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April 30, 2025

VIA ECF

Hon. Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: CFTC v. Alexandre and EminiFX, Inc., No. 22 Civ. 3822 (VEC)
Application for Payment of Fees and Expenses – First Quarter 2025

Dear Judge Caproni:

Pursuant to this Court's Order dated June 10, 2022 concerning applications for professional fees and expenses [Dkt. 47], as amended on February 2, 2023 [Dkt. 187] and on June 30, 2023 [Dkt. 209] (the "**Employment Order**"), David Castleman, the court-appointed receiver (the "**Receiver**") over Defendant EminiFX, Inc. ("**EminiFX**") and certain assets of Defendant Eddy Alexandre ("**Alexandre**"), in the above-referenced action (the "**Civil Action**") pursuant to the Consent Order for Preliminary Injunction [Dkt. 56] ("**Consent Order**"), respectfully submits this application (the "**Application**") for the payment of professional fees and expenses for the period of October 1, 2024 through December 31, 2024 (the "**Application Period**"). The Receiver requests approval of payment of fees and expenses to the Receiver and the following firms: Otterbourg P.C. ("**Otterbourg**"), J.S. Held LLC ("**JS Held**"), Deloitte Tax LLP ("**Deloitte Tax**"), Crowe LLP ("**Crowe**"), and Stretto, Inc., ("**Stretto**") (collectively, the "**Professional Firms**").

During the Application Period, the Receiver achieved his goal of making a major initial distribution to investors, completing the transaction review process, receiving and processing initial responses during the objection period, and collecting payment information for the distribution process. In a lengthy decision, the Court approved the Distribution Plan on January 21, 2025 [Dkt. 431]. On January 23, the Receiver announced a \$100 million initial distribution [Dkt. 434]. As of this writing, over \$83 million has been distributed to over 20,000 EminiFX investors, and the Receiver will continue to distribute funds as investors continue to provide payment information on the online User Portal.

The Receiver and each of the Professional Firms have agreed to a public-service discount of their fees given the circumstances of the receivership. For the Application Period, (i) the Receiver requests fees of \$54,107.50; (ii) Otterbourg requests fees of \$503,633.50 and expenses of \$530.40; (iii) JS Held requests fees of \$206,870.00 and expenses of \$12,607.30; (iv) Deloitte Tax requests fees of \$119,541.00 and expenses of \$5,977.00; (v) Crowe requests fees of \$1,275.00; and (vi) Stretto requests fees of \$305,388.47 and expenses of \$27,988.74. The combined Receiver and Otterbourg discount totals \$164,059.00, as reflected in the respective invoices.



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The total requested or incurred fees of \$1,190,815.47 and expenses of \$47,103.44 for the Application Period are reasonable given the significant complexity and substantial work completed, as set forth in detail in Part III. The total request of slightly less than the prior quarter, reflecting substantial decreases in the Receiver, Otterbourg and JS Held requests, somewhat offset by increases in the Stretto request (including both the cost of distribution and responding increased user requests) and in the Deloitte Tax request (which include preparation of the pre-receivership federal and state tax returns). The Standardized Fund Accounting Report annexed to the Receiver's affidavit shows the cash flows in and out of the Receivership.

The Receiver and his professionals have maintained and presented their time and expense charges as set forth in the Billing Instructions for Receivers in Civil Actions Commenced by the Commodity Futures Trading Commission ("CFTC") (the "**CFTC Billing Instructions**"), as required by the Employment Order. These detailed time entries have been approved by the CFTC, which consents to this request, and those time entries will be submitted to the Court separately under seal pursuant to the Employment Order. Attached as Exhibits 1-6 are affidavits setting forth narrative explanations of the services provided.

This Application will be posted on the homepage of the Receiver's website at www.eminifxreceivership.com. Any EminiFX members who have any questions regarding this Application may send an email to the Receiver's team at EminiFX@Stretto.com, as directed by this Court in its order dated August 12, 2022 [Dkt. 106]. Unless a party has made a motion to intervene, and that motion has been granted by the Court, parties should **not** send any inquiries directly to the Court [Dkts. 174, 176].

I. Authority for Requested Relief

A receiver appointed by a court "who reasonably and diligently discharges his duties is entitled to be fairly compensated for services rendered and expenses incurred. The amount of the compensation is to be determined by the court in the exercise of its reasonable discretion." *SEC v. Byers*, 590 F. Supp. 2d 637, 644 (S.D.N.Y. 2008). "This presumption of reasonable compensation extends to a receiver's counsel and professionals." *SEC v. Morgan*, 504 F. Supp. 3d 221, 223 (W.D.N.Y. 2020) (quoting *SEC v. Platinum Mgmt. (NY) LLC*, No. 16-CV-6848, 2018 WL 4623012, at *4 (E.D.N.Y. Sept. 26, 2018)). "The Court considers several factors in determining a reasonable fee, including '(1) the complexity of problems faced, (2) the benefits to the receivership estate, (3) the quality of the work performed, and (4) the time records presented.'" *Id.* (quotations omitted). The Court may also consider "the reasonableness of the hourly rate charged and the reasonableness of the number of hours billed." *SEC v. Amerindo Inv. Advisors Inc.*, No. 05 Civ. 5231, 2015 WL 13678841, at *1 (S.D.N.Y. Sept. 14, 2015) (citations omitted). "In addition, in a securities receivership, opposition or acquiescence by the [regulatory agency] to the fee application will be given great weight." *Byers*, 590 F. Supp. 2d at 644 (cleaned up).



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II. Procedural History

The Receiver's First Quarter 2025 Report, filed on April 30, 2025, sets forth in detail the procedural history during the Application Period [Dkt. 476, at 4-8].

On January 6, 2025, the Receiver filed an Amended Non-User Claims Report [Dkt. 427], following the resolution of all non-user claims. On January 21, 2025, the Court entered an Opinion and Order approving the Receiver's Proposed Plan [Dkt. 431], and two days later the Receiver filed a Notice of Initial Distribution [Dkt. 434].

On January 27, 2025, a group of EminiFX users, including Pierre Acluche, filed a renewed motion to intervene in this case [Dkt. 439]. The motion was accompanied by a letter request from Mr. Acluche in opposition to the Plan [Dkt. 438]. On January 30, 2025, the Court entered an Order [Dkt. 442] denying the renewed motion based on the same reasons articulated in the Court's orders denying the prior intervention motions [Dkts. 256, 316, 365], and rejected Mr. Acluche's opposition to the Plan. Mr. Alexandre filed a motion to reconsider the Court's January 30 order [Dkt. 453], which the Court denied by order entered February 21, 2025 [Dkt. 457]. On February 20, 2025, Mr. Acluche filed a notice of appeal from the January 30 order [Dkt. 452]. That appeal has been docketed and is pending in the Second Circuit [Dkt. 25-632].

On January 28, 2025, Mr. Alexandre filed a document titled, Emergency Motion for Leave to Proceed on an Interlocutory Appeal, seeking leave to appeal the Distribution Order and the order dismissing counterclaims filed by Mr. Alexandre against the CFTC and the Receiver [Dkt. 433]. The same day, the Receiver filed a letter confirming his intent to continue with distributions under the Plan, as the Distribution Order [Dkt. 431]. On January 30, 2025, the Court ordered that the Distribution Plan is effective unless and until a motion to stay the Distribution Order is granted. To date, no such order has been entered.

On January 31, 2025, the Receiver filed a Fourth Quarter 2024 status report [Dkt. 444], and a fee application for that quarter [Dkt. 445]. On March 10, 2025, the Court approved the Receiver's application for fees and expenses for the Fourth Quarter 2024 [Dkt. 459].¹

On February 19, 2025, the Receiver filed a motion to compel Alexandre to turnover assets and information (the "Motion to Compel") [Dkt. 448-451]. Mr. Alexandre filed a response on April 1, 2025 [Dkt. 466], and the Receiver replied on April 15, 2025 [Dkt. 470]. The motion is currently pending.

¹ Prior fee applications had been granted on August 5, 2022 [Dkt. 92], October 25, 2022 [Dkt. 167], January 27, 2023 [Dkt. 185], February 13, 2023 [Dkt. No. 191], May 11, 2023 [Dkt. 198], August 10, 2023 [Dkt. 227], November 15, 2023 [Dkt. 237], February 9, 2024 [Dkt. 255], May 16, 2024 [Dkt. 307], August 16, 2024 [Dkt. 385], and November 26, 2024 [Dkt. 424].



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III. Summary of Services During the Application Period

Transaction Verification and User Claims. The Receiver and his teams at Otterbourg, JS Held, and Stretto continued to implement the transaction verification and claims process, completing their quality control review during the fourth quarter 2024. On October 30, 2024, the Schedule of User Transactions was filed which showed the results of the Receiver's review, in which most of the nearly 120,000 transactions were resolved but for which just over 7,000 transactions (about 6% of the total) remained disputed, affecting 3,627 users (around 10% of the total—some users had both disputed and undisputed transactions).

During the Application Period the Receiver and his teams continued to communicate with those remaining users in order to resolve their claims. Some users have holds on their accounts and need further review. The Receiver and his team expect to spend the next quarter resolving the remaining users and submitting any disputes that cannot be resolved amicably to the Court for omnibus resolution, with the first such motion expected on or about May 23, 2025.

Net Winners. During the Application Period, the Receiver and his team began to implement the settlement process for net winners, including creating a model settlement agreement and functionality on the User Portal to allow net winners to accept the settlement and make the appropriate payment. Demand letters were sent out shortly after the close of the Application Period, and the Receiver has begun to receive responses.

Distributions. As previously reported, on August 9, 2024, the Receiver filed his Plan Motion and Proposed Plan. During the prior application period, in anticipation of the Proposed Plan being approved, the Receiver and his team began collecting payment information from EminiFX users. A function was added to the Portal to enable users to easily and securely send preferred method of payment. On January 21, 2025, the Court approved the Receiver's Proposed Plan [Dkt. 431]. Two Days Later, the Receiver filed a Notice of Initial Distribution [Dkt. No. 434], announcing initial distribution and rising tide percentages at 45% for Class 3 and 55% for Class 3A. The total budget for the initial distribution is approximately \$100 million which is a majority of the over \$150 million held in the Receivership before distributions began.

During the Application Period, the Receiver and his teams began the process of making the initial distribution. The Receiver and his teams implemented various quality control procedures to ensure accuracy, which required substantial review by both JS Held and Stretto. On February 28, 2025, the Receiver was able to commence the first wave of the Initial Distribution, which included all eligible users that had provided payment information and were not otherwise subject to a review hold. A second wave was completed on or about March 31, 2025. As of March 31, 2025, distributions were made to a total of 17,906 users, in the aggregate amount of \$76,841,214.52. Around \$6.6 million in payments to nearly 3,000 additional users were completed in April 2025, and additional waves of the initial distribution will be made to more users as they



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become eligible and provide their payment information. The distribution also resulted in significantly increased activity for the disbursement and call center teams at Stretto.

Tax Liability. During the Application Period, the Receiver's tax accountants at Deloitte Tax prepared the substantial federal income tax filing for the EminiFX pre-receivership tax liability, which was filed with a zero-dollar tax liability in light of the complex circumstances present in this case. Deloitte Tax also prepared the New York State filing, which was finalized and filed just after the close of the Application Period.

Third Party Claims. The Receiver's legal team at Otterbourg, in consultation with and supervised by the Receiver, continued its investigation into potential claims that the receivership may have against third parties. Such claims could result in a direct financial recovery of the estate, or in the reduction or elimination of certain claims against the estate. The Receiver continued an investigation into an issue concerning millions of dollars of EminiFX funds.

In addition, in light of information discerned during the non-user claims process, the Receiver discovered that over \$500,000 in EminiFX funds was used by Alexandre to purchase two luxury watches, and the Receiver initiated turnover request to Alexandre. Alexandre responded refusing to comply with the turnover request. As stated above, the Receiver filed the Motion to Compel which requests Alexandre to turnover the watches, any EminiFX assets and any information and passwords needed to access his EminiFX laptop as well as his Gmail password. The Motion to Compel is pending.

At the beginning of the Application Period, Interactive Brokers LLC ("IBKR") removed the state court action filed against it by the Receiver to this Court. On January 13, 2025, the Court entered an order directing IBKR to show cause why the action should not be remanded for lack of jurisdiction [IBKR Dkt. 9]. On January 30, the Receiver filed a brief in support of remand [IBKR Dkt. 13]. On April 10, the Court remanded the case to state court [IBKR Dkt. 14].

After significant work investing and drafting a complaint during the Application Period, on March 25, 2025, the Receiver filed a complaint against Clarelle Dieuveuil, the former Chief Financial Officer of EminiFX, *David A. Castleman as Receiver for EminiFX, Inc. v. Clarelle Dieuveuil*, Index No. 651642/2025 in the Supreme Court for the County of New York. The complaint alleges that the CFO is liable for breach of fiduciary duty and for fraud arising from specific actions she took as CFO in furtherance of the operation of EminiFX. The complaint also alleges that the CFO received transfers of over \$500,000 from EminiFX, for which no value was provided, and seeks to avoid those transfers. The Receiver granted Ms. Dieuveuil's request for an extension to file a response, which is due on May 16, 2025.

Administration of the Estate and Case. The Receiver, assisted by his counsel at Otterbourg, supervised the administration of the estate, including monitoring bank accounts,



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redirecting and opening mail, and other tasks incidental to the management of the estate. The Receiver, with the assistance of Otterbourg, filed a status report advising the Court of the activities from the prior quarter [Dkt. 444]. The Receiver also continues to communicate with Alexandre regarding the Receivership as necessary via the CorrLinks system and the U.S. Mail. In general, the Receiver will conserve estate resources by filing responses to motions by Alexandre only when necessary or when ordered by the Court.

IV. Summary of Fees and Expenses Requested

The Receiver includes herewith affidavits from himself and the lead from each of the Professional Firms. Pursuant to the Employment Order, detailed time entries are filed separately under seal. The aggregate fees being requested have been discounted for the public service each firm has been performing. The Receiver and the Professional Firms have reasonably and diligently exercised their duties during the Application Period, and the Receiver respectfully submits that they are entitled to be fairly compensated for services rendered.

The Receiver. As set forth above, the Receiver spent substantial time administering all aspects of the receivership. The Receiver respectfully requests the Court approve payment of \$54,107.50 in fees to the Receiver, which reflects a discount of over 50% from his normal rate. The Castleman Affidavit attached as Exhibit 1 includes additional detail on his billing, as well as his supervision of the various Professional Firms.

Otterbourg. As set forth above, Otterbourg spent substantial time assisting the Receiver in administering and providing legal advice concerning all aspects of the receivership, including completing the initial distribution, continuing to resolve remaining user claims and investigating and litigating potential third-party claims. The Receiver respectfully requests the Court approve payment of \$503,633.50 in fees (reflecting the 15% public service discount and additional discounts as requested by the Receiver) to Otterbourg, and expenses in the amount of \$530.40 for filing fees, all other expenses were waived. The Feeney Affidavit attached as Exhibit 2 describes in more detail the work performed.

JS Held. JS Held continued to provide substantial forensic services to the estate, including the development of the review platform and analysis of remaining user transactions in connection claims process and assisting in the claims and distribution process. The Receiver respectfully requests the Court approve payment of \$206,870.00 in fees and \$12,607.30 in expenses to JS Held. The O'Malley Affidavit attached as Exhibit 3 describes in more detail the work performed.

Deloitte Tax. Deloitte Tax has provided the estate with tax analysis and strategic advice, in connection with determining EminiFX's pre-receivership tax liability. Deloitte Tax assisted in preparing and filing the federal corporate tax return and took initial steps towards preparing to file a New York state corporate tax return. The Receiver respectfully requests the Court approve



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payment of \$119,541.00 in fees and \$5,977.00 in expenses to Deloitte Tax. The Young Affidavit attached as Exhibit 4 describes the work performed.

Crowe. Crowe has provided the estate with critical tax support and analysis, including assisting in preparing the corporate tax return. The Receiver respectfully requests the Court approve payment of \$1,275.00 in fees to Crowe. The Davis Affidavit attached as Exhibit 5 describes the work performed.

Stretto. Stretto played a key role in implementing the initial distribution by collecting payment information through the Portal and preparing checks and wires for distribution. Stretto has managed all user communications and continued to play a key role in the implementation of the Portal and the transaction verification and claims process and the claims resolution and plan process. The Receiver respectfully requests the Court approve payment of \$305,388.47 in fees and \$27,988.74 in expenses to Stretto. The McElhinney Affidavit attached as Exhibit 6 describes in more detail the work performed.

V. Conclusion

The Receiver respectfully requests that the Court approve the fee and expense requests as set forth in this Application.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David A. Castleman", with a long horizontal flourish extending to the right.

David A. Castleman
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Receiver

Attachments

cc: Counsel of Record (*via ECF*)
Eddy Alexandre (*via U.S. Mail*)

Exhibit 1

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

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.

22 Civ. 3822 (VEC)

**DECLARATION OF DAVID CASTLEMAN IN SUPPORT OF APPLICATION
FOR FEES AND EXPENSES (JANUARY 1, 2025 – MARCH 31, 2025)**

1. I am an attorney duly licensed to practice in the State of New York, a member of the firm at Otterbourg, P.C. (“Otterbourg”), and the Receiver appointed by the Court in the above-captioned case. I have personal knowledge of the matters set forth below and if called as a witness, I would and could testify competently to the matters stated herein.

2. On May 11, 2022, the Court entered a Statutory Restraining Order (the “SRO”) appointing me as Temporary Receiver [Dkt. 9], and on June 15, 2022, the Court entered a Consent Order for Preliminary Injunction (the “Consent Order”) appointing me as Receiver [Dkt. 56]. On June 10, 2022, the Court entered an order authorizing me to employ Raines Feldman LLP (“Raines Feldman”), Forchelli Deegan Terrana LLP (“FDT”), JS Held, LLC (“JS Held”), Crowe LLP (“Crowe”), and Stretto, Inc. (“Stretto”) [Dkt. 47 (the “Employment Order”)]. On February 2, 2023, the Court entered an order authorizing me to substitute Raines Feldman for Otterbourg as my counsel effective as of January 30, 2023 [Dkt. 187]. On June 30, 2023, the Court entered an order authorizing me to employ Deloitte Tax LLP (“Deloitte Tax”) (the “Deloitte Retention Order”)

[Dkt. 209]. For purposes of this declaration, Otterbourg, JS Held, Stretto, Crowe, and Deloitte Tax shall be referred to as the “Professional Firms.”

3. This declaration is made in support of the Application for Fees and Expenses (the “Application”) for the Receiver and the Professional Firms from January 1, 2025 through March 31, 2025 (the “Application Period”). Annexed to this declaration is a true and correct copy of the Standardized Fund Accounting Report for the First Quarter 2025 that I prepared for this matter.

4. I supervised generally the work of the Professional Firms and I have reviewed and approved their invoices as set forth herein, subject to review by the Commodity Futures Trading Commission (the “CFTC”) and approval of the Court.

5. The Professional Firms and I have maintained and presented our time and expense charges as set forth in the Billing Instructions for Receivers in Civil Actions Commenced by the CFTC (the “CFTC Billing Instructions”). The CFTC has approved the time and expense charges under the CFTC Billing Instructions and has advised me that it does not have any opposition to the Application.

MY WORK AS RECEIVER

6. During the Application Period, the Professional Firms and I performed a considerable amount of services for the benefit of the estate. The Professional Firms, acting under my direction, performed services administering the estate, implemented and developed the procedures for submitting transactions and claims, and assisted me with a broad range of matters that have arisen in the receivership. The primary focus of me and my team was effectuating a distribution to eligible EminiFX Users.

7. In the interests of the estate and pursuant to the Employment Order, I have discounted my regular billing rate to more than half, to \$575 per hour. I spent 94.1¹ hours on billable time during the Application Period, for a total of \$54,107.50 in requested fees.² All of my time records reflect time recorded in the regular and ordinary course of administering the receivership estate contemporaneously with the services provided. True and correct copies of my time records are attached as Exhibit 1-1³, and filed under seal pursuant to the Employment Order.

8. During the Application Period, I managed receivership operations with the assistance of Otterbourg as legal counsel, JS Held as financial advisor, Stretto as claims administrator, Crowe as tax professionals and Deloitte Tax as special tax professionals. I coordinated with Stretto regarding the claims process, website administration, and responding to investor communications.

9. Otterbourg and I drafted a status report [Dkt. 444] filed on January 31, 2025 to apprise the Court and interested parties of the activities of the receivership for the fourth quarter of 2024.

10. In this civil action, as previously reported, Alexandre has been proceeding pro se. Otterbourg and I have been reviewing motions and requests filed by Alexandre and preparing and filing responses to those requests as necessary. Pursuant to this Court's April 2, 2024 Order [Dkt. 290], Alexandre has added me as an approved contact in the CorrLinks system. I have continued

¹ Hours do not include any time in connection with preparing or reviewing fee applications. Due to changes in Otterbourg's billing system, amounts and time written off under project code B160 will not appear on the invoice.

² At my normal billing rate, the total fees would have been \$117,625.00. The total requested fees of \$54,107.50 reflect a discount of \$63,517.50, which is an effective 54% reduction.

³ Beginning this Application Period, I have discontinued the use of project codes P18 (EminiFX User Transaction Review) and P19 (Distribution and Plan), as that work has been completed. All future work related to claims and distribution will be tracked in project code P05 (Claims Administration & Objections).

to communicate with Alexandre through the CorrLinks system regarding various issues in the Receivership, including sending Alexandre emails with the docket entries of orders entered by the Court, as well as copies of those orders via U.S. Mail.

11. Otterbourg and I continued to monitor activity in the criminal case, *U.S. v. Alexandre*, No. 22 Cr. 326 (JPC) (S.D.N.Y.) (the “Criminal Action”) as well as *Joseph v. General Conference Corporation of 7th Day Adventist et al.*, No. 23 Civ. 21552 (S.D. Fla.) (the “Florida Action”). The Florida Action was dismissed on February 26, 2025. On March 27, 2025, the plaintiffs filed a motion to reconsider the dismissal order and requested leave to file a third amended complaint which is still pending.

12. Otterbourg and I continued to undertake discovery requests, in an effort to gather information regarding EminiFX and to analyze and pursue potential third-party claims. Otterbourg and I communicated with third parties with additional follow-up questions and document requests.

13. I continued my investigation into half a million dollars of luxury watches that I discovered were purchased using cryptocurrency from the EminiFX CoinPayments account. Upon investigation and based on information discovered regarding the watches, on February 19, 2025, I filed a motion to compel Mr. Alexandre to turn over all EminiFX assets and assets held by Mr. Alexandre traceable to EminiFX [Dkts. 448-451], including two luxury watches purchased with EminiFX funds and turnover passwords and any other necessary authentication to access Mr. Alexandre’s laptop and Gmail account, which Mr. Alexandre used for EminiFX business [see Dkt. 449]. Mr. Alexandre filed a response on April 1, 2025 [Dkt. 466], and Otterbourg filed my reply on April 15 [Dkt. 470]. The motion remains pending. I also continued my investigation into an issue concerning millions of dollars of EminiFX funds.

14. During the last application period, I commenced an action against Interactive Brokers LLC (“IBKR”) in the Supreme Court of the State of New York County of New York, *David A. Castleman, as Receiver for EminiFX, Inc. v. Interactive Brokers LLC*, Index No. 659407/2024, seeking damages based on IBKR’s alleged facilitation of transactions connected to EminiFX. IBKR removed the action to federal court, and at my instruction Otterbourg began drafting a motion to remand. While I was reviewing that draft, the Court issued an order to show cause on whether jurisdiction existed. Otterbourg assisted me with converting the draft motion to a brief in opposition to federal jurisdiction, which was filed on January 30, 2025.

15. Upon information discovered during the claims and distribution process, Otterbourg and I prepared and filed a complaint against Clarelle Dieuveuil, the former Chief Financial Officer of EminiFX, captioned *David A. Castleman as Receiver for EminiFX, Inc. v. Clarelle Dieuveuil*, Index No. 651642/2025 in the Supreme Court for the County of New York. The complaint was filed on March 25, 2025 and alleges that the CFO is liable for breach of fiduciary duty, arising from specific actions she took as the CFO in furtherance of the operation of EminiFX.

16. Otterbourg, JS Held, Stretto and I continued our review and analysis of the user transaction submissions. As previously reported, the primary phase of the transaction review process was completed during the fourth quarter. I continued to review and resolve the remaining User’s with disputed transactions or review holds, updating each User’s Portal and transaction log as their account was resolved. During the Application Period, I also supervised the preparation of a settlement process to voluntarily recover funds for users who withdrew more than they deposited during EminiFX’s operation (net winners), which was commenced shortly after the close of the Application Period.

17. On January 21, 2025, the Court approved the proposed plan [Dkt. 431]. Otterbourg and I prepared and filed a Notice of Initial Distribution [Dkt. 434] which sets forth percentages and amounts claimants would receive (45% for Class 3 and 55% for Class 3A). My total budget for the distribution, assuming I can distribute to every eligible claimant, and accounting for the need to distribute to disputing claimants upon resolution of their disputes, is \$100 million.

18. During the Application Period, multiple meetings were held to discuss the distribution process. At my direction and under my supervision, JS Held and Stretto created, documented, and implemented a rigorous quality control protocol to ensure distributions were being made correctly and securely, given the substantial volume of users and the practical impossibility of reversing most distributions. I received regular updates from JS Held and Stretto ensuring that this protocol was being implemented.

19. The first wave of the initial distribution commenced in February 2025, after completion of the quality control protocol, with a second wave completed on or about March 31, 2025. As of March 31, 2025, \$76,841,214.52 was distributed to 17,906 eligible Users. An additional \$6.6 million was distributed to around 3,000 users in April 2025. I will continue to make additional waves of distributions as disputed transactions are resolved and users provide their payment information using the Portal. With assistance from my team, I have begun to discuss and analyze a second distribution.

20. During the Application Period, I continued to work with my tax and accounting advisors to review and analyze certain tax issues, including liability. I also assisted in preparing and filing a corporate tax return for 2023 with a tax liability of \$0.

ATTESTATIONS

21. To the best of my knowledge, all the fees requested in my billing records attached hereto as Exhibit 1-1 are true and correct and comply with the CFTC Billing Instructions.

22. The fees that I have charged as Receiver are reasonable, necessary, and commensurate with the skill and experience required for the activity performed. My services and time expenditures are reasonable in light of the labor required for the matters for which I was appointed. I respectfully submit that I have not expended time unnecessarily and that I have rendered efficient and effective services.

23. In seeking reimbursement of services for which I purchased or contracted for from a third party, I have only requested reimbursement for the amount billed by the third-party vendor and paid to the vendor. I have not made a profit on such reimbursable services. I have not included in the amount for which reimbursement is sought the amortization of the cost of any investment, equipment, or capital outlay.

SUPERVISION OF PROFESSIONALS

24. I have reviewed the declaration submitted by Jennifer S. Feeney of Otterbourg attached as Exhibit 2, and the invoice and time entries for Otterbourg attached as Exhibit 2-1. During the Application Period, Otterbourg has assisted me with all aspects of the administration of this case, including drafting of status reports, communications with parties-in-interest, managing the transaction verification and claims process, analyzing potential third party claims and litigation of those claims, assisting with my analysis of the EminiFX tax liability, and assisting with and implementing the plan of distribution.

25. Otterbourg has spent a considerable amount of time assisting and giving legal advice regarding the claims process, procedures and next steps. Upon completion of the

transaction review, Otterbourg played a key role in preparing the updated portal and continuing to resolve the remaining disputed claims.

26. In my view, the fees that Otterbourg seeks are reasonable, necessary, and commensurate with the skill and experience required for the activity performed; and Otterbourg's services and time expenditures are reasonable in light of the labor required for the matters for which Otterbourg was retained and performed at my direction. In an effort to keep fees low, Otterbourg has been utilizing lower billers for ongoing, time consuming tasks with senior attorney overview.

27. Otterbourg has, at my request, written off additional otherwise billable items, which I believe is appropriate under the circumstances. To the best of my knowledge, information and belief formed after reasonable inquiry, all the fees and expenses requested in Exhibit 2-1 comply with the CFTC Billing Instructions.

28. I have reviewed the declaration submitted by Stephen O'Malley of JS Held attached as Exhibit 3, and the invoice and time entries for JS Held attached as Exhibit 3-1. JS Held spent considerable effort compiling the correct distribution numbers for all claimants, in ensuring that such payment amount data was properly sent to Stretto, and in implementing the rigorous quality control protocol regarding the initial distribution. JS Held also provided the estate with financial advice and various project management and organizational functions, including the corporate tax return.

29. In my view, the fees that JS Held seeks are reasonable, necessary, and commensurate with the skill and experience required for the activity performed; and JS Held's services and time expenditures are reasonable in light of the labor required for the matters for which JS Held was retained and performed at my direction. To the best of my knowledge,

information and belief formed after reasonable inquiry, all the fees and expenses requested in Exhibit 3-1 comply with the CFTC Billing Instructions.

30. I have reviewed the affidavit submitted by Daniel Young of Deloitte Tax attached as Exhibit 4, and the invoice and time entries for Deloitte Tax attached as Exhibit 4-1. During the Application Period, Deloitte Tax assisted in providing me with tax analysis and strategic advice related to the pre-receivership tax liability of EminiFX, in connection with my obligation to file a pre-receivership tax return. Deloitte Tax spent considerable time preparing the federal and state pre-receivership tax returns, allowing me to file the federal return during the Application Period and the state return shortly after the close of the Application Period.

31. In my view, the fees and expenditures that Deloitte Tax seeks are reasonable, necessary, and commensurate with the skill and experience required for the activity performed. To the best of my knowledge, information and belief formed after reasonable inquiry, all the fees and expenses requested in Exhibit 4-1 comply with the CFTC Billing Instructions and the Deloitte Retention Order concerning expenses [Dkt. 209, at 3 n.2].

32. I have reviewed the affidavit submitted by Conrad Davis of Crowe attached as Exhibit 5, and the invoice and time entries for Crowe attached as Exhibit 5-1. Crowe has served as the estate's tax advisor. During the Application Period, Crowe advised me on the Qualified Settlement Fund tax liability of the Receivership. Crowe also assisted in pre-receivership tax advice, where applicable.

33. In my view, the fees that Crowe seeks are reasonable, necessary, and commensurate with the skill and experience required for the activity performed; and Crowe's services and time expenditures are reasonable in light of the labor required for the matters for which Crowe was retained and performed at my direction. To the best of my knowledge, information and belief

formed after reasonable inquiry, all the fees and expenses requested in Exhibit 5-1 comply with the CFTC Billing Instructions.

34. I have reviewed the declaration submitted by Daniel McElhinney of Stretto attached as Exhibit 6, and the invoice and time entries for Stretto attached as Exhibit 6-1. Stretto is a highly experienced claims administrator, and has been instrumental in advising of the claims administration process and in maintaining the EminiFX User Portal.

35. During the Application Period, at my direction, Stretto has played a key role in the distribution process. Stretto managed the payment process for both digital disbursements and for checks, ensuring that tens of thousands of payments were made to the correct investors. At my direction, Stretto took the lead in preparing a rigorous quality control protocol to ensure that the correct payment amounts were made to the correct user payment information, and in implementing that protocol throughout the Initial Distribution.

36. Stretto assisted me in updating the Receivership website with court filings, sending notices regarding the claims process, and ensuring that the website, email communications and town hall videos are also available in Haitian Creole and French. Stretto has also reviewed, tracked, and responded to EminiFX investor communications (which were substantially higher during the Application Period due to the implementation of the Initial Distribution); and circulated investor communications reports.

37. In my view, the fees that Stretto seeks are reasonable, necessary, and commensurate with the skill and experience required for the activity performed; and Stretto's services and time expenditures are reasonable in light of the labor required for the matters for which Stretto was retained and performed at my direction. To the best of my knowledge, information and belief

formed after reasonable inquiry, all the fees and expenses requested in Exhibit 6-1 comply with the CFTC Billing Instructions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 30th day of April 2025 at New York, New York.

/s/ David A. Castleman

David A. Castleman

General Receivership
2025 1Q


STANDARDIZED ACCOUNTING REPORT FOR EminiFX, Inc. and Alexandre Receivership
Civil Court Docket No. 22 Civ. 3822 (VEC) (S.D.N.Y.)
Reporting period 01/01/2025 to 03/31/2025

		Detail	Subtotal	Grand Total	Notes
Line 1	Beginning Balance (01/01/2025)	\$151,812,793		\$151,812,793	Total Balance
Increases in Fund Balance					
Line 2	Business Income				
Line 3	Cash and Securities				
Line 4	Interest/Dividend Income	\$658,759			
Line 5	Asset Liquidation				
Line 6	Third Party Litigation Income				
Line 7	Other Miscellaneous				
	Total Funds Available - Total Lines 1-7		\$658,759	\$152,471,552	
Decreases in Fund Balance					
Line 9	Disbursements to Investors		(\$76,841,215)		Distribution Plan [Dkt 431]
	Investors over \$1,000 (Class 3, 45%)	(\$76,066,376)			Class 3 (45%)
	Investors under \$1,000 (Class 3A, 55%)	(\$774,839)			Class 3A (55%)
9a	Disbursements to Other Claimants	(\$249,750)	(\$249,750)		Class 4 (45%)
Line 10	Disbursements for Receivership Operations				
	Disbursements to Receiver/Other Professionals	(\$1,299,317)			2024 4Q Fees [Dkt 459]
10a					Asset Searches [Dkt 91]
10b	Third Party Litigation Expenses	(\$3,100)			
10c	Asset expenses				
10d	Tax Payments				
	Total Disbursements for Receivership Operations		(\$1,302,417)		
Line 11	Disbursements Related to Distribution Expenses				
Line 12	Disbursements to Court/Other				
Line 13	Other				
	Total Funds Disbursed - Total Lines 9 - 13		(\$78,393,382)	\$74,078,170	
Line 14	Ending Balance (as of 03/31/2025)		(\$77,734,623)	\$74,078,170	Total Balance

*General Receivership
2025 1Q*

Other Supplemental Information		
Line 15	Number of Claims	8 non-investor plus 32,553 to 33,109 investor claims
15a	No. of Claims Received This Reporting Period	0 new claims
15b	No. of Claims Received Since Inception of Estate	32,561 to 33,117
Line 16	Number of Claimants/Investors	32,561 to 33,117
16a	No. of Claimants/Investors Paid This Reporting Period	17,907 (15,552 Class 3; 2,354 Class 3A; 1 Class 4)
16b	No. of Claimants/Investors Paid Since Inception of Estate	17,914 (15,552 Class 3; 2,354 Class 3A; 8 Class 4)

Receiver: David Castleman

By: 

David Castleman
Receiver

Date: April 28, 2025

Standardized Accounting Report Form

Exhibit 1-1

(filed under seal)

Exhibit 2

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

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.

22 Civ. 3822 (VEC)

**DECLARATION OF JENNIFER FEENEY IN SUPPORT OF APPLICATION
FOR FEES AND EXPENSES (JANUARY 1, 2025 – MARCH 31, 2025)**

1. I am an attorney duly licensed to practice in the State of New York and a member of the firm at Otterbourg, P.C. (“Otterbourg” or “Firm”), counsel to the Receiver in the above-captioned case. Unless otherwise indicated, I have personal knowledge of the matters set forth below and if called as a witness, I would and could testify competently to the matters stated herein.

2. This declaration is made in support of the Application for Fees and Expenses from January 1, 2025 through March 31, 2025 (the “Application”).

3. On February 2, 2023, the Court entered an order authorizing the Receiver to engage Otterbourg as general counsel to the Receiver effective as of January 30, 2023 [Dkt. 187] under the terms of the Employment Order entered by this Court on June 10, 2022 [Dkt. 47] (the “Employment Order”). I directly supervise the professionals and staff of Otterbourg with respect to this representation.

4. In the interests of the estate and pursuant to the Employment Order, Otterbourg has provided a public service accommodation of a 15% reduction on the aggregate recorded professional fees. Expenses are billed separately.

5. A true and correct copy of the Firm's invoice reflecting the detailed time entries for the services we provided from January 1, 2025 through March 31, 2025 (the "Application Period") has been submitted under seal as Exhibit 2-1¹, as required by the Employment Order. Otterbourg spent a total of 683.1 hours on the matter, and incurred fees in the amount of \$604,175.00 (the "Gross Services Amount"), subject to over 16% in discounts as set forth below, for a net fee request of \$503,633.50 and expenses in the amount of \$530.40.

6. The Gross Services Amount was discounted by \$11,665.00.² The discounted amount of \$592,510.00 was further discounted by Otterbourg's 15% public service discount of \$88,876.50, for a total discount is \$100,541.50. The net fee request of \$503,633.50 is 83% of the total incurred amount.

7. The majority of Otterbourg's time was related to Otterbourg's key role in assisting the Receiver with the claims process, including distributions and the review and resolution of transaction submissions through the EminiFX User Portal (the "Portal"). Otterbourg completed the bulk of the initial transaction review during the third and fourth quarter 2024 with 650 remaining Users with disputed transactions or subject to a review hold. During the Application Period, Otterbourg communicated with the remaining Users in order to resolve their disputed transactions, including requesting additional documentation or information. As Otterbourg

¹ Beginning this Application Period, project codes P18 (EminiFX User Transaction Review) and P19 (Distribution and Plan) will no longer be used, as those tasks have been completed. All claims and distribution related work will be tracked in project code P05 (Claims Administration & Objections).

² Otterbourg did not bill any fees related to preparation of any fee application. Due to changes with Otterbourg's billing system, time spent and amounts written off for project code B160 will no longer appear on the invoice.

resolves the remaining User's transactions, each User's transaction log is updated to reflect those changes.

8. During the Application Period, Otterbourg also assisted the Receiver in resolving certain claims by commencing a settlement process to voluntarily recover funds for Users who withdrew more than they deposited during EminiFX's operation. Otterbourg has been communicating with those users through the Portal in attempt to settle claims.

9. As previously reported, on January 21, 2025, the Court approved the Receiver's proposed plan [Dkt. 431]. Otterbourg assisted the Receiver in preparing a Notice of Initial Distribution to advise Users the percentages and amounts they would receive [Dkt. 434].

10. Otterbourg participated in multiple meetings with the Receiver and his professionals to discuss the logistics of the distribution process, including quality control procedures. The initial distribution has thus far distributed more than \$80,000,000 to over 20,000 eligible Users, with more distributions expected as Users continue to provide their payment information.

11. During the Application Period, Otterbourg spent time assisting the Receiver with various matters, including aiding in the drafting of the Fourth Quarter 2024 Status Report filed on January 31, 2025 [Dkt. 444].

12. Throughout the Application Period, Otterbourg has been assisting the Receiver in reviewing various motions and requests filed by Alexandre. Otterbourg continues to assist the Receiver by preparing responses when necessary. On January 28, 2025, the Receiver received an Emergency Motion for Leave to Proceed on an Interlocutory Appeal from Alexandre seeking to appeal the Distribution Plan as well as another order. On that same day, Otterbourg assisted the Receiver in preparing and filing a letter out of caution, advising the Court that the Receiver intends

to proceed with initial distributions as instructed by the Court [Dkt. 440]. On January 30, 2025, the Court entered an order stating unless a notice of appeal is filed and the Court receives and grants a motion to stay, the order approving the Distribution Plan remains in effect [Dkt. 441]. As of the date of this filing, a notice of appeal has not been filed.

13. Otterbourg continued to monitor the related actions, including the criminal proceeding against Alexandre, *United States v. Alexandre*, No. 22 Cr. 326 (S.D.N.Y.) and the Florida Action, *Joseph v. General Conference Corporation of 7th Day Adventist et al.*, No. 23 Civ. 21552 (S.D. Fla.). The Florida Action was dismissed on February 26, 2025. On March 27, 2025, the plaintiffs filed a motion to reconsider the dismissal order and requested leave to file a third amended complaint which is still pending.

14. Otterbourg continued its investigation into potential claims that the Receivership may have against third parties. Such claims could result in a direct financial recovery of the estate, or in the reduction or elimination of certain claims against the estate. During the Application Period, Otterbourg reviewed documents received in response to subpoenas and communicated with third parties with follow-up questions and requests. Otterbourg also continued to assist the Receiver in his investigation into an issue concerning millions of dollars of EminiFX funds. In general, the Receiver's investigations remain ongoing.

15. In the prior application period, Otterbourg assisted the Receiver in filing a complaint against Interactive Brokers LLC ("IBKR") in the Supreme Court of the State of New York County of New York, *David A. Castleman, as Receiver for EminiFX, Inc. v. Interactive Brokers LLC*, Index No. 659407/2024 seeking damages based on IBKR's alleged facilitation of transactions connected to EminiFX. After IBKR removed the action to federal court, Otterbourg

assisted the Receiver in filing a brief in support of remand based on the lack of subject matter jurisdiction.

16. Otterbourg also assisted the Receiver in filing a complaint against Clarelle Dieuveuil, the former Chief Financial Officer of EminiFX, captioned *David A. Castleman as Receiver for EminiFX, Inc. v. Clarelle Dieuveuil*, 651642/2025 in the Supreme Court for the County of New York, Index No. 651642/2025. The Receiver alleges that the CFO is liable for breach of fiduciary duty, arising from specific actions she took as the CFO in furtherance of the operation of EminiFX.

17. Otterbourg also assisted the Receiver and Deloitte Tax in the preparation of a corporate federal tax return for EminiFX and the New York state corporate tax return for EminiFX, both for pre-receivership activity. Otterbourg periodically met with the retained tax professionals and assisted with the exchange of information to assist in the analysis of EminiFX's potential tax liability.

18. The fees that Otterbourg has charged are reasonable, necessary, and commensurate with the skill and experience required for the activity performed. Otterbourg's services and time expenditures are reasonable in light of the labor required for the matters for which Otterbourg was retained. In an effort to keep fees low, Otterbourg has been using lower billers for time consuming tasks with one senior attorney overseeing their work. Otterbourg respectfully submits that it has not expended time unnecessarily and that it has rendered efficient and effective services.

19. Otterbourg incurred costs of \$530.40 for filing fees. All other expenses were waived.

20. To the best of my knowledge, information and belief formed after reasonable inquiry, all the fees and expenses requested in the attached billing statements are true and correct

and comply with the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Commodity Futures Trading Commission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 30th day of April 2025 at New York, New York.

/s/ Jennifer S. Feeney

Jennifer S. Feeney

Exhibit 2-1

(filed under seal)

Exhibit 3

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

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.

22 Civ. 3822 (VEC)

**DECLARATION OF STEPHEN O'MALLEY IN SUPPORT OF APPLICATION
FOR FEES AND EXPENSES (JANUARY 1, 2025 THROUGH MARCH 31, 2025)**

1. I am a senior managing director at the firm of JS Held, LLC ("JS Held"), financial advisors to the Receiver in the above-captioned case. I have personal knowledge of the matters set forth below and if called as a witness, I would and could testify competently to the matters stated herein.

2. This declaration is made in support of the Application for Fees and Expenses from January 1, 2025 through March 31, 2025 ("Application").

3. The Receiver immediately retained JS Held as financial advisor following his appointment on May 12, 2022. On June 10, 2022, the Court entered an order authorizing the Receiver to employ JS Held (the "Employment Order"). I directly supervise the professionals and staff of JS Held that work on this matter.

4. In the interests of the estate and pursuant to the Employment Order, JS Held has provided public service accommodations for fees in the amounts of between 10% and 25%. Expenses are billed separately.

5. A true and correct copy of JS Held's invoice reflecting the detailed time entries for the services we provided from January 1, 2025 through March 31, 2025 (the "Application Period") has been submitted under seal as Exhibit 3-1, as required by the Employment Order. JS Held worked 528.1 hours and incurred fees in the amount of \$206,870.00 and expenses in the amount of \$12,607.30 during the Application Period.

6. As previously reported, the Receiver and his team completed the initial disputed transaction review. The Receiver's legal team continued to communicate with the remaining user's regarding their disputed transactions. As the Receiver's legal team continued to resolve user disputes, JS Held assisted in gathering, updating and transmitting the information to update each user's Portal. JS Held continued to maintain and improve, based on feedback from the Receiver and his team, a centralized electronic system to assist the Receiver and his team in reviewing and processing the remaining disputed transactions.

7. In addition, JS Held also assisted the Receiver with the intake of documents produced by parties by loading them onto the document database and addressing any issues. JS Held also reviewed the document productions to aide with the Receiver's investigation, and continued to assist the Receiver in his investigation into an issue concerning millions of dollars of EminiFX funds.

8. During the Application Period, JS Held also participated in regular meetings with the Receiver, tax and legal professionals. JS Held analyzed transactional data for tax reporting and produced a detailed tax report for inclusion in the tax filing.

9. In addition, JS Held assisted with the claims administration. JS Held participated in regular meetings to discuss and coordinate with the Receiver and other professionals the process for the first plan distribution. JS Held developed the code to calculate distribution amounts,

including quality checks to ensure users would be receiving the correct amounts. JS Held also began to analyze amounts for the next distribution.

10. The fees that JS Held has charged are reasonable, necessary, and commensurate with the skill and experience required for the activity performed. JS Held's services and time expenditures are reasonable in light of the labor required for the matters for which JS Held was retained. JS Held respectfully submits that it has not expended time unnecessarily and that it has rendered efficient and effective services.

11. JS Held incurred costs of \$12,607.30 during the Application Period for Iron Mountain storage fees, hosting the document production on Disco and Azure SQL server resources.

12. To the best of my knowledge, information and belief formed after reasonable inquiry, all the fees and expenses requested in the attached billing statements are true and correct and comply with the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Commodity Futures Trading Commission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 30th day of April 2025 at New York, New York.

/s/ Stephen O'Malley
Stephen O'Malley

Exhibit 3-1

(filed under seal)

Exhibit 4

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

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.

22 Civ. 3822 (VEC)

**AFFIDAVIT OF DANIEL P. YOUNG OF DELOITTE TAX LLP
IN SUPPORT OF APPLICATION FOR FEES AND EXPENSES
(JANUARY 1, 2025 – MARCH 31, 2025)**

1. I am a partner at the firm of Deloitte Tax LLP (“Deloitte Tax” or “Firm”), tax services provider engaged by the Receiver in the above-captioned case. I have personal knowledge of the matters set forth below and if called as a witness, I would and could testify competently to the matters stated herein.

2. This affidavit is made in support of the Application for Fees and Expenses from January 1, 2025 through March 31, 2025 (the “Application”).

3. The Receiver retained Deloitte Tax as tax services provider as of June 30, 2023 under the terms of an engagement letter between the Receiver and Deloitte Tax, dated June 29, 2023. On June 30, 2023, the Court entered an order authorizing the Receiver to employ Deloitte Tax (the “Employment Order”). I supervise the professionals of Deloitte Tax with respect to the services provided to the Receiver.

4. True and correct copies of the Firm's invoices reflecting the detailed time entries for the services we provided from January 1, 2025 through March 31, 2025 (the "Application Period") have been submitted under seal as Exhibit 4-1, as required by the Employment Order. Deloitte Tax spent 191.63 hours and incurred fees in the amount of \$119,541.00 and expenses of \$5,977.00 during the Application Period.

5. During the Application Period, Deloitte Tax prepared and finalized the pre-Receiver's tax return for EminiFX, Inc. ("EminiFX"), and assisted the Receiver in filing that return. In doing so, Deloitte Tax assisted the Receiver in modeling the potential pre-receivership tax liability by preparing the necessary forms for filing, and analyzing the reserves necessary to hold for the pre-receivership tax liability of EminiFX.

6. Deloitte Tax also began to prepare a New York state tax return for EminiFX arising from its pre-receivership tax liability, completing a substantial amount of the necessary work during the Application Period. The Receiver filed the New York return shortly after the close of the Application Period.

7. Deloitte Tax also participated in regular meetings with the Receiver and other professionals to discuss issues concerning the tax treatment of EminiFX's pre-Receiver's financial activity. Deloitte Tax prepared a detailed memo for the Receiver to analyze the pre-Receiver's tax liability.

8. The fees that Deloitte Tax has charged are reasonable, necessary, and commensurate with the skill and experience required for the activity performed. Deloitte Tax's services and time expenditures are reasonable in light of the labor required for the matters for which Deloitte Tax was retained. Deloitte Tax respectfully submits that it has not expended time unnecessarily and that it has rendered efficient and effective services.

9. To the best of my knowledge, information and belief formed after reasonable inquiry, all the fees and expenses requested in the attached billing statements are true and correct and substantially comply with the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Commodity Futures Trading Commission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 30th day of April 2025 at Boston, Massachusetts.

/s/ Daniel P. Young

Daniel P. Young, Partner
Deloitte Tax LLP

Exhibit 4-1

(filed under seal)

Exhibit 5

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

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.

22 Civ. 3822 (VEC)

**AFFIDAVIT OF CONRAD DAVIS IN SUPPORT OF APPLICATION
FOR FEES AND EXPENSES (JANUARY 1, 2025 – MARCH 31, 2025)**

1. I am a partner at the firm of Crowe LLP (“Crowe” or “Firm”), tax professionals engaged by the Receiver in the above-captioned case. I have personal knowledge of the matters set forth below and if called as a witness, I would and could testify competently to the matters stated herein.

2. This affidavit is made in support of the Application for Fees and Expenses from January 1, 2025 through March 31, 2025 (the “Application”).

3. The Receiver retained Crowe as tax advisors. On June 10, 2022, the Court entered an order authorizing the Receiver to employ Crowe (the “Employment Order”). I supervise the professionals and staff of Crowe with respect to the services provided to the Receiver.

4. In the interests of the estate and pursuant to the Employment Order, the Crowe rates have been discounted by 15%. Expenses are billed separately.

5. True and correct copies of the Firm’s invoices reflecting the detailed time entries for the services we provided, and the expenses we incurred, from January 1, 2025 through March

31, 2025 (the “Application Period”) has been submitted under seal as Exhibit 5-1, as required by the Employment Order. Crowe spent 3.6 hours and incurred fees in the amount of \$1,275.00 (which is inclusive of a 15% accommodation) during the Application Period.

6. During the Application Period, the Firm assisted the Receiver in strategy related to the 2024 qualified settlement fund return, as well as the pre-receivership returns.

7. Crowe also participated in regular meetings with the Receiver and other professionals to discuss tax requirements and impacts on the Receivership from EminiFX’s pre-receivership activities.

8. The fees that Crowe has charged are reasonable, necessary, and commensurate with the skill and experience required for the activity performed. Crowe’s services and time expenditures are reasonable in light of the labor required for the matters for which Crowe was retained. Crowe respectfully submits that it has not expended time unnecessarily and that it has rendered efficient and effective services.

9. To the best of my knowledge, information and belief formed after reasonable inquiry, all the fees and expenses requested in the attached billing statements are true and correct and comply with the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Commodity Futures Trading Commission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 30th day of April 2025 at Sacramento, California.

/s/ Conrad Davis
Conrad Davis

Exhibit 5-1

(filed under seal)

Exhibit 6

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

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.

22 Civ. 3822 (VEC)

**DECLARATION OF DANIEL C. MCELHINNEY IN SUPPORT OF APPLICATION
FOR FEES AND EXPENSES (JANUARY 1, 2025 THROUGH MARCH 31, 2025)**

1. I am a Senior Managing Director at the firm of Stretto, Inc. (“Stretto”), claims and noticing agent engaged by the Receiver in the above-captioned case. I have personal knowledge of the matters set forth below and if called as a witness, I would and could testify competently to the matters stated herein.

2. This declaration is made in support of the Application for Fees and Expenses from January 1, 2025 through March 31, 2025 (the “Application”).

3. On June 10, 2022, the Court entered an order authorizing the Receiver to employ Stretto (the “Employment Order”). I directly supervise the professionals and staff of Stretto that work on this matter.

4. In the interests of the estate and pursuant to the Employment Order, Stretto has provided an accommodation of a reduction to its fees on a basis, which is tied to the amount on deposit by the Receiver at that time. Expenses are billed separately.

5. A true and correct copy of Stretto's invoice reflecting the detailed time entries for the services we provided from January 1, 2025 through March 31, 2025 (the "Application Period") has been submitted under seal as Exhibit 6-1, as required by the Employment Order. Stretto spent 2,216.9 hours and incurred fees in the amount of \$311,447.50, reduced to \$305,388.47,¹ and expenses in the amount of \$27,988.74 during the Application Period.

6. The majority of Stretto's time was related to its major role in the claims distributions process. During the Application Period, Stretto continued to collect payment information from users through the EminiFX User Portal (the "Portal"). Once the initial distribution was announced on January 23, 2025, Stretto worked with the Receiver and his professionals to implement the distribution process, including quality control procedures, reviewing addresses for accuracy and preparing checks and wires for distribution.

7. During the Application Period, Stretto assisted the Receiver in distributing approximately \$80,000,000 to 20,000 EminiFX Users who had provided their payment preferences via through the Portal. Stretto also spent a significant amount of time responding to User inquiries by phone and email in connection with the initial distribution, including among others, inquiries on timing and payment.

8. During the Application Period, Stretto continued to assist in developing, maintaining, and managing the Portal, which is the primary tool for the Receiver and Stretto to manage the claims process for over 35,000 claimants. The Receiver's legal team continued to resolve the remaining disputed transactions and Stretto assisted in updating those User's portals as their transactions were resolved. Stretto regularly communicated with the Receiver and his team regarding the Portal, including preparing weekly reports. Stretto is the first line of contact for

¹ An additional 10% accommodation in the amount of \$6,059.03 was applied to fees on the January 2025 invoice in connection with the email issue as set forth in the prior status report. *See* Dkt. 444 at 22 n. 18.

EminiFX Users in connection with the Portal, and in that role Stretto assisted users with various portal access requests and issues.

9. Additionally, Stretto assisted the Receiver with case management; updating the Receivership website as requested by the Receiver; monitoring the case docket and updating the Receivership website with court filings; reviewing, tracking, and responding to EminiFX investor communications; responding to EminiFX creditor communications and maintaining the creditor matrix; and preparing and circulating investor communications reports. The bulk of the time spent responding to investor communications was handled by lower-billing personnel, as reflected in Exhibit 6-1.

10. The fees that Stretto has charged are reasonable, necessary, and commensurate with the skill and experience required for the activity performed. Stretto's services and time expenditures are reasonable in light of the labor required for the matters for which Stretto was retained. Stretto respectfully submits that it has not expended time unnecessarily and that it has rendered efficient and effective services.

11. Stretto incurred costs of \$27,988.74 during the Application Period, included printing, postage, and robotic process automation which includes monthly HTTPS usage, e-filing services for subscription-based docket notifications, USPS bulk mail operations, address validation, and related activities. Additional expenses incurred during the application were related to the initial distribution, including printing and mailing distribution checks.

12. To the best of my knowledge, information and belief formed after reasonable inquiry, all the fees and expenses requested in the attached billing statements are true and correct and comply with the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Commodity Futures Trading Commission.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 30th day of April 2025 at New York, New York.

/s/ Daniel C. McElhinney

Daniel C. McElhinney

Exhibit 6-1
(filed under seal)