVESTMENT to unwind the EminiFX investment club so all the members can get their money back. The current proposal from the receiver is unacceptable. The money is there for disbursement and ordered by the criminal proceeding to be returned to the investors dollar for dollar to be credited against the sum of restitution assigned to Mr. Alexandre. Mr. Alexandre has claimed his innocence and attacked his conviction under 2255 before honorable Judge Cronan, to the extent that the status quo ante is to disburse the total amount of money held by the EminiFX Estate, Mr. Alexandre supports the NET INVESTMENT distribution method to give everyone their money BACK. This is not a gift. The "Rising Tide" is prejudicial and inappropriate."

When taking the receiver's proposal under consideration, one may ask what's in the receiver's mind to offer to pay all the investors between 0-10% this year and UP TO another 20% next year OR in the future if ever. Mr. Alexandre almost passed out when he knows what he endured to get this money to the EminiFX investors only to find a scheme by the receiver to create 4 groups of investors and hide the CFTC (in group of 4) so nobody can see that he is setting funds aside to give CFTC over \$18 million dollars and spending the current money paying bloggers and activists to divide the investors against their own interests knowing that the division will allow to eat the money quietly without any trouble.

Why the receiver cannot just propose to pay the investors in one LARGE LUMP SUM and call it a day? Why is the taste of that money so good that he cannot let go of it? The receiver should close that chapter and get himself another job from the CFTC to deprive another group of investors of their hard earned money. We see what the regulators from the SEC did in the DEBT BOX Case and God sent a good judge to stop them and get them fired and make the receiver pay for his abuses. Mr. Alexandre is hereby fighting to right this wrong against a group well protected acting in concert to deprive the investors of hundred of millions of dollars without any end in sight. This story will not go away quietly.

There is no reason why the receiver cannot just pay the investors unless he wants to keep the money to pay his friends and the CFTC and for his access to remain open to continue eating the hard earned money of the investors by eating about \$1.5 million dollars per quarter doing nothing. Pay them NOW.

Why say the receiver has done nothing? The receiver and his team of professionals were not able to produce not even ONE single GAAP financial reports. They spent more money than imaginable but they cannot get ONE(1) generally acceptable accounting (GAAP) reports. Why? The receiver is hiding something wrong with this whole process. He is unqualified in the finance world, he does not understand how to proceed, not to expose his deficiencies, he is leading this whole process to a debacle that Mr. Alexandre will expose in the criminal case and at the Appellate Court level knowing already that Judge Caproni is biased against Mr. Alexandre. Judge Caproni is rubber stamping anything the receiver does, against better judgement and prudent judicial discretion copying and pasting the same answer to multiple orders unrelated, with the same verbatim texts. See the docket. (Mr. Alexandre does not even file a notice of appeal and Judge Caproni is denying an "appeal request" instead of denying the motion.) In an effort to deny the NET INVESTMENT to the EminiFX investors, the receiver is attempting to declare EminiFX a Ponzi scheme. Even the prosecutors are attempting to call EminiFX a "Ponzi-like" scheme. But since the receiver is not the Plaintiff nor the prosecutors but just doing a dirty job, he is taking the liberty to throw any falsehoods hoping he does not have to back them up and defend them on the stand. Mr. Alexandre hopes that the CFTC will repeat the receivers' baseless allegations based on crabbed inferences so he can close that case with a complete dismissal for gross abuse and falsehoods. Therefore, wasting time to debate the receiver will only allow the judge Caproni to just rubberstamp his efforts without any immediate repercussions until we reach the Appellate Court. And, the real antagonists in this instant action are the Plaintiff and the Defendants. Mr. Alexandre wants to preserve his rights to challenge these unfounded falsehoods if the Plaintiff makes any attempts to proffer them as facts. Mr. Alexandre will request a fact finding discovery from the presiding judge and take this case to the highest court as necessary.

The money is available, the injunction from the criminal court is to return the funds to the investors, the receiver must return all the funds immediately to the EminiFX investors and wipe out the restitution assigned to Mr. Alexandre for the same exact amount. Any efforts to delay the distribution is fraudulent and a conspiracy to deprive the investors, EminiFX and Mr. Alexandre of their property without due

process abusing their statutory and constitutional rights. Return the \$153 million to the investors.

5-THE RECEIVER IS USING STATISTICS TO SUPPORT A CLAIM IGNORING THOSE THAT CONTRADICT

The phrase "lies, damaged lies, and statistics" suggests that statistics can be manipulated or misrepresented to support a particular argument or agenda. While it's important to approach data with integrity and honesty, understanding how statistics can be misused can help you critically evaluate the information you encounter. Here are some common ways statistics can be manipulated:

(1) Cherry-Picking data, (2) Misleading Averages, (3) Improper Comparisons, (4) Ignoring Sample Size, (5) Confusing Correlation with Causation, (6) Using Percentages Misleadingly, (7) Inappropriate Graphs, (8) Overgeneralization, (9) Ignoring Confounding Variables, (10) Using Outdated Statistics. Etc. See Ex. 2 attached according to Darrell Huff (1993).

The number of ways you can twist numbers to lie with statistics is significant. That's why Congress decided that for a CFTC enforcement action, the requirement is simple: a GAAP financial accounting report and not an "illustrative report". For someone who is already eating from the investors' funds, hired to justify the liquidation of the investors assets, there is no telling how many spins will be performed to protect the boss and keep the conspiracy going while spending money to subvert the community using willing and greedy bloggers ready to sell out their community for \$50,000 disguised as "Ads" dollars.

There lies the reason why you hear the receiver talking about Fifth Quintile (Q5) using statistical gymnastics versus the required GAAP financial accounting reports.

What would have happened had the receiver no destroyed EminiFX digital assets portfolios using the ex-parte statutory restraining order ("SRO/TRO") under the disguise of a fraud claim walking into an operation with a mindset to destroy and liquidate everything without any regards for the lives that will be forever affected by his actions? There is no model for that, is there any? The receiver and the CFTC actions destroyed our dreams.

If you ever wonder why the receiver cannot produce ONE (1) single GAAP financial reports but spent millions paying his friends to produce skewed statistical illustrations and not the required GAAP accounting reports? The answer is simple: numbers don't lie, people do. And for millions of dollars people would do anything to keep attacking innocent people, taking their money, spending money on bloggers and social media activists to spoil and taint the jury pool hoping that the gullible media will

just repeat the lies over and over until everyone believe that they are the truth. And since the attorneys carrying the same bar cards will not brutally expose the conspiracy, the job is done, and everything goes smoothly. Only this time, enough is enough and the game has gone too far. Mr. Alexandre has taking over his legal defense team and will hold everyone involved in this conspiracy accountable. Claiming his innocence in the criminal case, Mr. Alexandre will vigorously fight against this enforcement action from the CFTC shedding the light on all the falsehoods used to show cause for the unlawful seizure of EminiFX, the hiring of the receiver, and the dilapidation of the investors assets while trying to pay advertisers to calm the public down to keep them quiet in the face of that travesty.

6-WHY USING STATISTICS WHEN YOUR JOB IS TO COUNT THE MONEY

Why using statistics when the database and all the bank statements are available? The answer is once again simple: numbers don't lie, people do. Statistics and lies can often go together since one can use so many tactics to skew the numbers to get to a desired results.

Mr. Alexandre hereby preserves his rights to challenge all of these statistical illustrations and the skewed numbers presented by the receiver as "facts" through the adversarial process when the Plaintiff decides to use them as evidence. These are just baseless exercises to waste the investors funds knowing that they are not facts, but knowingly failing to disclose and use proper caveats that should go along with these projections NOT being labeled as such. This is further proofs of the attempts to subvert the public, and the EminiFX investors while tainting the jury pool by having the media repeating these fictitious data as real facts while they are not. These exercises have no place in place of real GAAP financial reports as mandated by 17 CFR 5.1 et. Seq.

7-EMINIFX REAL ESTATE INVESTMENT PORTFOLIO

Real Estate Investment (REI)

Mr. Alexandre for having being a licensed realtor is an experienced real estate investor with extensive knowledge and networking power within the real estate investment (REI) world. Based on his years in this industry, he developed strong rapport and relationships with lenders willing and able to partner with him on numerous joint-ventures and develop the real estate investment portfolio that he intended to grow for the EminiFX investors. To complete his executive leadership he hired experienced and seasoned real estate experts to take the company to a place that was never before reached in such a short period time. And during that time, Mr. Alexandre, founder and CEO of EminiFX was aggressively and actively building the real estate portfolio paving the way for the

next level of real estate of investment supported by the EminiFX investment club.

It is not by sheer luck that Mr. Alexandre was able to secure the contracts of over 48 properties and was in negotiation with many more realtors for other properties getting ready to be acquired. However, the receiver in cahoots with the CFTC came in with a vendetta to destroy everything EminiFX.

From inception, the actions of the receiver proved that he is an inexperienced actor in the real estate industry. He requested broker price opinion ("BPO") for assessing the values of the properties --held under contract-- by EminiFX investment club. See Docket Dkt. No. 383. at 64-66. Since the CFTC did not provide that the receiver will be called as an expert witness, his declarations are without merits, in that context, and just simply reflects the damages he caused by requiring the liquidation of the real estate portfolio that Mr. Alexandre worked extremely hard to secure with the 10% deposits model he had put in place. Unaware of how REI works, the receiver commanded his team to further liquidate the real estate portfolio with 20-30% discount. This is one of the most damaging decision ever made by this receiver. Here is a primer how REI works. The BASIC REI strategy works as follows:

- 1-Identify distressed or undervalued properties, and secure the purchase with 10% downpayment.
- 2-Assess the properties and decide on how to move on with the property if any title or eviction issues.
- 3-Get the 90% balance from a REI LENDER and completely close the deal to start rehab or repairs if and when necessary.
- 4-The LENDER provides 100% "Rehab" money for fix and flip to start with the rehab.
- 5-Execute the EXIT strategy by "selling or refinance" the property, and/or keep the properties for rental while building a solid REI portfolio.
- 6-Reinvest the profits and buy new properties again repeating the process with some form of variations. Or refinance the property to cash out the difference and restart at step #1.

even if you are not seasoned in REI, if you buy a house from the court in the foreclosures auction for \$350,000 you will not want to sell it for less than \$350,000, because your plan is to repair and sell it after completing the rehab to benefit from the final value when selling it in the market at an arms length transaction to maximize the outcome. This is called the after repair value (ARV). See Ex. 3.

8-50% OF THE PROPERTIES WERE ALREADY PROFITABLE

Mr. Alexandre disputes the assessment of the receiver due to his inability to understand the REI portfolio and its intricacies and due to his ignorance of the ins and outs of that industry. However, to the extent that the receiver's assessment can be accepted just for the sake of argument in this context, "50/50 was the assessment." Hence, the receiver said that 50% of the properties that Mr.

Alexandre acquired were already "profitable" and 50% were not. Big news! If Mr. Alexandre was not aware of his own strategy that alone should be a cause for joy and celebration. This is amazing result showing a genius at work to secure an outstanding acquisition of over 48 Properties in the span of 8 months of existence. During that short time Mr. Alexandre was able to build a solid path forward to take EminiFX to higher grounds. Obviously the receiver was never exposed to so many properties in one place or acquired that many by himself and got lost inheriting that big portfolio. And to make matters worst, this is while Bank of America was playing game with the investors funds blocking \$25 million dollars that would have timely gone into active investment. Mr. Alexandre informed the investors of the predicament and engaged in active mediation to release the funds while continuing to secure as many properties he was able to secure in parallel with his digital portfolio. What was the receiver's reaction? He ran to the court and requested emergency authorization to hire 60 friends to handle the "complex portfolio" that he found or discovered (as if he had no clues what EminiFX was doing as far as operations, totally caught up by surprise.) That portion of the tale is hard to swallow because this is the responsibility of the CTFC to know the entire operations --before-- claiming fraudulent operations. Mr. Alexandre still know for sure that the receiver's assessment is in the low ballpark way off the real value of the EminiFX Portfolio. Yet, even with that grim assessment, this was an amazing real estate investment portfolio by any measure for people who know.

EminiFx investors will testify on the records that Mr. Alexandre announced his plans in details, and the receiver although unaware of his plans and intent has moved on with is terrible plans of destruction. Not comfortable with the members actively standing against this abuse, he started paying some members and activists to push propaganda and falsehoods about the EminiFX portfolio. Publishing PURE LIE. This was one of the best real estate investment (REI) project ever. If we add the \$25 million dollars unlawfully seized by bank of America (BOA), that would be another \$250 million dollars REI when using the \$25 million as the 10% downpayment required by the investors with no further disbursement from the EminiFX investors. This is the model for all the EminiFX real estate investments. For the receiver to go around talking about Mr. Alexandre using \$5 millions to buy a property cash only shows how ignorant he is of the entire REI market. None of the properties were to be bought by more than the 10% required upfront disbursement. And as proffered by the receiver, they "ALL" only had 10% in forms of downpayment to secure the contracts. So what is the source of the lie talking about wasting

investors money by the sound of million dollars? This is just a conspiracy to paint a dirty picture of Mr. Alexandre spending the investors funds in REI without knowing the ins and out of the REI sector. Unfortunately for conspirators and co-conspirators this conspiracy will not survive scrutiny. Mr. Alexandre has some surprises in store for the Plaintiff. The time will come soon to unveil our strategy in front of an audience where it matters.

9-WHY USE THE BPO vs APPRAISAL REPORTS

Mr. Castleman used the BPO to liquidate the properties. Anyone experienced knows that you used BPO to lower the price of the property to get a good discount from the banks when BUYING a short sale in the hope of getting a low purchase price; and the opposite of the BPO is a full appraisal report signed by a licensed appraiser taking all variables into consideration as a method to get the maximum value when SELLING a property. The BPO is low ballpark. The extent of this disaster should be used as a case study to show what ignorance in the field of real estate investment (REI) can do a wonderful portfolio, and use as a training for lawyers wanting to be receiver. The damage: the real estate portfolio is lost. This is what we got from this receiver. Mr. Alexandre is lost for words. In that example the receiver would have sold the property for $\$350,000 - \$105,000(30\%) = \$245,000$. Just imagine a house that would be worth \$750,000 after repair value (ARV) purchased at \$350k at foreclosure auction and the receiver further requests that this team liquidate that property for even a cheaper price than the auction causing a massive loss of $(-\$105,000.00)$ from an already super low price. This is what the receiver did and he published his decisions in his status reports and bragged about it. So where do we go from this?

10-A MASSIVE REAL ESTATE INVESTMENT LOSS FOR THE EMINIFX INVESTORS

A massive loss in the EminiFX real estate portfolio valued for at least \$24.2-\$30 million dollars when taking only the acquisition costs for these properties not mentioning the resell value when exiting. And this was the tip of the iceberg from the \$25 million dollars set aside to acquire at least \$250 million dollars worth of real estate investment properties using the 10% model proven for ALL 48 properties. Suffice to say that in that industry when you have a larger portfolio with the investors, they reduce the customary 10% downpayment due to your ongoing relationship with the lenders. (When talking about investors/lenders for the REI, they are the private funds providing the funds for the acquisition with the usual 90% funding and 100% rehab(repair) money secured by the after-repair-value (ARV). This is to distinguish from the EminiFX investment club members also investors of EminiFX.

The receiver seems to be oblivious to how the real estate investment (REI) works. He seems to be caught off guard that 50% of the properties were below his purported profits range. And this is what we are left with: a receiver at the realm of our lives totally incompetent unable to make the right decision in a complicated investment portfolio beyond his abilities to make sound investment decisions. And the reason behind that is to make EminiFX looks bad so the CFTC, the receiver and his team of friends can liquidate the funds while eating peacefully without disruption. Mr. Alexandre will not use that platform to teach the receiver any more than that but will await the reaction of the CFTC to mount an aggressive defense against these attempts to vilify something so amazing. This will not pass muster. After repeating the same numbers over and over, it is now clear that the receiver was underestimating Mr. Alexandre' genius. Once again numbers don't lie, people do. As a tool for the CFTC he must stop from Mr. Alexandre.

The EminiFX real estate investment portfolio was set to hit the target of \$500-\$750 million dollars within the first twelve month of active acquisition campaign with the system Mr. Alexandre set in place, using the \$50 million dollars at the 10% downpayment rate strategy and repeated reinvestment towards a multi billion dollars real estate investment portfolio. The dream has been shattered in pieces by a conspiracy to eat the EminiFx funds instead of the EminiFX investors.

11-THE EMINIFX DIGITAL ASSET PORTFOLIO

Cryptocurrency/ies of EminiFX

EminiFX was managing a massive quantity of cryptocurrencies built different methods of acquisitions and using primarily Bitcoin and also altcoins for the more risky portion of the portfolio. When the CFTC hired the receiver to take over what they called was a massive fraud, they had no clues what the company was doing nor did they care to ask and provide a "fair notice" to the company informing EminiFx that they wanted to consider the company for certain regulations once they realize that there are many millions available to grab from the investors if they brought charges of crypto fraud and Ponzi schemes. That was the plan set in motion by the regulators and investigators although Mr. Alexandre requested a production of evidences from the CFTC over two years ago,

he did not receive not even one (1) of the requested documents because the CFTC has something to hide; if not, why hiding the proofs of the crime committed? Mr. Alexandre maintains that the CFTC had no jurisdiction over the EminiFX digital asset business and did not have the power of the U.S. Congress to act in this capacity as you can see in the new laws passed by the house that now provides clarity over the cryptocurrency defining what type of cryptocurrency and transactions fall under the purview of the CFTC or the SEC. Hence, the Bitcoin transactions and portfolio of EminiFX were not under the purview of the CFTC at the time of the operations. Therefore, this court does not have jurisdiction entertaining the complaint, that's one of the reason why Mr. Alexandre appealed the error of discretion of honorable Judge Caproni in deciding to denying the motion to dismiss.

When it comes to the digital packages offered by EminiFX to its investors, there is not a single transaction where Mr. Alexandre and EminiFX were selling Forex, commodities and Cryptocurrency to the public. The CFTC knows that and refused to provide any documents requested from the request of production more than two(2) years ago & was praying that the criminal proceedings would end up with a plea deal saving them by the bell. Now that Mr. Alexandre has taken over his legal defense, the CFTC must provide the request documents to pass scrutiny and back up their assertions. The Judge has been very kind and partial siding with the CFTC even making better argument attacking Mr. Alexandre character for the CFTC going even beyond what the Plaintiff would say on records, but now is the time for all these to come out for a fair process. Mr. Alexandre never saw one statement of the receiver informing the public what EminiFX was other than to destroy its reputation so he can eat the money.

"EMINIFX WAS AN INVESTMENT CLUB SELLING DIGITAL ASSET PACKAGES TO ITS MEMBERS ONLY."

Instead of providing a full list of the cryptocurrency transactions and their daily values, the receiver asked his team to provide assumptions using the weekly mark-to-market, and worst he then built a false ROI table that would not have passed a Daubert hearing in the criminal procedure had it been challenged by the then legal defense team. Mr. Alexandre intends to challenge all these falsehoods that are not GAAP financial reports nor even real data for the EminiFX investment club. One may clearly sees now why it was so important to try to get a plea deal to leave anything of

substance unchallenged and unsubstantiated. The honeymoon is over. Mr. Alexandre is joining his voice to the EminiFX investors requesting accountability and the TRUTH with real numbers.

If you ever wonder what would have happened to the EminiFX funds without the disastrous liquidation of the receiver: Just take a look at the industry REAL NUMBERS from the cryptocurrency reversal. What would the Cryptocurrency portfolio yields with [THREE HUNDRED] 300%+ growth as Bitcoin ("BTC") did from the time the receiver shutdown EminiFX operations to the BTC highest in 2023-2024? And this evaluation is only based on the price of \$16,500 to \$68,800 as printed on march 2024 (not the \$79,000 high) for a growth of 300%+ surpassing the previous records of November 2021 and the BTC went higher. If you not good with numbers? Think about \$150 million x 300% growth. Take it by saying times 3. $150 \times 3 = 450$ that would simply means \$573+ million in US Equivalency in BTC only (dollars at the very least) as the baseline, knowing that EminiFX also had alt-coins with a more aggressive growth that exploded alongside BTC. And, EminiFX would indeed continue to grow and have all of it products striving full speed. Because Cryptocurrencies are one of the most volatile instrument that ever existed, capturing that volatility is a dream for the middle class as opposed to what the rich are accustomed to enjoy. That kind of volatility available to the masses is one amazing way for the regular EminiFx investors to partake in the kind of "outsized returns" [as labeled by the prosecution] that are normally reserved to qualified investors with \$5 million revenues and \$10 million dollars assets. It's worth nothing that the prosecution cannot say nor certified that this kind of "outsized returns" is impossible nor fake. But they hired a receiver to spread the falsehoods and assumptions without the constraints of the legal framework going around threatening people at first and then paying them for advertising the propaganda. The CRYPTO Portfolio got destroyed by the CFTC and the CFTC-hired receiver. Both of them must be held accountable for the debacle that lead to significant losses for EminiFX portfolios whether physical as in the real estate investment segment and the digital asset, against the will of the investors. This is unprecedented and unfit for federal regulators, even though we have seen a pattern of abusive enforcement from those regulators in recent years stopped only by good judges left to fend for the real people. The fact that the federal regulators can seize so much money for their funds, under the pretense to reward whistleblower around 20-30% of the money seized, gave them an incentive to lie and produce falsehoods to get their hands on the money no matter the extent of the lies to get to the end results, irrespective of how many investors get hurt in the process. Who is the real fraudster in that context? See the case of DEBT Box incorporated herein by reference to see

how greed can turn federal agents into nasty fraudster lying to hurt the people(investors.) See Ex.1.

12-WEEKLY MARK TO MARKET ASSUMPTIONS

As far as the receiver is concerned, him and his team concocted tons of simulations and skewed numbers and presented them as FACTS to the public in publishing them, and to the court for validation. The Weekly Mark to Market ("MTM") labeled they used is a travesty. The report presented is false and fake. By presenting a weekly MTM where they assumed that taking an average of crypto investment purchase and try to match it to a certain Bitcoin price at the end of the week is preposterous. This is a clever act by the receiver's team instead of doing a GAAP financial reports with real numbers because they would be wrong. This is insane to assume that all the investors bought a digital package to invest with EminiFX on Sunday or Monday and kept the investment to be paid on Friday according to the receiver's team. This is NOT TRUE. EminiFX investors were able to buy a digital asset package at anytime 24 hours a day which is exactly what the CEO was expecting using the Dollar Cost Average (DCA) method that all mutual funds and 401k use to add contributions to everyone investment every time you get paid (weekly or bi-weekly) at different price gradually building up the investment. Mr. Alexandre contends that this entire MARK TO MARKET report is FAKE and project falsehoods. The notion of counting BTC at the end of every week is false and part of the conspiracy. This method used by the receiver leads to false assumptions and is deficient on its face. The BTC is open 24 hours a day and EminiFX investors bought BTC at anytime day and night. There is no such thing counting BTC from Sunday closing every Friday for the EminiFX, this is skewed. This method is a false attempt to defraud the investors by producing fake return over investment reports ("ROI"s.)

13-CRYPTO VALUATION

For the Cryptocurrency portfolio valuation, Mr. Alexandre established that the portfolio without any further investment from the time of the CFTC enforcement to the current price of BTC on September 2024 would have risen way over 478% growth without considering the alt coins with much more aggressive growth that the receiver destroyed, ignorant of what would be the best course of actions in a foreign land unknown to him and his acolytes. Therefore, without the damages of the CFTC and the receiver the Cryptocurrency portfolio would be over \$573+ Million in US dollars equivalency without any human intervention as the main funds of EminiFX. The receiver takes pleasure in simulations and "sealed" secret dangerous invoices versus providing real numbers for all investors to see what's going on. Mr.

Alexandre would like to see the real numbers and not these fake "exaggerated" simulations as the receiver put it in his submissions. The lives of 35,000 investors are at stake and we need answers. No amount of propaganda paid to bloggers can change that.

14-RETURN OVER INVESTMENT (ROI)

That method is even more egregious than the real estate investment and Mr. Alexandre will demonstrate how abhorrent that attempt is to mislead the court and the public at large. First of all, the table is all erroneous as presented to calculate the EminiFX investors weekly ROI. Example, the Receiver in calculating the members investment return shows a certain revenues and subtract the EminiFX Operations expenses from the EminiFX investors return and attempt to apply the rest of the balance to the EminiFX investors. This is mischievous for one significant reason. There is no way that is the practice and even possible. For anyone who ever had a money market account or even a investment account with brokerage, that never happens. Your account balance gets augmented or reduced based only on BROKER FEES and Transactions fees and your profits is yours. One another example is your bank account whether (savings, checking, money market, CDs) never ever shows a reduction because the bank had to pay the salaries of employees and commercial office spaces leases, e.g. operations costs. This is why EminiFX had a \$49/month withdrawn from every account to account for operations. Following the logic of the receiver every single bank statement is FAKE and a false report because the bank after lending money to a client to buy a house for \$500,000 does not reduce your bank account balance by a percentage to account for the \$500k loaned out. Your balance never goes down even if the bank lends out \$50 million dollars. Your account balance stays the same. Or, we know the money is gone. But your balance does not show any variations. Why? Because as the standard in the industry established, that has nothing to do with your account balance. at the end of the quarter or end of the year you will receive some form of credits for interest earned on your money. What happened to all these monthly bank statements never reflecting the lending or losses from the bank? They are held separately. The receiver is trying to mislead the judge, the investors and the public. This is exactly why he does not want to publish not even GAAP financial reports. Because he cannot pull something like that without the auditors getting in deep legal problems. In sum, the receiver is telling you that all the bank statements you ever receiver are fake.

Mr. Alexandre rejects the weekly ROI reports from the receivers for gross negligence and willful act to mislead by pushing falsehoods to influence a CFTC enforcement action just to save the money for his

team and the CFTC against the EminiFX investors. That ROI report is bogus. It would be interesting to completely dismantle the ROI reports any further but the receiver is not a significant party in the process, Mr. Alexandre will await its adoption by the CFTC to expose his strategy any further. Mr. Alexandre hereby rejects this attempt to corrupt the process. All the receiver had to do was to count the money, seek any money hidden not disclosed, (Mr. Alexandre was the one assisting the receiver in assembling the assets) but he is publishing he recovered this and that, when everyone can clearly see that he recovered NOTHING. He liquidated and dilapidated the entire portfolios of EminiFX down to the last \$153 Million dollars. The CFTC came in to destroy everything by hiring a receiver to destroy it ALL. And that, he did. Mr. Alexandre opposes these broad statements the receiver recovered anything. Coming in destroying hundred of thousands of dollars of assets and office furniture for the price of \$15,000 to his friends through an obscure process was the first act he did after firing everyone the first day he arrives with the FBI. Then he tried to reach out to fired employees threatening them to tell him what he wanted to hear or else. This travesty of process must stop now to a just and fair outcome.

#15-INTERACTIVE BROKERS INVESTMENTS ("IBKR")

Based on the statements provided by IBKR and the email provided by Mr. Alexandre to Judge Cronan in the criminal proceedings, EminiFX transferred funds to the IBKR trading accounts and was doing good until it was frozen by the CFTC and IBKR. Because IBKR reports cannot be falsified you will see that the receiver is telling you that Mr. Alexandre was making money. Yet, he will knowingly omit that this is well documented in the criminal proceedings that this is the same period where IBKR and CFTC caused that trading account to be frozen and caused the massive loss he would later refer as 80% losses. Mr. Alexandre is charged with omissions but the receiver can willfully and knowingly omit material facts that would make his statements true or untrue. The FACTS are the daily profits or returns were exceeding (was over) 25% for the trading period. When they portrayed the CEO in the public, they told you that this is a guy who does not know how to trade. Yet we could see through the real results coming from an outside broker that the CEO was a beast when it comes to trading. Well,

when will they tell that to the public? NEVER.

The government started with a lie and never corrected their original lies which they knew were lies. Mr. Alexandre discovered that the government was already in possession of all the banks statements and the information from Coinpayments with hundred of million dollars, yet they came out to the media with a bold lie that Mr. Alexandre defrauded the investors with \$59 million dollars and only invested a small portion that he lost 80% of. If you were following that case, you will wonder when will the government correct its lies? Mr. Alexandre, the CEO was trying to complete the EminiFX named account throughout this period unaware that the CFTC was blocking his attempts in the background. Hence to ensure that he remained true to his promises and strategies, the CEO transferred a portion of the funds for active trading. This is the same amount you see the receiver mentioning on other places as Mr. Alexandre transferred into his personal account. Remember this, there is no two money, one and same amount counted one place as trading account losses and another place as transferred to Mr. Alexandre personal account without explanation. This is an attempt to LIE to the public by omitting this is the same exact amount they count for active trading investment in one part and also double counting it as transferred to his personal account in other part with a willful omission to mislead. And this is so blatant that they had bloggers and media repeating that lie over and over until people believe it's true. But this is a lie. There is only one set of money and not two money. The money was transferred to IBKR under Alexandre and producing great returns while the EminiFX Official Account was approved as Mr. Alexandre had a family advisor with IBKR with multiple accounts. If the account was NOT FROZEN with that kind of return, you can do your own math to see how much EminiFX would have produced. They attempted all kind of tricks to cause fake loss so they can come back and show that Mr. Alexandre was losing. See Dkt. 383 at 60. 25% daily profits deviation. They sometimes throttled (prevent Mr. Alexandre from exiting a position all at once) to cause a loss and a missed opportunity. E.g. If You have 1000 shares in a position, trying to exit get denied. Trying to get 900 out get denied. Trying to get 800 out get denied. And so on until you try to close only 100 out of the 1000 and the trade goes through. EminiFX never saw something like that. This is why Mr. Alexandre added IBKR to the cross claims to sue them for their role into that conspiracy. Now, think about it, with the speed and volatility of the futures market, missing so many opportunities will lead to missed opportunities. However, even with these restrictions Mr. Alexandre continued to trade. They had to finally FREEZE the account preventing any adjustments or corrections to cause a loss and let the futures contracts expire worthless with

a massive loss. [When a contract expires while negative, the entire balance disappeared, gone.] Mr. Alexandre sensing the conspiracy sent numerous EMAILS to the CFTC and IBKR warning of that massive loss that may occur if they do not unfreeze the trading account, they played the blame game between the two and the account did not get unlocked. To hear that the receiver saying that he made the decision to close the rest of the position to save money is misleading. Any position that was a contract would expire worthless as they planned and forced the loss. The remaining positions were not yet expired or they were straight long position (e.g. stocks) without an expiration date waiting to explode and reap the expected results. They lied to you saying Mr. Alexandre was not trading. We need to get to the bottom of this publicized lie. The time is now. The loss occurred during the freeze and because of the freeze. Mr. Alexandre had all the tools necessary to actively trade the portions that were slated for active trading and manage the Crypto portfolio. There was NEVER a time where EminiFx would and should trade its entire cash balance . This is just a lie published by the government. If you ask the government that simple question you will not get a straight answer. Government: Is there any portion of an investment funds that should be set aside for reserve (1) for withdrawals, and (2) for security. (Since you said many times over and over that Mr. Alexandre failed to invest the entire funds as if it is a fraud). This is one answer we must seek.

Mr. Alexandre will share with you the industry standard for the EminiFX invest club: (1) around %25 for withdrawals/distributions and (2) 5% security as required by the funds in Europe where the main digital investment portfolio was located. Mr. Alexandre remained true and faithful to that motto as he constantly reviewed this dynamic ratio when making his investment decisions to allow room for withdrawals without penalizing the EminiFX investors to wait for the market to recover before he could release their funds. Therefore where is that rumor coming from? Mr. Alexandre failed to invest the majority of the funds? Mr. Alexandre ALWAYS INVESTED THE MAJORITY of the funds because that was the whole purpose of the investment club. To demonize Mr. Alexandre just because as a receiver you want to eat the funds with your friends is an evil act. Mr. Alexandre is aware that the receiver has the blessings of the presiding judge as a court-appointed hire, and he is a member of the bar like the judge and enjoy the protection of the court as a court officer, but we have seen good news from good judges keeping federal regulators and receivers alike honest.

As a receiver the job of Mr. Castleman is to count, recover and distribute the money. But instead,

the government is allowing the receiver to prosecute the case for them and taint the jury pool with broad statements to the media sharing falsehoods that are not challenged nor validated through the adversarial process without adding the proper caveats that go along with such assumptions leading the public to believe that they are true and facts whereas they are gross exaggerations, and smoke.

16-EMINIFX STONEX BROKERAGE

While Mr. Alexandre was going through the conspiracy and could see an entrapment to make EminiFX lose money, he opened another EminiFX named account with a broker that could accommodate his automation strategy while allowing flexibility in his decisions making due to his "robo-advisor-assisted" philosophy. That process also took months going through all the legal back and forth with the brokerage and counsel and finally not only got approved but fully setup for trading via the automation setup and was awaiting the funds to be wired to STONEX. What the EminiFX got instead was a joint CFTC enforcement and AUSA attack without any fair notice killing all the efforts. Now, the public needs to know these things because there is a massive campaign out there, financed by the very receiver eating the funds, that Mr. Alexandre was a bad guy, he defrauded investors, he was running a Ponzi scheme, he did not invest the money of the people, if it was NOT for the receiver their money would have been lost. This could not be farther from the truth as revealed by the facts of the case. Mr. Alexandre has filed a motion for (a) Defamation, (b) Slander and (c) Libel against the receiver and the judge answered was that she did not find the behaviors "libelous".

Mr. Alexandre understands that this judge has approved anything the receiver does but she only addressed the libel portion, albeit an abuse of discretion, but willingly ignored the defamation, and slander claims. Mr. Alexandre will not rest until he gets to the bottom of that campaign. This is a case going to higher courts seeking a fair and just outcome. Hence, Mr. Alexandre provided all these facts to the criminal proceedings (that the receiver billed EminiFX million of dollars for "monitoring the criminal docket" during a time the civil case was "stayed".) The STONEX account is a fact that cannot be neglected nor hidden under the rug. The receiver is saying that he did not know Mr. Alexandre intent nor does he makes any representations as to Mr. Alexandre intent, yet he is carefully painting a grim picture with misleading omissions to taint the jury pool and presents alternate facts as truth. Mr. Alexandre did not sit down or stay quiet while under concerted attack from Bank of America who started this mess, the CFTC and IBKR doing what was available to him to keep the funds growing and putting in place a massive REI portfolio in records time. THE EMINIFX STONEX ACCOUNT was a success to praise

17-EMINIFX-BANK ACCOUNTS

EminiFX was a S-Corp which is a pass-through corporation that does not owe any taxes but pass profits and losses to the owner, Mr. Alexandre. Hence, the public must understand that structure to understand the banking structure. As the owner of EminiFX his s-corp his personal account and the EminiFX are linked for internal transfer by the bank. All the banks accounts were linked because as the owner of the s-corp Mr. Alexandre had that prerogative. EminiFX had quite a few bank accounts as you could see in the receiver's reports. And they were created for many reasons with a purpose. For the receiver will come later and guess the intent of the executive decision of the EminiFX investment club for having never addressed these with the CEO nor got a stipulation from the CEO about his intent for the receiver to throw around and try to defame the CEO is wrong. Mr. Alexandre will vigorously defend that set of lies that Mr. Alexandre transferred money from Bank of America to his personal account. That NEVER happened not even once because the Bank of America was open with only one purpose to facilitate the investors to buy a digital package and to be moved to the Main EminiFX account at the TD BANK. It is falsehood like that the government is using and leave out there for his paid bloggers and social media paid activists to spread LIES AND RUMORS without having to defend their nefarious actions. Mr. Alexandre was informed by his former legal defense team that the prosecution never comes back to apologize for their initial lies even after they would lose a case. Henceforth, it is always the responsibility of the defendant to go out and clean his name. At the beginning the media and insiders getting leaks from the government will spread lies and never redact or edit their articles to reflect the facts of the case as they are put on display. The consensus is if the government says it on the docket it must be true, then you have corrupted jury pool that comes along and find you guilty because the government says so. These bank records were not what the government was looking forward to find. But they are there for a reason. Why anything the receiver does is under seal like a spy game, the receiver is eating our funds and we cannot see what he is doing with it, right here in America. That cannot go on, Mr. Alexandre is standing with the EminiFX investors that are not getting paid to advertise falsehoods for the receiver. Dkt. 383 at 17.

#18-EMINIFX COMPENSATION PLAN

The receiver did not recover any compensation plan. This is becoming a joke that the receiver recovers everything that is widely available to the public and part of EminiFX publications that the users accepted as they joined EminiFX. The abuse of the word RECOVER is overrated at this juncture. How much did the receiver charge the EminiFX investors for the recovery of the two (2) versions of the investment club compensation plan? We all know the receiver is not working for free and so is his employer, the law firm now pretending to represent EminiFX.

The e-wallet and the trading wallet for the investors were not denominated in US Dollars (USD) but were "DISPLAYED AS" US Dollars equivalent, making the conversion between BTC and USD and any crypto or currency to USD seamless.

The ROI were credited to EminiFX users every Friday consistent with EminiFX promises to use its discretion to SHARE the profits and distributed according to its reserves plan. Dkt.No. 383 at 27.

Aside the reproduction of the purported compensation plan filed with the court, Mr. Alexandre rejects all analysis and understandings from the receiver about the compensation plan. The receiver in cherry-picking what he wants to accept and what he refuses to accept by presenting a skewed picture of EminiFX and its operations. Mr. Alexandre reserves the rights to challenge these assumptions at the proper time.

#19-EMINIFX SOURCE CODE

The Receiver is unqualified to review the certain source code he claimed to have found in the ordinary course of business. Where is the location of the ordinary course of business? There are established industry legal standards to recover source code or any evidence intended to be proffered in the court proceedings or in a CFTC enforcement action. The Receiver claimed to have reviewed certain files in the EminiFX source code, and he did not find any evidence reflecting the existence of any automated investment advisor. If the receiver wants to be called to testify he will need to share his expert witness qualifications to pass a Daubert hearing and show his acumen when it comes to finance. His actions already show how ignorant he can be of the basic level of managing the EminiFX Digital Assets and real estate investment Portfolios. Mr. Alexandre is looking forward to have the

opportunity to impeach his testimony. What source code? What methodology? What is his certifications in the world of finance as an expert witness? What is the opposite view of his assumptions? The rest of the questions will show up at that hearing to impeach his source code analysis. Since Mr. Alexandre started a collateral attack on his criminal conviction, there are many critical questions that will be used in a Daubert hearing that he willingly will not share in this submission but it is worth nothing the extent of the particularity that this receiver is exhibiting. In fact, this is the most conflicted receiver ever existed, eating the funds to discredit the company to continue eating freely without suspicions. The presiding judge will need to address these at the right time. And Mr. Alexandre refute these statements claiming that the receiver is unaware of what he is talking about. The receiver is not allowed to merely say that he reviewed a certain portion of a certain source code and claim that he did not find x,y and Z. The chain of custody and the integrity of that certain code will be put to test and the analysis and the like will be scrutinized. There are no facts in these allegations. At the time of the submission where is the source code located and kept? Dkt. No. 383 at 31.

#20- PRE-RECEIVERSHIP EMINIFX OPERATIONS

Dkt. No. 383 at 35. The receiver is emitting his personal opinions and understanding of an operation he has no clues how it worked based on facts, but he is welcome to keep his opinions to himself in that instant CFTC enforcement action destroying the lives of many tens of thousands of investors. The last thing we need is the opinion of a conflicted man eating freely from the funds with sealed invoices and all kind of allegations. This is an enforcement action stemmed from falsehoods to show cause to get an ex-parte (secret one-way) action against EminiFX. Why the CFTC did not run a regular audit and give the required "fair notice" to the company while they knew all along these were false allegations. The records proved that the investments were comprised of massive real estate investment portfolio and significant cryptocurrency investment portfolio through the emails they had with Coinpayments asking the exchange to freeze the money for them. They just assumed it was an easy target for them to come out install a receiver publishing his skewed analysis and personal opinions to make the conspiracy work. Mr. Alexandre refutes all of these allegations under these "understandings" that the receiver is publishing as facts. This is dangerous and extremely harmful to EminiFX, Mr. Alexandre the founder, and the investors embarked in that journey with their visionary leader.

It's interesting that very early the receiver rushed back to the court asking to hire 60 of his friends named "the professionals" in his submissions, he had no clues what he was getting into and the CFTC

assumed it was just open hunting season towards destroying the company at all costs, irrespective of the underlying facts contradicting the published allegations. Obviously, Mr. Alexandre fully trusted his then legal defense team to challenge these allegations to the fullest extent until he decided to take matter into his own hands to restore his name and cement his legacy.

EminiFX had 8 months in operations and 9 months in existence when the CFTC flanked by the receiver and in a joint prosecution efforts started(unsealed) an enforcement action the same morning with the AUSA office. The records will show months of collaboration and joint prosecution between these two entities and the hiring of the receiver leading to that ex-parte secret set of actions.

EminiFX was proud to hire professionals to take care of all its governmental tax obligations for The corporation and the employees every quarter without missing a beat. now After three years, the yearly corporate tax of the investment club is still not filed due to numerous secret negotiations with the IRS unbeknown to Mr. Alexandre and the EminiFX investors. Mr. Alexandre decried the sealing or these secret negotiations and will file another motion requesting clarity from these secret negotiations. What is the receiver hiding? This is not justice by any standard. The receiver is working for the investors and owe us an explanation and accurate accounting of all his expenditures. This is not done and ignored by the presiding judge unless Mr. Alexandre files a motion requiring her to intervene. This Judge does not care to hear the facts of the case. She just wants to close the case.

EminiFX operations were reaching cruising altitude when the CFTC the AUSA and the receiver decided to shut it down without due process and set their goals on liquidating valuable investments from the EminiFX investment club members. The members will attest that this is the only investment club what was planning to auction ONE HOME every month to its members to help them achieve the American dream of first time home buyer when they had no possibility of securing these houses all cash from the auctions. That would be twelve houses for the community every year onward while keeping an aggressive acquisition schedule towards a large real estate investment portfolio using the best practices of the real estate investment industry. With seasoned experts onboard and hired for the rapid expansion, and securing the real estate (office spaces) for that real estate division, the sky was the limit to how far these endeavors would lead. Obviously, Sr. Management did not envision a conspiracy against the company from the very people elected or placed to protect the public.

21-EMINIFX USERS DEPOSITS

Dkt. No. 383 at 37. There were no users deposits but investments transfer to EminiFX from the members. EminiFX was not a federal bank taking deposits from the community. There is nowhere in the documentation that EminiFX asked for deposits from members. They had the option to purchase a digital asset package and transfer the currency to complete the purchase/transactions. There is only one reason why the receiver and the government is attempting to call your investment a DEPOSIT so they can eat it from you.

This is a fact not an understanding, nor a perception. There was no plans to just get deposits from investors. The must buy a package and pay for the purchase by making a transfer using multiple payment platforms (credits) to cover their investment choice. There was no nexus to accept investors' funds using the term DEPOSITS without the purchase of a digital asset package. This is a conspiracy. Although the receiver claimed he charged all these money to monitor the criminal case where these arguments have been presented by Mr. Alexandre, he continues to repeat the lies of the government republished by the media that Mr. Alexandre never invested the majority of the funds. Some media go further saying Mr. Alexandre never invested ANY of the funds. (Mr. Alexandre will deal with these defamatory statements in due time within the allowed for torts claim.)

When you take an investment of \$180 millions into cryptocurrency in Coinpayments account, you will see this was a major digital asset portfolio. How is that a DEPOSIT when the member purchased a digital package and Paid for the package with these crypto values. Quite frankly, at some point in time the government, the CFTC, the receiver and his acolytes all think that the public is just too stupid to know what is a deposit and what is an investment. The level of frustration to hear such nonsensical argument is really high. There should be a mutual understanding on how far can a party goes into making such fallacious arguments out of respect for the bench, the public and primarily the investors, the real victims in that conspiracy.

Honorable Judge Cronan found that the cryptocurrency were investments and that the government can make their argument on cross-examination. Yet, the damage is already done. The receiver keeps on printing DEPOSITS. This is what's wrong with the justice system.

22-RECEIVER'S PONZI SCHEME CONCLUSIONS AND IMPLICATIONS

Mr. Alexandre rejects the analysis of the corporate structure of EminiFX, flow of funds, in and out of EminiFX including but not limited to investing activity of EminiFX and the ROI distribution based on agreed upon shared information between the EminiFX Sr. Management and the investors. The

fact that the receiver says HE has concluded means nothing in the absence of an adversarial process where the Plaintiff would use his skewed and conflicted analysis based on the same falsehoods that the CFTC used to unlawfully start the CFTC enforcement action and violating the statutory and the constitutional rights of Mr. Alexandre and the EminiFX investors. At this point, the public has lost faith in the actions of the receiver constantly trying to conceal his activities through the filing of sealed invoices eating the money behind the scene and paying bloggers and social media activists to carry their falsehoods. The receiver would be the first to agree about the confusion of the legal definition of the charge PONZI in the legal arena. He is left to relay "indicia" of PONZI to accuse the company of Ponzi scheme because he said "My conclusion is central to three primary aspects of the relief I am seeking from the Court in this Motion... [..]" Cleaned up. He clearly says that for him to be able to only return the deposits according to the withdrawals and exclude ROI, etc... he must find a way to define EminiFX as PONZI. So IT MUST BE A PONZI. Let's find a way to make EminiFX a Ponzi scheme.

Mr. Alexandre have constantly rejected these allegations and assumptions based upon baseless fake data and unaccepted simulations and carefully crafted omissions to mislead the public and the investors about the true nature of EminiFX operations and the intent of Mr. Alexandre as CEO of EminiFX. These conclusory statements bare no weights and must go through an evidentiary

#23-EMINIFX CLAIMS AND DISTRIBUTIONS PROCESS

That whole process is a sham created to defraud the EminiFX investors of their hard earned money for, this is an abuse to ask someone to dispute what you find on the records for an investor after the user or member goes to an extensive process to purchase the investment package and you have the entire database without missing a iota of data for any package purchased through EminiFX platform. Apart trying to defraud honest investors, all the receiver needed to do was to identify the transactions to the packages purchased and request a current address and mail them the money. But we now know that the receiver has no intentions of returning the funds to the investors and is trying to put that missing money on the back of Mr. Alexandre so he can keep on paying his team of professionals.

There is one thing this receiver did not do, he did not recover anything. All the bank statements and the crypto transactions were all properly documented and available. Mr. Alexandre reached out to the crypto platforms and gave the receiver permissions to get the data and the funds transferred into one central EminiFX Estate. The exaggeration of this receiver claiming he recovered this or that, is FALSE. His job was merely to assemble all the assets and maintain the status quo ante which he could not even do when he started to liquidate the assets making terrible judgement calls and destroying EminiFX to accuse Mr. Alexandre of massive loss that he himself the receiver and the CFTC

enforcement action caused in addition to the mischievous actions of Bank of America, the unlawful freezing from Interactivebrokers, and the involvement of GoDaddy in blocking the access to EminiFX. Everyone involved in this conspiracy must be held accountable. Mr. Alexandre is aware that the receiver was fired by his previous law firm who started the proceedings and is now with a new law firm aggressively pursuing the same agenda if not more aggressively, hence the receiver is set in funneling as much money as possible to pay his new boss and keep the invoices secret under seal. How we will ever know how these claims are processed and how much abuse is being done without transparency with the constant sealing? The receiver from day one started violating Mr. Alexandre constitutional rights by unlawful search and seizures against the advice of the FBI, he wanted to participate in the arrest of Mr. Alexandre. What a passion for the Alexandre family. Mr. Alexandre believes the claim process is led by a conflicted receiver who is biased against the company and its founder and has no interest in paying the investors the money and damages owed to them for the torts caused by the CFTC enforcement action and the gross negligence of the receiver in his administration of the EminiFX estate.

Mr. Alexandre strongly opposes the claim process and the rising tide distribution proposal set to take the money of the small investors with a complicated scheme already hurting most of the investors. The fact that someone would wire money into EminiFX only to hear the receiver denying that transaction is beyond abusive, it is novel to even think the receiver yield so much power. In fact, he does not have the final say in taking investors property without a court order authorizing such action after the proofs that due process have been followed. Henceforth, Mr. Alexandre opposes the crabbed conclusions and understandings that the receiver is sharing as facts and wants to remind the receiver that this a true adversarial process where his statements must pass scrutiny. There is no I say so in this process. The rule of law wants these allegations to be put to the test. Mr. Alexandre wants to challenge the method used to reach these conclusions and alternative to these assumptions as compared to known and well respected industry experts opinions on this matter. You cannot have your hands in the cookie jar and be pretending that you are partial. There is an inherent conflict of interests in this matter. The money should be returned to the EminiFX investors in one lump sum asap. Any delay with a 0-10% plan for this year and up to 0-20% next year is a scam. The receiver is not planning to return the money with that plan. Just looking at the numbers will show that the numbers don't lie, people do.

#24-INCORPORATE ALL PREVIOUS CLAIMS AND DENIALS

Mr. Alexandre incorporate by reference all of his previous motions opposing the adoption of the status reports and application for payment submitted by this receiver to this court and hereby opposes their adoption and the use of sealed secret invoices eating away the investors funds without any accountability. Having said that she had nothing to do with the submission, the records reflects the laissez-allez attitude of the presiding judge in monitoring and managing the receiver in the execution of his duty.

From the outcome of the DEBT BOX case, it is clear that the government can be mischievous in spreading lies, falsehoods, and have a receiver at its disposal to do the dirty jobs with skewed numbers to take the prize home, all burry under a ton of set of well presented lies. How much lower can the federal agents go trying to get their hands on some millions from the little investors? When Will enough be enough in the absence of a good judge willing to restore the balance of a fair and just outcome. Mr. Alexandre has lost faith in the district court willingness to fix that mess and is ready to push this case where it needs to be at the higher court level. However, Mr. Alexandre still thinks that there is still room to question the CFTC and its receiver about claims raised by the defense against the allegations in the complaint. Too many improprieties and conflicted interests in charge of the very same investigation they are eating from.

CONCLUSION

This submission is an extended list of conclusions, understandings, assumptions, gross exaggeration as the receiver himself called it, allegations and further simulations versus the computation of real data available to the receiver but he found that this is too much work to do. Mr. Alexandre rejects all the claims, allegations, understandings, and assumptions of this motion and supports an immediate payment to all the members using the NET INVESTMENT distribution model against the conspiracy to declare EminiFX Ponzi to satisfy the plans of the receiver to keep as much as money as possible for himself, his team and USER #4 (the CFTC) against the interests of the EminiFX investors who worked hard for their investment.

This is not the time for analysis paralysis. The time has come for a GAAP financial reports according to the CFR 17 section 5.1 et. seq. calling for a generally acceptable accounting principles (GAAP) reports to support a CFTC enforcement action instead of skewed numbers, conflicted reports, biased assumptions, crabbed conclusions and baseless fraud accusations just with the purpose of keeping the money. There is no amount of money paid to bloggers and social media activists to taint

and corrupt the jury pool that can take away the truth. The truth must lead to a fair and just outcome in this matter and Mr. Alexandre intends to go all the way seeking justice for the EminiFX investors who entrusted him with their investments money.

The fact that the receiver admits that there is no legal definition by statutes reminds everyone of the fact that under the federal system used to bring that enforcement action, it is only Congress, and not the courts, which can make a conduct criminal. The receiver's opinions are worthless when it comes to decide what a conduct was without the definitions and the elements of that conduct as described by Congress. The attempt to create its own definitions and piece together his beliefs, understandings, assumptions and skewed theories are not facts but merely crabbed conclusions that must go through the adversarial legal system of the United States of America.

Mr. Alexandre rejects the assumptions, falsehoods, and skewed numbers used by the receiver to form an opinion and understanding submitted to the court. These opinions are worthless because they are NOT based upon expert's special validated skills. There is scant or little to no evidence in the record on how many expert financial analysis reports that Mr. Castleman had prepared in the past. The CFTC novel theory of indicia of ponzi and the money was not real, based on supposedly crabbed inferences built upon the misleading assumptions and skewed numbers as proffered in this instant action are facially deficient.

EminiFX Corporation paid all of his operations taxes every quarter via its professional services. Mr. Alexandre wants to know what kind of taxes the receiver is paying to the IRS for a FAKE MONEY that was not real and where EminiFX had no revenues, no profits and only losses. Unless there is something regular taxpayers/citizens cannot comprehend, Mr. Alexandre demands to SEE the taxes? What are the basis of that qualified fund? Tell the investors the truth.

It's axiomatic what's considered as expert opinion, "an expert opinion is helpful only to the extent the expert draws on some special skills, knowledge, or experience to formulate his opinion; the opinion must be an expert opinion (that is, an opinion informed by the witness' expertise) rather than simply an opinion broached by the purported expert." *United States v. Benson*, 941 F.2d 598, 604 7th Cir. 1991) See also *United Sates v. Frabizio*, 445 F. Supp. 2d 162, 170 (D. Mass. 2006). The faulty expert opinion was misleading, confusing, and deceiving or had the tendency to deceive the jury or the public, and the deception was material, in that it likely influenced the decision to return a guilty verdict. In this instant action, numerous newspapers have quoted or repeated the receiver's

purported "opinions" and the receiver even went to take the investors funds and paid bloggers, social media activist to repeats his opinions as facts to taint and corrupt the jury pool and the EminiFX investors letting them know they do not have rights to their investments, that he will grace them with a little gift as a merciful savior. They should be grateful that he is only eating a few million dollars otherwise he could have charged them way more as it not been for the good hearted discounted rate he offered. This is not only vexing but perplexing to sit and watch that scenario unfolded. Mr. Alexandre will vigorously oppose and challenge all of these assumptions and biased faulty opinions presented as facts. By calling the CFO, "Eddy's wife" [a title?] in each motion so the receiver's mob can attack a non-party (that is not charge) is a plan supporting a dangerous rhetoric.

WHEREFORE, Mr. Alexandre respectfully submits this motion to oppose the proposed distribution plan as submitted by Mr. Castleman, and requests the NET INVESTMENT distribution model while honoring the EminiFX internal transfers as found in the database unaltered. Mr. Alexandre further requests that the proposed distribution plan be modified to include a one lump sum payment to retribute the investments back to their rightful owners instead of the piece meal 0-10% the first year, and a potential maybe 0-20% in an uncertain date in the future. The EminiFX investors have suffered enough and must be paid now.

Respectfully submitted,

Dated: 9 / 16 / 2024

/S/ Eddy Alexandre

Eddy Alexandre, pro se
ex-CEO, founder of EminiFX
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Dear, PA 17887

enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.

Case No.: 22-cv-3822

Judge Caproni

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury, pursuant to 28 U.S.C § 1746; 18 U.S.C § 1621, that on this date I caused a true and complete copy of the attached MOTION AMENDED IN OPPOSITION TO THE RECEIVER'S PROPOSED DISTRIBUTION PLAN.

to be served, in placing same in a sealed envelope and routing it for mailing via First-class United States mail service, with postage thereon fully prepaid, and depositing same in this institution's internal mail system. I am an inmate confined in an institution. The FCC Allenwood-Low has a system designated for legal mail.

A true copy thereof was served upon the following interested party/ies:

- 1- Clerk of Court US SDNY US Courthouse 500 Pearl Street New York, NY 10007-1312
- 2- Douglas G. Snodgrass US Attorney CFTC 77 W Jackson Blvd. Chicago, IL 60604
- 3- David Castleran as Court-App't'd Receiver 230 Park Ave New York, NY 10169
- 4- Notice to Eminifx c/o Otterbourg, P.C. 230 Park Ave New York, NY 10169
- 5- _____
- 6- _____
- 7- _____

DATED: 9/16/2024

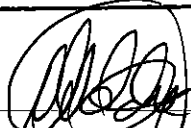

Eddy Alexandre, pro se
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Exhibit 1

SEC Ordered to Pay \$1.8M in Attorney Fees Arising from Ill-Gotten Temporary Restraining Order Against Morrison Cohen Client DEBT Box

On May 28, 2024, the U.S. District Court for the District of Utah ordered the Securities and Exchange Commission to pay \$1.8 million in attorney and receivership fees related to the regulator's civil case against Morrison Cohen clients DEBT Box and its principals. In addition, Chief U.S. District Judge Robert Shelby dismissed the case without prejudice on the condition that any renewed action be filed directly with him.

In a July 2023 lawsuit against DEBT Box, the SEC alleged that the company was involved in an ongoing illegal \$50 million crypto scheme. But Morrison Cohen successfully established that the SEC had made materially false and misleading statements to the court in its efforts to secure a temporary restraining order against DEBT Box.

This week, Chief U.S. District Judge Robert Shelby upheld most fee requests filed by over a dozen defendants accused by the SEC of fraud and registration violations in connection with their involvement in DEBT Box. Morrison Cohen was awarded its full request of \$565,000.

"Defendants have already been the victim of this misconduct and they should not be 'revictimized' by being required to establish the prevailing local rates for this type of litigation," Judge Shelby said in the order. "Moreover, at the outset of this litigation, defendants selected the counsel of their choice at what they anticipated to be their own expense."

Judge Shelby's order recognized that Morrison Cohen played a "lead role" in accomplishing this result: "Given the complexity of the case and the urgency of issues pertaining to the TRO and Receiver, it is not unreasonable that partners with decades of experience in securities litigation and regulatory enforcement actions shouldered a large share of the burden. Furthermore, counsel for the DEBT Box Defendants have played a lead role in this case and were instrumental in bringing to light the problematic issues surrounding the TRO."

In a statement to Law360, Partner Richard Hong said that the team is pleased that the court dismissed the lawsuit and awarded its requested attorneys' fees. "We hope that the SEC will not bring another action, but if it does, we will be ready," he said. Richard Hong, Jason P. Gottlieb, David E. Ross, Jeffrey D. Brooks and Alexander R. Yarm represent DEBT Box, along with Matthew Lewis and Taylor Smith of Kunzler Bean & Adamson PC.

This significant win was covered widely in the press, including in Bloomberg Law, Cointelegraph and Law360. The case is SEC v. Digital Licensing Inc. d/b/a DEBT Box et al.

Media Inquiries

Please direct media inquiries to the Marketing Department.

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Partner

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Alexander Yarm

Associate

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Exhibit 2

The phrase "lies, damned lies, and statistics" suggests that statistics can be manipulated or misrepresented to support a particular argument or agenda. While it's important to approach data with integrity and honesty, understanding how statistics can be misused can help you critically evaluate the information you encounter. Here are some common ways statistics can be manipulated:

1. ****Cherry-Picking Data****: Selecting only specific data points that support a claim while ignoring those that contradict it.
2. ****Misleading Averages****: Using the mean, median, or mode inappropriately. For example, the mean can be skewed by extreme values, so using the median might give a more accurate picture of typical values.
3. ****Improper Comparisons****: Comparing things that are not directly comparable. For example, comparing the percentage increase of a small number to a larger number without context.
4. ****Ignoring Sample Size****: Drawing conclusions from a small sample size, which may not be representative of the population.
5. ****Confusing Correlation with Causation****: Assuming that because two variables correlate, one causes the other, without considering other factors.
6. ****Using Percentages Misleadingly****: Presenting a percentage increase without providing context can be misleading. For example, saying "sales increased by 100%" sounds impressive, but if the original sales were very low, the actual increase might not be significant.
7. ****Inappropriate Graphs****: Using graphs that distort the data, such as manipulating the scale on the axes or using 3D effects that can mislead viewers about the actual values.
8. ****Overgeneralization****: Making broad claims based on limited data or specific cases, leading to conclusions that may not be valid for a larger population.
9. ****Ignoring Confounding Variables****: Failing to account for other variables that may influence the results, leading to incorrect conclusions.
10. ****Using Outdated Statistics****: Citing statistics that are no longer relevant or have changed significantly over time can mislead the audience.

To critically assess statistics, it's essential to consider the source, methodology, context, and presentation of the data. Always seek to understand the full picture rather than relying on selective or misleading information.

Exhibit 3

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Exhibit 4

Markets

Bitcoin prices hit all-time high, soaring to nearly \$69,000

The cryptocurrency is rallying on the hope of renewed interest among more mainstream investors.

People walk past an ad for Bitcoin in Hong Kong

People walk past an ad for Bitcoin in Hong Kong on Feb. 15, 2022. Anthony Kwan / Getty Images file

SHARE THIS

March 4, 2024, 9:14 AM EST / Updated March 5, 2024, 10:26 AM EST / Source: NBC News

By Rob Wile

The price of bitcoin hit an all-time high of about \$68,800 Tuesday, surpassing the previous record reached in November 2021.

The cryptocurrency has gained approximately 50% in 2024, and has recovered more than 300% since hitting a post-pandemic low of about \$16,500 in December 2022.

The latest rally is being fueled by hopes that the launch of bitcoin exchange-traded funds, or ETFs, will expand the pool of bitcoin buyers.

The Securities and Exchange Commission approved ETFs in January to make it easier for investors to gain exposure to the price movements of bitcoin as part of diversified portfolios without having to go through the sometimes-onerous process of owning the digital coins themselves.

The ETFs have collectively already attracted billions of dollars of investments.

The cryptocurrency world is also banking on a price rally coming after a technical event known as "halving" occurs in April. That causes the rate of supply of new bitcoin to decline. So if demand remains unchanged or even grows, the price goes up.

Bitcoin remains highly controversial, and many mainstream investment experts and market regulators urge caution about investing in it. For instance, SEC Chair Gary Gensler said the agency's ETF approvals were not an endorsement of bitcoin, calling it a "speculative, volatile asset."

Recommended

Markets

Trump Media stock falls to new low

And in a blog post in January, executives at the financial giant Vanguard echoed that view, saying cryptocurrencies like bitcoin are "more of a speculation than an investment," which is why the company does not offer crypto products.

"With equities, you own a share of a company that produces goods or services, and many also pay dividends," Vanguard said. "With bonds, you get a stream of interest payments. Commodities are real assets that meet consumption needs, have inflation-hedging properties, and can play a role in certain portfolios."

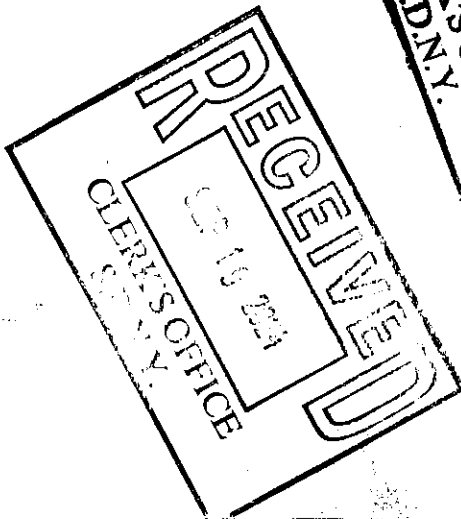
"While crypto has been classified as a commodity, it's an immature asset class that has little history, no inherent economic value, no cash flow, and can create havoc within a portfolio."

Rob Wile

Rob Wile is a Pulitzer Prize-winning journalist covering breaking business stories for NBCNews.com.

<https://www.nbcnews.com/business/markets/bitcoin-approaches-new-high-how-much-and-why-rcna141617>

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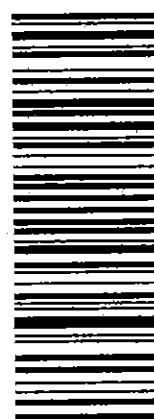
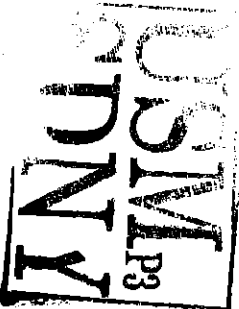
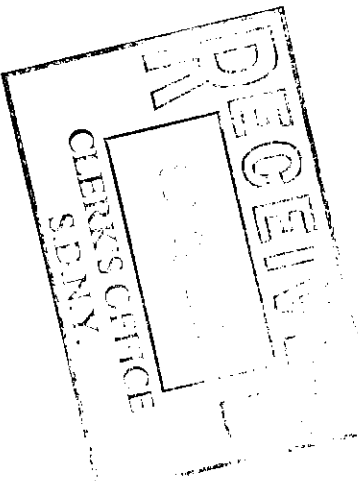
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