

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

**COMMODITY FUTURES TRADING  
COMMISSION,**

**Plaintiff,**

22 Civ. 3822 (VEC)

**-against-**

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

**Defendants.**

**SECOND STATUS REPORT OF RECEIVER DAVID CASTLEMAN**

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*Receiver*

October 12, 2022

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David Castleman (the “Receiver”), appointed as Receiver pursuant to the Consent Preliminary Injunction (the “Consent Order”) entered by this Court on June 15, 2022 [Dkt. 56], files this Second Status Report (the “Report”) to apprise the Court of the activities of the receivership since the Initial Status Report filed on July 20, 2022 (the “July 2022 Status Report”):

## **I. INTRODUCTION AND EXECUTIVE SUMMARY**

Since filing the July 2022 Status Report, the Receiver and his team have continued their efforts to recover and preserve the assets of EminiFX, Inc. (“EminiFX”), as well as the assets of Defendant Eddy Alexandre (“Alexandre”) traceable to customers of EminiFX, per the Consent Order. The initial activities of the Receiver, as reported in the July 2022 Status Report, were focused on winding down EminiFX as an operating entity, preserving the EminiFX data and records, locating and turning over the various receivership assets, and developing an initial understanding of how the EminiFX system worked. Now that EminiFX has been substantially wound down as an operating entity and the available records secured, the Receiver and his team have focused primarily on further efforts to recover potential assets and continuing to obtain a complete and accurate financial picture of EminiFX so that the Receiver may carry out his duties under the Consent Order.

The efforts of the Receiver and his team have resulted in substantial additional recoveries since the July 2022 Status Report, including \$381,200 recovered from the Long Island Real Estate Portfolio recovery efforts, and \$482,905 recovered from other third parties. At the Receiver’s request, the estate’s bank has increased the rates of interest earned in the receivership accounts, and the estate has earned an additional \$127,604 in interest since the July 2022 Status Report, for total inflows of \$991,709. The receivership paid general expenses of \$12,476 and a retainer of \$5,270 per this Court’s Order re Supplemental Procedures [Dkt. 91] as set forth in detail

herein, and paid Court-approved professional fees and expenses for the initial May/June billing period of \$996,291 [Dkt. 92]. Since the receivership began, the total cash inflows to the estate (excluding the \$60.5 million in funds turned over from frozen bank and brokerage accounts) has exceeded the total cash outlays by \$840,225. As of this Report, the current cash balance of the estate is \$61,386,340, with the Receiver planning to continue his team's efforts to turn over and recover assets into the estate, including cryptocurrency. A full ledger of the receivership cash transactions from May 11, 2022 to the date of this filing is attached as Exhibit 1.

This Report is divided into the following sections:

**Procedural History** (pp. 6-9). Since the July 2022 Status Report was filed, the United States Attorney for the Southern District of New York (“USAO”) moved to intervene in this action and requested a stay of discovery. The Receiver did not oppose on the stay provided that the Receiver would continue his oversight and administrative functions, and the stay was granted. The Receiver has also responded to subpoenas issued in the criminal action against Alexandre arising from similar conduct, *United States v. Alexandre*, No. 22 Cr. 326 (S.D.N.Y.) (the “Criminal Action”), and to discovery requests by the Defendant in this Action before this Court granted the USAO’s stay request. The Receiver has not appeared in the Criminal Action, but is the subject of certain motion practice in that action. The Receiver will apprise the Court of the resolution of that motion and any applicable developments in the Criminal Action affecting the operation of the receivership. The Receiver will also seek further relief or instruction as necessary.

The Receiver moved this Court for an order concerning supplemental procedures for the administration of the estate. This Report contains the lists of certain expenses paid and vehicle assets secured as required by that Order. The Receiver also moved this Court for an order granting the payment of professional fees and expenses for May/June 2022, which was granted.

The Receiver is filing a motion for professional fees and expenses for July/August 2022 concurrently with this Report, with a reminder to investors that they may email questions concerning that application to the Receiver's team at [EminiFXInquiries@Stretto.com](mailto:EminiFXInquiries@Stretto.com).

The former landlord of EminiFX sought relief from this Court concerning the security deposit for office space, which was turned over to the Receiver, and two sellers of the Manhasset Property (as described in the July 2022 Status Report) were the subject of a motion concerning a potential violation of the Consent Order's litigation stay. The Court resolved those motions, and the Receiver will ensure that both of those potential non-investor claimants are kept apprised of the claims process that is established by the Receiver at the appropriate time.

**Asset Recovery and Receivership Finances** (pp. 9-16). As set forth in the July 2022 Status Report, approximately \$60.5 million in frozen funds were turned over to the Receiver, and those funds have earned interest in the estate's account. The Receiver has also recovered nearly \$2 million from other recoveries from a number of sources, often with the cooperation of Alexandre, as set forth herein.

Since the July 2022 Status Report, the Receiver has continued his efforts to recover the Long Island Real Estate Portfolio purchase money deposits paid by EminiFX in 46 different foreclosure actions (and two non-foreclosure properties), for a total of just over \$2.5 million. Because each foreclosure action is a separate state court proceeding—each with a different lender-plaintiff, justice and court-appointed referee—the Receiver and his team at Forchelli Deegan Terrana have generally moved from negotiation to having to invoke the various courts to secure the return of the deposits. To date, the Receiver has recovered \$915,200, has signed agreements to secure another \$1,038,700 in deposits at various stages of court approval, and has agreements

in principle for another \$391,500 in deposits to be returned. The Receiver and his team will continue these efforts over the coming months.

The Receiver has also recovered deposits totaling nearly half a million dollars since the July 2022 report, the largest one of which was the security deposit recovered from the former landlord of EminiFX on order from this Court. That landlord retains the right to file a claim the receivership, and while the Receiver reserves all rights with respect to such claim, the Receiver will ensure that the landlord is kept apprised of the claims process that is established. In addition, the Receiver has secured a number of vehicles and located additional cryptocurrency overseas, which the Receiver is attempting to repatriate and secure. *The Receiver notes that the repatriation of cryptocurrency held overseas is not guaranteed.*

In general, Alexandre has cooperated with the Receiver's efforts to secure assets, including stipulating to the turnover of the purchase money deposits from the Long Island Real Estate Portfolio, consenting to the turnover of records from the cryptocurrency exchanges overseas, facilitating the turnover of the vehicles to the Receiver, and providing a comprehensive list of EminiFX and Alexandre accounts to assist in the Receiver's efforts to locate and recover receivership assets.

The estate's cash positions also continue to earn interest and have earned nearly \$140,000 since the accounts were established, and the estate incurred \$17,746 in operational expenses since the July 2022 Status Report. Even after all expenses paid since inception, the total value of the estate's cash holdings is nearly \$61.4 million, which is almost \$900,000 more than the total cash turned over to the estate from the frozen bank and brokerage accounts.

**EminiFX Operations and Financial Condition** (pp. 16-21). The Receiver, with his teams at J.S. Held LLC ("JS Held") and Raines Feldman LLP, has continued his analysis of

the financial condition of EminiFX, in order to ascertain a complete and accurate financial understanding of EminiFX, so that the Receiver may carry out his obligations under the Consent Order. The primary goals of the Receiver's investigation are (1) determining the location and amount of assets that should be turned over to the estate, (2) determining information necessary to administer the receivership estate, especially the filing of EminiFX taxes, (3) the creation of a claims procedure for investors and other creditors, and (4) assessing possible litigation claims against third parties.

The Receiver has analyzed the vast majority of the cash and cryptocurrency that was withdrawn from EminiFX accounts, including analyzing all such individual transactions in excess of \$100,000, and has already used that information to secure certain assets. The Receiver and his team will continue their efforts to use records from financial and cryptocurrency institutions, in conjunction with the database recovered from the EminiFX server, to ascertain the information necessary for the Receiver to fulfill his obligations under the Consent Order.

**Receivership Operations** (pp. 22-24). The Receiver has continued to manage the operations of the receivership estate, including securing and producing records, responding to investor communications, and completing the wind down of EminiFX as an operating entity. The Receiver and his team at Stretto, Inc. served the Court-approved Notice of Receivership to over 62,000 email addresses (and a handful of physical addresses), formally notifying the recipients of the existence of the Receivership and of this Court's Order staying all actions against the Receivership Defendants relating to the receivership or its assets [Dkt. 56 ¶¶ 55-56].

**Recommendations and Next Steps** (pp. 24-26). The Receiver and his team expect to use the coming months to continue their financial analysis of EminiFX and efforts to secure and recover the EminiFX cryptocurrency in overseas accounts as well as deposits from the Long Island

Real Estate Portfolio. The Receiver and his team will also continue to administer the receivership estate, to liquidate or otherwise dispose of the vehicles, and to apprise this Court of any matters requiring its attention. Once the Receiver has sufficient financial information to do so, the Receiver also expects to propose a claims procedure to this Court and to file a tax return for EminiFX.

## **II. PROCEDURAL HISTORY**

On July 7, 2022, counsel for Alexandre filed a letter with the Court, with the consent of the parties, advising of the USAO’s intention to seek a stay of this Action during the pendency of the Criminal Action, and requesting a briefing schedule [Dkt. 67]. On July 8, the Court granted the request [Dkt. 68], and the USAO intervened and filed a motion for a stay on July 25, “with the understanding that the Receiver will continue his oversight and administrative functions (such as securing assets and records, establishing a claims process for victims, and providing updates to the Court).” [Dkt. 73-1, at 14]. The motion was fully briefed as of August 26, with the Receiver’s response mostly limited to a minor clarification of the record [Dkts. 107, 151, 152, 157]. The Court granted the stay on September 2, requiring the USAO to update the Court as to the status of the Criminal Action every 90 days [Dkt. 160]. In his response, the Receiver also stated that he would keep the Court apprised of any impact that the stay has on the administration of the estate in regularly filed status reports [Dkt. 151]. The Receiver does not believe the stay materially impacted the administration of the estate during this reporting period and will continue to keep the Court apprised if any issues arise.

On July 14, 2022, the former landlord of EminiFX (the “Landlord”) filed a request with the Court stating that it should “be entitled to keep the Security Deposit against its breach of contract claims and file a claim for its additional breach of contract damages” [Dkt. 69]. The

Receiver filed a response on July 27, requesting the Court order the turnover of the \$306,000 security deposit in question without prejudice to the Landlord's right to file a claim in the claims process to be established by this Court at a later date [Dkt. 76], and the Landlord replied on August 1 [Dkt. 82]. Recognizing the Receiver's clear and long-settled authority to repudiate leases, the Court granted the Receiver's request on August 1 [Dkt. 83] and entered the order requiring the turnover on August 3 [Dkt. 86]. The Landlord promptly returned the deposit in question, and the Receiver will ensure that the Landlord is given notice of the claims process.

On July 28, 2022, the Receiver applied for supplemental procedures requesting (1) approval of the form of initial notice to be sent to investors; (2) authority to administer and resolve certain assets and liabilities under a certain threshold, including settling claims and administering assets under \$50,000, adopting executory contracts under \$25,000, and paying expenses incurred in the ordinary course of the receivership under \$10,000 (but not to exceed \$25,000 per quarter total); (3) approval of certain actions in aid of securing the estate's cryptocurrency, including paying custodial fees and engagement of Sorainen (which has offices in Estonia and Lithuania) as counsel; and (4) authority to dispose of certain vehicles in accordance with 28 U.S.C. § 2004 [Dkt. 77]. That application was granted on August 5 [Dkt. 91].

On August 4, the Receiver filed an application for fees and expenses for May and June 2022 [Dkt. 88], and the associated CFTC-approved time entries under seal [Dkt. 89], pursuant to the Court's Order dated June 10, 2022 concerning applications for professional fees and expenses [Dkt. 47]. The application was granted on August 5 [Dkt. 92]. A number of EminiFX users submitted letters requesting reconsideration [Dkts. 93-105, 108-146], which the Court ordered on August 12 and 17 be stricken from the record given that investors should use the methods of communication set up for investors, and that the fees were "reasonable in light of the

Court's experience with the work that was done during the period covered by the fee application" [Dkts. 106, 147]. The fees and costs approved by the Court have been paid by the estate, and the Receiver is filing an application for professional fees and expenses for July and August 2022 concurrently with this report.<sup>1</sup> The Receiver appreciates the interest of EminiFX investors in these proceedings and acknowledges the good faith with which the investor letters appear to have been submitted. The Receiver further reminds EminiFX investors that they may email the Receiver at [EminiFXInquiries@Stretto.com](mailto:EminiFXInquiries@Stretto.com) and may find information concerning the receivership at <https://www.eminifxreceivership.com/>.

On August 18, Defendant Alexandre submitted a letter to the Court concerning an alleged violation of the Consent Order's litigation stay (¶¶ 55-56) by the sellers of the Manhasset Property (*see* July 2022 Status Report at 37 for additional background on the transaction), who filed a request for arbitration against Alexandre [Dkt. 148]. The Court requested the Receiver's views on lifting the stay on August 23 [Dkt. 154], which the Receiver provided on August 25 [Dkt. 156]. The sellers responded on August 31 [Dkt. 158], and the Court enjoined the arbitration on September 2 [Dkt. 159]. The sellers promptly advised the Court of the notice of discontinuation [Dkt. 161]. As with the Landlord, the Receiver will ensure that the sellers and their counsel are given notice of the claims process.

Neither the Receiver nor anyone acting on his behalf has appeared in the Criminal Action. The Receiver's interaction with the Criminal Action has been limited to responding to subpoenas, responding to discovery requests from the Defendant for material in this Action before the stay was entered, and formally consenting to the May 12 search on behalf of EminiFX. On August 29, Alexandre filed a motion to, *inter alia*, treat the Receiver (and the CFTC) as part of the

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<sup>1</sup> Under the CFTC's billing guidelines, time spent preparing applications for professional fees and expenses is not chargeable to the estate, and the Receiver and his professionals have written off such time.

prosecution team with respect to the USAO’s disclosure obligations [Criminal Action Dkts. 39-41].<sup>2</sup> The USAO filed an opposition on September 16 [Criminal Action Dkt. 50], Alexandre filed a reply on September 23 [Criminal Action Dkt. 51], and the Court held oral argument on October 5. The Receiver will advise the Court of the ruling on that motion in the Criminal Action, will continue to respond to subpoenas received from either party in the Criminal Action, and will move this Court for instruction or relief if necessary.

### **III. ASSET RECOVERY AND RECEIVERSHIP FINANCES**

As set forth in the July 2022 Status Report, approximately \$60.5 million in funds, in two banks and one brokerage that were frozen by the CFTC, have been turned over to the receivership estate. The Receiver has also recovered nearly \$2 million from various recoveries, and is continuing to pursue further recoveries. The CFTC also froze funds in three onshore cryptocurrency accounts, which the Receiver is in the process of turning over to the estate. The Receiver is also working to turn over additional cryptocurrency located in two offshore accounts, with the cooperation of Alexandre. In addition, the Receiver, with the assistance of Alexandre, has identified a number of vehicles purchased or financed with EminiFX funds, and has coordinated with Alexandre on the turnover of those vehicles to the estate.

On July 29, 2022, Alexandre provided the Receiver with a comprehensive list of accounts “in the name of one or both of Mr. Alexandre and EminiFX,” while reserving his rights as to whether any such accounts are properly part of the receivership estate. The accounts provided were generally consistent with the Receiver’s prior understanding of the total assets of EminiFX, and served as an important validation tool of the Receiver’s prior work in assessing those assets. The list also included reference to an offshore account at Crypto Exchange 5, of which the Receiver

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<sup>2</sup>

The Receiver was not served with this motion, but has received notice via the public docket.

was aware but had little information. Alexandre then cooperated with and assisted the Receiver's efforts to secure the account records for Crypto Exchange 5, as discussed further herein. If any additional assets come to light as a result of the Receiver's investigation, the Receiver will evaluate and pursue them as appropriate.

**A. Turnovers from Frozen Bank Accounts**

As noted in the July 2022 status report, the Receiver has recovered the amounts frozen in two bank accounts and one brokerage account:

<b>TURNOVERS FROM FROZEN ACCOUNTS</b>		
<b>Institution</b>	<b>Amount Recovered</b>	<b>Date</b>
<b>General Receivership Estate</b>		
Bank 1	\$37,493,925.92	6/1/2022
Bank 2	\$14,583,152.54	6/28/2022
<b>Alexandre Assets</b>		
Bank 1	\$6,716,092.43	6/21/2022
Brokerage 1	\$1,752,944.40	7/6/2022
<b>Total Turnover</b>	<b>\$60,546,115.29</b>	

The Receiver is maintaining these funds at a financial institution that has substantial experience in managing funds for receivership and class actions.

**B. Cryptocurrency Account Turnovers**

Upon entry of the Statutory Restraining Order [Dkt. 9, the "SRO"], the CFTC also froze a number of accounts containing cryptocurrency, the vast majority of which is denominated as Bitcoin (BTC). Since the July 2022 Status Report was filed, the Receiver and his team have learned that the substantial amount of cryptocurrency in Crypto Exchange 4 was the subject of a voluntary freeze, and that Crypto Exchange 4 relocated from Estonia to Lithuania. The Receiver has engaged a law firm with offices in both those countries, which is assisting the receivership estate with obtaining the cryptocurrency located there, to the extent possible. With the assistance of Alexandre, the Receiver has been provided with documents from Crypto Exchange 5, located

in St. Vincent and the Grenadines, which received transfers of approximately \$1 million from Crypto Exchange 4. The Receiver is working with United States counsel for Crypto Exchange 5 to obtain the cryptocurrency located there, to the extent possible. ***There is no guarantee that all or part of the cryptocurrency held in Crypto Exchange 4 or Crypto Exchange 5 will be repatriated to the United States and turned over to the Receiver.*** The Receiver and his team will continue those efforts. The total cryptocurrency identified as potential assets of the estate are as follows:

POTENTIAL CRYPTOCURRENCY ASSETS			
Institution	Status	Location	Amount
Crypto Exchange 1	Frozen, preparing turnover	Onshore	BTC 10.76
Crypto Exchange 2	Frozen, preparing turnover	Onshore	BTC 0.06 ETH 1.85
Crypto Exchange 3	Frozen, preparing turnover	Onshore	BTC 10.98 <i>plus others</i>
Crypto Exchange 4	Receiver working to obtain <i>No guarantee that turnover will occur</i>	Offshore	BTC 3,658.34
Crypto Exchange 5	Receiver working to obtain <i>No guarantee that turnover will occur</i>	Offshore	BTC 20-60 <sup>3</sup>
<b>Total Potential Cryptocurrency Assets</b>			<b>BTC 3,700-3,740<sup>4</sup> <i>plus others</i></b>

Given the substantial amount of potential cryptocurrency assets that could be turned over to the estate, the Receiver has opened an institutional account at a large cryptocurrency exchange that is licensed by the New York State Department of Financial Services. Once the size of the cryptocurrency portfolio actually under the estate's control is known, the Receiver and his team intend to devise a specific plan for the administration of the estate's cryptocurrency holdings and to submit that plan for approval by this Court.

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<sup>3</sup> The Receiver has not been provided with the precise number of BTC held in Crypto Exchange 5.

<sup>4</sup> The value of Bitcoin has fluctuated substantially since the last reporting period, and has declined generally over 2022. Since the last reporting period, the price of Bitcoin has oscillated between around \$18,000 and \$25,000, which corresponds approximately to a valuation range between \$66 and \$93 million.

C. *Long Island Real Estate Portfolio*

As detailed in the July 2022 Status Report, in the weeks before the Receiver was appointed, EminiFX entered into 46 separate contracts to purchase various foreclosure properties in Long Island, for a total purchase price of \$22,334,525 with \$2,310,400 paid in deposits (the “Foreclosure Properties”).<sup>5</sup> On June 1, upon the Receiver’s application for emergency instructions, a procedure was set up whereby the Receiver has the option to accept the return of the deposit in all cases, or otherwise determine if a property had significant enough possible upside to warrant a different course of action [Dkt. 42]. For reasons set forth in detail in the July 2022 Status Report, the Receiver did not believe it would be prudent to use receivership funds to close on any of the properties and therefore sought the return of the contract deposits and cancellation of the contracts. Alexandre also agreed to a blanket stipulation consenting to the cancellation of these contracts so that the deposits may be returned to the estate.

Each of the Foreclosure Properties was the subject of its own separate proceeding in New York Supreme Court, mostly in Suffolk County with a couple in Nassau County (the “State Court Foreclosure Proceedings”), where the plaintiff is generally the lender that is also the seller of the applicable Foreclosure Property. Each lender/seller has generally agreed, after negotiation with the Receiver’s team, to a stipulation or assignment of bid to unwind the transaction and return the deposit to the receivership estate, with a few exceptions. Each contract deposit is held by the referee appointed in the applicable State Court Foreclosure Proceeding, most of whom are requiring an order from the state court (typically a so-order of the cancellation stipulation) in order

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<sup>5</sup> In addition, EminiFX entered into contracts on two non-foreclosure properties for a total purchase price of \$1,920,000 and deposits of \$192,000. The estate recovered those two deposits in June 2022.

to process the return of the contract deposit to the estate.<sup>6</sup> The current status of the Receiver's efforts to resolve the Long Island Real Estate Portfolio is summarized as follows, and a complete list is attached as Exhibit 2:<sup>7</sup>

<b>LONG ISLAND REAL ESTATE RECOVERIES</b>				
<b>Status</b>	<b>No.</b>	<b>Deposit Amount</b>	<b>Agreed Recovery</b>	<b>Amount Received</b>
<b>Agreement Complete</b>	<b>23</b>	<b>\$1,209,200</b>	<b>\$1,209,200</b>	<b>\$915,200</b>
Funds Received	17	\$915,200	\$915,200	\$915,200
Awaiting Funds	6	\$294,000	\$294,000	\$0
<b>Stipulation Signed</b>	<b>14</b>	<b>\$744,700</b>	<b>\$744,700</b>	<b>\$0</b>
Filed with Court	10	\$428,000	\$428,000	\$0
Preparing to File	4	\$316,700	\$316,700	\$0
<b>Agreement in Principle</b>	<b>7</b>	<b>\$391,500</b>	<b>\$391,500</b>	<b>\$0</b>
<b>Negotiation in Process</b>	<b>2</b>	<b>\$67,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Returned to Bonaventura</b>	<b>2</b>	<b>\$90,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Grand Total</b>	<b>48</b>	<b>\$2,502,400</b>	<b>\$2,345,400</b>	<b>\$915,200</b>

The Receiver and his team intend to continue their efforts to resolve this portfolio and will provide the Court with an update as to their progress in the next status report.

#### D. *Additional Asset Recovery and Disposition*

As set forth in the July 2022 Status Report, the Receiver disposed of the office property for (1) a \$15,000 cash payment from Auction Advisers, which is also being held in the Alexandre Assets segregated account pending further discussion with Alexandre, (2) at least \$30,000 in cost savings for moving and storage (if not more), and (3) half the sale proceeds over \$75,000. Over 95% of the office property has been sold by Auction Advisers, for sale proceeds

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<sup>6</sup> For two properties, the deposit amounts were already returned to Bonaventura Realty Corp. (“Bonaventura”) by the referees, in an amount of \$90,000. The Receiver understands that Bonaventura claims to be owed additional funds as fees from EminiFX even after collection of the \$90,000. The Receiver plans to address those \$90,000 in deposits as part of a larger evaluation of the Bonaventura issue, and not pursuant to the process set forth in the June 1 order.

<sup>7</sup> The contract raised by one trustee in a letter to this Court on June 6 [see Dkt. 45] has been terminated. The trustee has returned the \$55,000 deposit to the estate, resolving the matter.

totaling \$52,617. The Receiver does not expect the total proceeds to exceed \$65,000 and therefore does not expect an additional payment from Auction Advisers.

Pursuant to this Court’s Order filed August 3, 2022 [Dkt. 86], the Landlord turned over \$306,000 to the receivership estate on August 9. The Receiver also continues to hold the \$535,000 Manhasset Deposit, turned over by the sellers of that property, in the segregated Alexandre Assets account pursuant to Paragraph 38 of the Consent Order. Each of those parties will be notified of the claims process at the appropriate time.

The Receiver recovered refunds of unused retainers from two different lawyers retained by EminiFX prior to the receivership – one for \$75,000 and another for \$33,000, for a total of \$108,000. In addition, the Receiver recovered the portion of a deposit with a staffing company that was not used for salaries and wages, in the amount of \$68,905.

As stated in the July 2022 Status Report, the Receiver discovered a number of vehicles that were purchased or leased by EminiFX, including one vehicle for which the loan payoff was traceable to customer funds. The Court granted the Receiver specific authority to dispose of the estate’s vehicles in its Order re Supplemental Procedures dated August 5 [Dkt. 91], including incurring up to \$5,000 per vehicle in incidental costs. The Receiver’s costs were limited to towing the vehicles, some of which were out of state, to a dealership that is assisting the Receiver with the disposition of the vehicles (the “Dealership”). Given the resulting savings of insurance and storage costs, the total cost of recovery for all seven vehicles was under \$5,000. The Receiver notes Alexandre’s substantial cooperation and assistance with this process, which no doubt assisted in the reduced recovery costs. A total of seven vehicles have been physically delivered to the Dealership, where the two leased cars have been returned to the financing company, while the Receiver is continuing to negotiate the sale of the owned vehicles:

<b>CURRENT STATUS OF ESTATE VEHICLES</b>			
<b>No.</b>	<b>Model</b>	<b>Type</b>	<b>Current Status</b>
1	BMW Alpina B8 Gran Coupe	Owned	Secured at the Dealership
2	Mercedes-Benz GLE 450 W4 SUV	Owned	Secured at the Dealership
3	Mercedes-Benz G 63 AMG SUV V8	Owned	Secured at the Dealership
4	Mercedes-Benz GLS 450 W4 SUV	Owned	Secured at the Dealership
5	Mercedes-Benz GLS 350 W4 SUV	Leased	Car returned to financing company
6	BMW X3 xDrive3.0i	Leased	Car returned to financing company
7	Mercedes-Benz GLA 250 SUV	Owned	Secured at the Dealership

The Receiver will continue his efforts to sell the vehicles, and notes that the net proceeds for Vehicle 7 will be deposited into the Alexandre Assets account. The Receiver will also continue to ensure that the financing companies remain on the non-investor creditor list.

#### E. *Receivership Finances*

Pursuant to this Court's Order concerning supplemental procedures [Dkt. 91], the Receiver has incurred and paid the following charges since the July 2022 Status Report:

<b>EXPENSES PAID SINCE LAST STATUS REPORT</b>	
<b>Description</b>	<b>Amount</b>
Broker Price Opinions for Long Island Real Estate	\$6,900.00
New Jersey Motor Vehicle Title Search	\$30.00
Payroll Company Final Fees	\$615.01
Towing Fees for Vehicle Recovery	\$4,931.08
<b>Grand Total</b>	<b>\$12,476.09</b>

In addition, the Receiver paid \$5,269.68 as a retainer to Sorainen pursuant to that same Order. The Receiver also paid \$996,290.66 in professional fees on August 8, pursuant to this Court's Order of August 5 [Dkt. 92]. Since the July 2022 Status Report, the general receivership estate has also earned interest of \$108,811.04, and the Alexandre Assets account has been converted to a money market account and has earned interest of \$18,792.85.

Prior to the July 2022 Status Report, the Receiver incurred \$287,986.13 in approved rent and payroll expenses in June 2022, of which \$76,708.95 was reserved and \$211,277.18 was paid [Dkt. 42], and paid a retainer of \$25,000 [Dkt. 47]. The general receivership estate had earned \$11,529.17 in interest. The total recoveries and expenses of the estate since May 2022 are as follows (see Exhibit 1 for the full ledger of receivership transactions):

RECEIVERSHIP CASH POSITION			
Source	Cumulative Amount ( <i>Current Report</i> )	Cumulative Amount ( <i>Prior Report</i> )	Change From Prior Report
<b>General Receivership Estate</b>			
Frozen Account Turnovers	\$52,077,078.46	\$52,077,078.46	\$-
Real Estate Recoveries	\$915,200.00	\$534,000.00	\$381,200.00
Other Recoveries	\$486,205.07	\$3,300.00	\$482,905.07
Interest	\$120,340.21	\$11,529.17	\$108,811.04
Expenses and Fees	<b>-\$1,296,752.88</b>	<b>-\$287,986.13</b>	<b>-\$1,008,766.75</b>
Retainers	<b>-\$30,269.68</b>	<b>-\$25,000.00</b>	<b>-\$5,269.68</b>
<b>Total</b>	<b>\$52,271,801.18</b>	<b>\$52,312,921.50</b>	<b>-\$41,120.32</b>
<b>Reserved but Unpaid Expenses</b>			
Alexandre Final Salary	\$54,556.92	\$54,556.92	\$-
Dieuveuil Final Salary	\$22,152.03	\$22,152.03	\$-
<b>Total</b>	<b>\$76,708.05</b>	<b>\$76,708.05</b>	<b>\$-</b>
<b>Alexandre Assets</b>			
Frozen Account Turnovers	\$8,469,036.83	\$8,469,036.83	\$-
Real Estate Recoveries	\$535,000.00	\$535,000.00	\$-
Sale of Office Property	\$15,000.00	\$15,000.00	\$-
Interest	\$18,792.85	\$-	\$18,792.85
<b>Total</b>	<b>\$9,037,829.68</b>	<b>\$9,019,036.83</b>	<b>\$18,792.85</b>
<b>TOTAL CASH IN ESTATE</b>	<b>\$61,386,339.81</b>	<b>\$61,408,667.28</b>	<b>-\$22,327.47</b>

#### IV. EMINIFX'S OPERATIONS AND FINANCIAL CONDITION

The Receiver and his team have continued their analysis of the financial condition and operations of EminiFX, in order to ascertain an accurate and complete financial understanding of EminiFX and the receivership estate. The primary goals of this investigation are:

**Turnover:** To determine the location and amount of any assets that should be turned over to the receivership estate.

**Administration:** To administer the receivership estate, including the Receiver's obligation to file tax returns for EminiFX.

**Claims and Investor Recovery:** To discover the date and amount of the deposits and redemptions of cash and cryptocurrency, largely in aid of determining the scope of potential claims against the receivership estate and to develop a claims procedure.

**Third Party Litigation:** To determine whether there is a basis for the Receiver to pursue any cost-effective claims against third parties.

Given the enormous amount of data, reflecting tens of thousands of users making hundreds of thousands of transactions resulting in millions of account balance changes, the Receiver expects that it will be some time before his investigation will be complete. Since the July 2022 Status Report, the Receiver and his team have made substantial progress in understanding the data recovered from the EminiFX website, including how the 17-million-row database can be used to assist the Receiver's financial analysis. The Receiver and his team have also begun a more in-depth analysis of the transaction data secured from third parties, especially Bank 1, Bank 2 and Crypto Exchange 4, which were also the primary sources of deposits and withdrawals by EminiFX users. As the Receiver's investigation is ongoing, the discussion below is based only on the review to date and is subject to revision.

A. *Analysis to Determine Location of Assets to Recover*

The Receiver and his team have begun their analysis of the more than 17,000 cash transactions and the more than 100,000 cryptocurrency transactions to determine, among other things, the various expenses and withdrawals of money out of EminiFX in order to determine the location of potential assets to recover into the receivership estate. The Receiver has included Alexandre's personal accounts at Bank 1 in the analysis, because \$15 million was transferred to them from EminiFX corporate accounts, and they appear to have received a number of large customer deposits, as well as being the source of funding for the trading account at Brokerage 1.

Those accounts have been treated separately in the cash analysis, and the proceeds from the turnover of those accounts have been segregated into the Alexandre Assets account.

EMINIFX USES OF CASH ANALYSIS				
Category	EminiFX Bank 1	EminiFX Bank 2	Alexandre Bank 1	Grand Total
<b>Deposits</b>	<b>\$48,780,433</b>	<b>\$27,064,044</b>	<b>\$2,000,472</b>	<b>\$77,844,949</b>
Account Transfers	<b>-\$2,954,600</b>	<b>-\$12,102,042</b>	\$15,056,642	\$-
Net Deposits	\$45,825,833	\$14,962,002	\$17,057,114	\$77,844,949
<b>Uses of Cash</b>	<b>-\$8,331,942</b>	<b>-\$378,850</b>	<b>-\$10,417,908</b>	<b>-\$19,148,200</b>
Real Estate Investments	<b>-\$2,966,000</b>	\$-	<b>-\$536,432</b>	<b>-\$3,502,432</b>
Brokerage 1	\$-	\$-	<b>-\$9,070,000</b>	<b>-\$9,070,000</b>
Cryptocurrency	<b>-\$1,000</b>	<b>-\$100,000</b>	<b>-\$35,926</b>	<b>-\$136,926</b>
Business Uses of Cash	<b>-\$4,136,031</b>	<b>-\$122,481</b>	<b>-\$57,646</b>	<b>-\$4,316,158</b>
Personal Uses of Cash	<b>-\$514,517</b>	<b>-\$73,150</b>	<b>-\$599,158</b>	<b>-\$1,206,326</b>
Other Uses of Cash	<b>-\$714,393</b>	<b>-\$83,219</b>	<b>-\$118,746</b>	<b>-\$916,358</b>
<b>Net Cash</b>	<b>\$37,493,892</b>	<b>\$14,583,153</b>	<b>\$6,716,448</b>	<b>58,793,492</b>

A more detailed version of the foregoing table is attached hereto as Exhibit 3. The Receiver and his team continue to analyze the cash transactions from the bank statements, especially with respect to deposits, somewhat complicated by the prevalence of substantial numbers of identical cash deposits on the same day (*e.g.*, at Bank 2, on February 7, there were 25 “Counter Credits” in the amount of \$5,000).

As reported in the July 2022 Status Report, the Receiver (with the assistance of Alexandre) also obtained a substantial amount of data from Crypto Exchange 4, which showed that \$182.3 million was deposited into the EminiFX account, and \$34.7 million was transferred out of the EminiFX account, generally to EminiFX users. In conjunction with certain data recovered from the EminiFX server, the Receiver and his team have generally been able to connect transactions to EminiFX users based on wallet IDs and email addresses. To date, the Receiver and his team have matched up 76,361 of the 81,875 completed deposit transactions (\$170.9 million of the \$182.3 million) to 26,997 unique EminiFX users. The Receiver and his team have also

matched up and 20,353 of the 22,620 withdrawal transactions (\$33.1 of the \$34.7 million) to 6,349 EminiFX users. Of the \$1.6 million in withdrawals not attributable to a EminiFX user ID based on the wallet ID, the Receiver has identified \$960,000 as transfers to Crypto Exchange 5 (as set forth above), and \$140,000 to a known EminiFX insider. The vast majority of the remaining transactions unattributed to user IDs are generally small (under \$10,000), with one exception for over \$377,000 that the Receiver is continuing to investigate. The Receiver and his team are continuing to analyze the transaction data from the various Crypto Exchanges.

In addition to the analyses above, the Receiver has identified all outgoing transactions over \$100,000 (excluding transfers between Bank 1, Bank 2, and Brokerage 1), in order to determine whether such transactions warrant further action:

PAYMENTS AND WITHDRAWALS IN EXCESS OF \$100,000				
Date	Amount	Account	Description	Further Action
11/22/21	\$155,000	Bank 1	Payment for Vehicle 1	Vehicle turned over to receivership
12/31/21	\$300,000	Bank 1	Payment to Tech Provider	Expected receivership claimant
01/06/22	\$100,000	Bank 2	Wire to Crypto Exchange 3	Account frozen for the receivership estate
02/18/22	\$100,000	Bank 1	Payment to IOLA account	Receiver negotiating with recipient <sup>8</sup>
02/22/22	\$480,000	Bank 1	Payment to Tech Provider	Expected receivership claimant
03/08/22	\$129,500	Bank 1	Payment to Landlord	Expected receivership claimant
03/27/22	\$485,709	Cr Ex 4	Transfer to Crypto Ex 3	Handle in turnover efforts
03/28/22	\$135,000	Bank 1	Payment to Investor	Handle in claims resolution process
03/30/22	\$360,000	Bank 1	Payment to Investors	Handle in claims resolution process
03/30/22	\$500,268	Cr Ex 4	Transfer to Crypto Ex 5	Handle in turnover efforts
04/03/22	\$198,513	Cr Ex 4	Payment to Insider	Receiver investigating
04/06/22	\$139,629	Cr Ex 4	Payment to Tech Provider	Expected receivership claimant
04/06/22	\$377,164	Cr Ex 4	Unknown Payment	Receiver investigating
04/08/22	\$102,417	Bank 1	Payment for Vehicle 4	Vehicle turned over to receivership
04/08/22	\$535,000	Bank 1	Manhasset Deposit	Resolved (\$535,000 recovered) <sup>9</sup>
04/08/22	\$200,000	Bank 1	Payment to Insider	Receiver investigating
04/08/22	\$248,843	Cr Ex 4	Payment to Suspected Insider	Receiver investigating
04/08/22	\$115,332	Cr Ex 4	Payment to Investor	Handle in claims resolution process
04/10/22	\$460,661	Cr Ex 4	Transfer to Crypto Ex 5	Handle in turnover efforts
04/27/22	\$150,000	Bank 1	Payment to non-profit	Receiver investigating
04/29/22	\$100,000	Bank 1	Payment to Bonaventura	Long Island Real Estate resolution <sup>10</sup>
04/29/22	\$250,000	Bank 1	Payment to IOLA account	Resolved (\$230,000 recovered)
05/02/22	\$519,000	Bank 1	Payment to Bonaventura	Long Island Real Estate resolution
05/03/22	\$1,000,000	Bank 1	Payment to Bonaventura	Long Island Real Estate resolution
05/05/22	\$240,000	Bank 1	Payment for Vehicle 3	Vehicle turned over to receivership
05/05/22	\$152,282	Cr Ex 4	Payment to Investor	Confirmed Net Winner <sup>11</sup>
05/05/22	\$127,720	Cr Ex 4	Payment to Investor	Handle in claims resolution process
05/11/22	\$1,000,000	Bank 1	Payment to Bonaventura	Long Island Real Estate resolution

<sup>8</sup> The Receiver has recovered \$33,000 from the counterparty and is continuing to negotiate with the recipient for further recovery. *See supra p. 14.*

<sup>9</sup> Subject to the right of the sellers to submit a claim in the receivership, with the Receiver retaining all rights with respect to such claim. *See supra p. 14.*

<sup>10</sup> To date, the Receiver has recovered \$915,200 of the real estate deposits funded with the Bonaventura transfers and is pursuing further recovery as set forth above. *See supra pp. 12-13.*

<sup>11</sup> A “net winner” is an investor who received more in redemptions than his or her original investment, and therefore may not have an allowable claim. The Receiver expects to analyze net winners in conjunction with his analysis of the EminiFX users’ net investment and formulation of a claims process.

The Receiver will continue to investigate the foregoing payments, as well as additional payments to third parties, to determine whether further recovery efforts are warranted, and the appropriate time to pursue such efforts.

**B. *Administration of EminiFX in Receivership***

The Receiver and his forensic computing and accounting team at JS Held are continuing to analyze the transaction data to obtain a complete financial understanding of EminiFX, which will be essential to the Receiver's specific obligation to file a tax return for EminiFX (*see* SRO ¶ 31(m) (incorporated at Consent Order ¶ 37)). The Receiver has not discovered any evidence that a tax return for EminiFX was prepared, and has received indication from the Internal Revenue Service that a tax return for EminiFX was not filed. Moreover, the Receiver has not located a general ledger in the records of EminiFX, and has not received any indication that such a ledger exists beyond the data that exists in the EminiFX database. The Receiver and his team will continue their efforts to use records from financial and cryptocurrency institutions, in conjunction with the database recovered from the EminiFX server, to ascertain the information necessary for the Receiver to fulfill his obligations under the Consent Order.

**C. *Claims and Investor Recovery; Third Party Litigation***

The Receiver expects that his financial analysis, as set forth above, will also be used to determine, to the extent possible, the actual cash and cryptocurrency deposits and withdrawals of each investor account. Such information is expected to form the basis of the claims procedure that the Receiver will propose to the Court at the appropriate time. To the extent that the Receiver concludes that third party litigation is warranted as the result of his team's analysis, the Receiver will request relief and further instructions from the Court as necessary.

## V. RECEIVERSHIP OPERATIONS

### A. *Preservation, Collection, and Production of Records*

As set forth in the July 2022 Status Report, the Receiver has recovered and secured a substantial amount of electronic records. The Receiver continues to store all electronic records in Iron Mountain, as well as the limited number of paper records recovered and secured. The Receiver, as the corporate representative of EminiFX, continues to request the return of seized materials from the Department of Justice, or copies thereof.

The Receiver has also responded to subpoenas in the Criminal Action, producing a substantial amount of documents, as well as a privilege log for certain documents withheld for attorney-client privilege, as well as potential marital privilege for communications between Alexandre and his wife (who was also the CFO of EminiFX). The Receiver also produced a substantial amount of documents in response to requests from counsel for Alexandre before the discovery stay was entered by this Court, and did not withhold for attorney-client or marital privilege. The Receiver did not produce documents to the USAO absent a subpoena, and the document productions to the USAO and Alexandre have been substantially similar.

### B. *Communications with EminiFX Users and Creditors*

On August 5, 2022, this Court approved the Form of Initial Notice that was to be sent to EminiFX account holders and potential creditors, in both English and French (the “Notice of Receivership,” attached hereto as Exhibit 4). On August 9, service was complete to over 62,000 email accounts, as well as a physical mailing to 11 potential creditors, and the Receiver has the complete affidavit of service on file containing those email addresses. The Receiver further reminds all potential claimants, as stated in the Notice of Receivership, that the Court has entered a stay against actions against Defendants in this Action, and that the Receiver will submit a claims

process for approval at the appropriate time. Given the relatively discrete number of expected non-investor claims (*i.e.*, claims that are *not* related to an investment on the EminiFX platform), the Receiver encourages any potential non-investor claimant to reach out to the Receiver directly at [EminiFXInquiries@Stretto.com](mailto:EminiFXInquiries@Stretto.com).

The Stretto website will continue be the primary source of information for interested parties (<http://www.eminifxreceivership.com>). **Any interested party seeking information concerning the receivership is encouraged to review the website in the first instance.** The homepage of the website contains the status reports (including this one), key filings (including the application for fees to be filed soon after this report) and other information about this case. The website also contains a “Civil Docket” section, so that all ECF filings in this case are available to all interested parties without the need for any such party to pay for filings using PACER or ECF. The Receiver will aim to have all docket items posted by the next business day, and any interested party can subscribe for docket item email updates by clicking the “Subscribe” button in the “Civil Docket” section. Under the “Frequently Asked Questions” section, the Receiver and his team endeavor to provide answers to common user questions so that answers are available to all interested parties, and the Receiver and his team will update that over time. Finally, the website contains a section for users or interested parties to update their contact information, especially the email address. Given that a substantial number of EminiFX users appear to be French speakers, the Receiver is providing the website in both English and French.

As noted above, EminiFX users may email [EminiFXInquiries@Stretto.com](mailto:EminiFXInquiries@Stretto.com) with questions or concerns. Although users remain encouraged to review that website before sending any email, the Receiver notes that 661 emails have been received since that email box was created, and each email has received a response. The Receiver and other employees of his law firm will

not, as a general rule, respond directly to inquiries from individual EminiFX users, given the need to ensure that communications with users remain as uniform and as cost-effective as possible.

**C. *Winding Down EminiFX as an Operating Entity***

In the July 2022 Status Report, the Receiver described in detail his efforts of those of his team to wind down the active operations of EminiFX, although the entity will continue to exist in receivership. Those efforts included vacating the premises, terminating the employees, shutting down the online platform (while preserving the data therein), and terminating all remaining service contracts with such counterparties being added to the list of non-investor potential claimants, such that they will be notified of the claims process in this case once it is established and approved by the Court. Those efforts are generally complete, and EminiFX is no longer active as an operating entity.

**VI. RECOMMENDATIONS AND NEXT STEPS**

Since the July 2022 Status Report, the Receiver has continued efforts (i) to obtain an accurate picture of the various transactions and financial condition of EminiFX, (ii) to unwind the Long Island real estate portfolio given the urgency of those contracts, (iii) to ascertain additional sources of recovery, and (iv) to administer the receivership estate. At present, the Receiver does not believe that the stay of discovery issued by this Court [Dkt. 160] is impacting his ability to carry out his functions under the Consent Order.

**A. *Financial Condition Analysis***

The Receiver and his forensics team have continued to analyze the immense amount of data available in the EminiFX database, as well as the financial and transaction records obtained by the Receiver in connection with his investigation. The primary goal of this analysis is to generate a reliable general ledger of EminiFX transactions so that the Receiver may continue

to recover assets, administer the receivership estate and prepare any necessary tax filings, and create a claims process to handle the potential claims of tens of thousands of EminiFX users.

After substantial analysis of the data recovered from the EminiFX database, the Receiver and his team have determined that the EminiFX bank account and cryptocurrency exchange account records in his possession will be the critical source of accurate financial information, with the database providing critical additional information, support, and validation. The Receiver and his team are aiming to complete this analysis, including the creation of a reliable EminiFX general ledger to support the Receiver's accounting needs, sometime in the First Quarter 2023, and the Receiver will update the Court as to his progress.

**B. *Recovery and Administration of Cryptocurrency Holdings***

The Receiver plans to continue his efforts on recovering the cryptocurrency holdings from Europe, especially the Bitcoin in Crypto Exchange 4, with the assistance of his counsel overseas. The Receiver reiterates that there is substantial uncertainty as to the timing and amount of any turnover of the cryptocurrency in both Crypto Exchanges 4 and 5. If necessary, the Receiver will request additional relief or specific instructions from this Court in support of those efforts. As noted in the July 2022 Status Report, once the Receiver is in possession of all the cryptocurrency that he believes is likely to be turned over, the Receiver intends to formulate a plan for the disposition of the cryptocurrency, in consultation with his financial advisors, which will be submitted to the Court for approval.

**C. *Motion for Approval of Claims Process***

After the Receiver completes his analysis of the financial condition of EminiFX, he intends to formulate a claims procedure, both for the tens of thousands of potential claims by EminiFX users, as well as what the Receiver expects will be a limited number of claims from non-

investors. The Receiver expects to make individual determinations with respect to each of the claims submitted by non-investors. The Receiver further expects to include an objection procedure for non-investor claims that will provide them with a notice and opportunity to be heard. Any proposed claims process will be the subject to approval by this Court.

D. *Development of Distribution Plan*

As explained in his July 2022 Report, once the claims process is complete, the Receiver intends to develop a distribution plan for court approval, accounting for all relevant issues that arose during the claims approval process. The Receiver intends to propose a prudent initial distribution as soon as practicable following the Court's approval of a distribution plan. The Receiver further cautions EminiFX users—especially those who have inquired about refunds—that no receivership funds are intended to be distributed to EminiFX users outside the claims and distribution process approved by the Court.

E. *Evaluation of Potential Litigation Claims*

As part of the administration of the estate, the Receiver intends to evaluate the possibility of litigation claims against third parties for which the estate has standing to pursue under applicable law. Given the relative recency of the founding of EminiFX and the receivership, the Receiver does not believe that there is significant risk of any claims becoming time barred in the near future. The Receiver will seek further relief or instructions from the Court at the appropriate time concerning potential litigation against third parties.

## VII. CONCLUSION

The Receiver will provide a further report within approximately the next 90 days, or at such other time as the Court may direct. The Receiver remains available to provide any further information or advice that the Court may require.

Dated: New York, New York  
October 12, 2022

Respectfully Submitted,

By: \_\_\_\_\_



David A. Castleman  
*Receiver*

## **EXHIBIT 1**

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): General Ledger**

<b>Category</b>	<b>Type</b>	<b>Dkt</b>	<b>Account</b>	<b>Amount (USD)</b>	<b>Date</b>	<b>Balance (USD)</b>	<b>Status Report</b>
Turnover	Bank 1 (Frozen)		General Receivership	\$35,783,299.59	06/01/2022	\$35,783,299.59	July 2022
Turnover	Bank 1 (Frozen)		General Receivership	\$736,526.66	06/01/2022	\$36,519,826.25	July 2022
Turnover	Bank 1 (Frozen)		General Receivership	\$100,000.00	06/01/2022	\$36,619,826.25	July 2022
Turnover	Bank 1 (Frozen)		General Receivership	\$100,000.00	06/01/2022	\$36,719,826.25	July 2022
Turnover	Bank 1 (Frozen)		General Receivership	\$672,925.00	06/01/2022	\$37,392,751.25	July 2022
Turnover	Bank 1 (Frozen)		General Receivership	\$101,174.67	06/01/2022	\$37,493,925.92	July 2022
Expenses	General Exp	42	General Receivership	(\$106,144.68)	06/02/2022	\$37,387,781.24	July 2022
Recovery	RE Deposit		General Receivership	\$37,000.00	06/09/2022	\$37,424,781.24	July 2022
Interest	Interest		General Receivership	\$5,739.24	06/16/2022	\$37,430,520.48	July 2022
Expenses	General Exp	42	General Receivership	(\$181,841.45)	06/17/2022	\$37,248,679.03	July 2022
Reserve	General Exp	42	Alexandre (Payroll)	\$54,556.92	06/17/2022	\$37,303,235.95	July 2022
Reserve	General Exp	42	Dieuveuil (Payroll)	\$22,152.03	06/17/2022	\$37,325,387.98	July 2022
Turnover	Bank 1 (Frozen)		Alexandre Assets	\$6,615,449.38	06/21/2022	\$43,940,837.36	July 2022
Turnover	Bank 1 (Frozen)		Alexandre Assets	\$100,643.05	06/21/2022	\$44,041,480.41	July 2022
Recovery	RE Deposit		General Receivership	\$155,000.00	06/22/2022	\$44,196,480.41	July 2022
Recovery	RE Deposit		Alexandre Assets	\$535,000.00	06/22/2022	\$44,731,480.41	July 2022
Expenses	Retainer	47	General Receivership	(\$25,000.00)	06/23/2022	\$44,706,480.41	July 2022
Turnover	Bank 2 (Frozen)		General Receivership	\$14,542,354.94	06/28/2022	\$59,248,835.35	July 2022
Turnover	Bank 2 (Frozen)		General Receivership	\$40,797.60	06/28/2022	\$59,289,632.95	July 2022
Recovery	RE Deposit		General Receivership	\$27,000.00	06/28/2022	\$59,316,632.95	July 2022
Recovery	Misc Deposit		General Receivership	\$3,300.00	06/28/2022	\$59,319,932.95	July 2022
Interest	Interest		General Receivership	\$5,789.93	06/30/2022	\$59,325,722.88	July 2022
Turnover	Broker 1 (Frozen)		Alexandre Assets	\$1,752,944.40	07/06/2022	\$61,078,667.28	July 2022
Recovery	RE Deposit		General Receivership	\$30,000.00	07/08/2022	\$61,108,667.28	July 2022
Recovery	Sale of Property		Alexandre Assets	\$15,000.00	07/13/2022	\$61,123,667.28	July 2022
Recovery	RE Deposit		General Receivership	\$45,000.00	07/13/2022	\$61,168,667.28	July 2022
Recovery	RE Deposit		General Receivership	\$110,000.00	07/14/2022	\$61,278,667.28	July 2022
Recovery	RE Deposit		General Receivership	\$50,000.00	07/15/2022	\$61,328,667.28	July 2022
Recovery	RE Deposit		General Receivership	\$80,000.00	07/15/2022	\$61,408,667.28	July 2022
Recovery	RE Deposit		General Receivership	\$41,200.00	07/21/2022	\$61,449,867.28	October 2022
Interest	Interest		General Receivership	\$15,510.21	07/29/2022	\$61,465,377.49	October 2022
Interest	Interest		Alexandre Assets	\$1,124.29	07/29/2022	\$61,466,501.78	October 2022
Interest	Interest		Alexandre Assets	\$2,583.17	08/04/2022	\$61,469,084.95	October 2022
Interest	Interest		General Receivership	\$6,647.99	08/05/2022	\$61,475,732.94	October 2022
Recovery	RE Deposit		General Receivership	\$57,000.00	08/05/2022	\$61,532,732.94	October 2022

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): General Ledger**

<b>Category</b>	<b>Type</b>	<b>Dkt</b>	<b>Account</b>	<b>Amount (USD)</b>	<b>Date</b>	<b>Balance (USD)</b>	<b>Status Report</b>
Expenses	Professional	92	General Receivership	(\$142,938.55)	08/08/2022	\$61,389,794.39	October 2022
Expenses	Professional	92	General Receivership	(\$251,248.57)	08/08/2022	\$61,138,545.82	October 2022
Expenses	Professional	92	General Receivership	(\$425,581.42)	08/08/2022	\$60,712,964.40	October 2022
Expenses	Professional	92	General Receivership	(\$153,285.48)	08/08/2022	\$60,559,678.92	October 2022
Expenses	Professional	92	General Receivership	(\$14,199.46)	08/08/2022	\$60,545,479.46	October 2022
Expenses	Professional	92	General Receivership	(\$9,037.18)	08/08/2022	\$60,536,442.28	October 2022
Expenses	Retainer	91	General Receivership	(\$5,269.68)	08/08/2022	\$60,531,172.60	October 2022
Expenses	General Exp	91	General Receivership	(\$6,900.00)	08/08/2022	\$60,524,272.60	October 2022
Recovery	Misc Deposit		General Receivership	\$306,000.00	08/09/2022	\$60,830,272.60	October 2022
Recovery	RE Deposit		General Receivership	\$50,000.00	08/09/2022	\$60,880,272.60	October 2022
Recovery	RE Deposit		General Receivership	\$33,000.00	08/25/2022	\$60,913,272.60	October 2022
Interest	Interest		General Receivership	\$43,992.60	08/31/2022	\$60,957,265.20	October 2022
Interest	Interest		Alexandre Assets	\$7,663.15	08/31/2022	\$60,964,928.35	October 2022
Expenses	General Exp	91	General Receivership	(\$30.00)	09/12/2022	\$60,964,898.35	October 2022
Recovery	Misc Deposit		General Receivership	\$75,000.00	09/15/2022	\$61,039,898.35	October 2022
Expenses	General Exp	91	General Receivership	(\$615.01)	09/21/2022	\$61,039,283.34	October 2022
Recovery	Misc Deposit		General Receivership	\$33,000.00	09/23/2022	\$61,072,283.34	October 2022
Expenses	General Exp	91	General Receivership	(\$4,931.08)	09/27/2022	\$61,067,352.26	October 2022
Recovery	RE Deposit		General Receivership	\$40,000.00	09/27/2022	\$61,107,352.26	October 2022
Recovery	RE Deposit		General Receivership	\$30,000.00	09/27/2022	\$61,137,352.26	October 2022
Recovery	Misc Deposit		General Receivership	\$68,905.07	09/30/2022	\$61,206,257.33	October 2022
Interest	Interest		General Receivership	\$42,660.24	09/30/2022	\$61,248,917.57	October 2022
Interest	Interest		Alexandre Assets	\$7,422.24	09/30/2022	\$61,256,339.81	October 2022
Recovery	RE Deposit		General Receivership	\$30,000.00	10/06/2022	\$61,286,339.81	October 2022
Recovery	RE Deposit		General Receivership	\$55,000.00	10/06/2022	\$61,341,339.81	October 2022
Recovery	RE Deposit		General Receivership	\$45,000.00	10/11/2022	\$61,386,339.81	October 2022

## **EXHIBIT 2**

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): Resolution of Real Property Portfolio**

Number	Deposit Amount	Purchase Price	Agreed Recovery	Amount Received	Status	Next Step
1	\$ 32,000.00	\$ 320,000.00	\$ 32,000.00	\$ -	Stipulation Signed	Filed with Court
2	\$ 50,000.00	\$ 450,000.00	\$ 50,000.00	\$ 50,000.00	Agreement Complete	Funds Received
3	\$ 49,000.00	\$ 499,000.00	\$ 49,000.00	\$ -	Stipulation Signed	Filed with Court
4	\$ 27,000.00	\$ 264,000.00	\$ 27,000.00	\$ 27,000.00	Agreement Complete	Funds Received
5	\$ 65,000.00	\$ 650,000.00	\$ 65,000.00	\$ -	Stipulation Signed	Preparing to File
6	\$ 50,000.00	\$ 480,000.00	\$ 50,000.00	\$ -	Stipulation Signed	Filed with Court
7	\$ 26,000.00	\$ 255,000.00	\$ 26,000.00	\$ -	Agreement Complete	Awaiting Funds
8	\$ 46,000.00	\$ 460,000.00	\$ 46,000.00	\$ -	Agreement Complete	Awaiting Funds
9	\$ 50,000.00	\$ 430,000.00	\$ 50,000.00	\$ 50,000.00	Agreement Complete	Funds Received
10	\$ 42,000.00	\$ 405,000.00	\$ 42,000.00	\$ -	Stipulation Signed	Filed with Court
11	\$ 42,000.00	\$ 415,000.00	\$ 42,000.00	\$ -	Agreement Complete	Awaiting Funds
12	\$ 35,000.00	\$ 336,000.00	\$ -	\$ -	Negotiation in Process	Awaiting Lender
13	\$ 35,000.00	\$ 330,000.00	\$ 35,000.00	\$ -	Stipulation Signed	Filed with Court
14	\$ 30,000.00	\$ 287,000.00	\$ 30,000.00	\$ -	Stipulation Signed	Filed with Court
15	\$ 40,000.00	\$ 391,501.00	\$ 40,000.00	\$ 40,000.00	Agreement Complete	Funds Received
16	\$ 55,000.00	\$ 525,001.00	\$ 55,000.00	\$ -	Stipulation Signed	Filed with Court
17	\$ 30,000.00	\$ 290,000.00	\$ 30,000.00	\$ -	Agreement in Principle	Negotiating Stipulation
18	\$ 55,000.00	\$ 533,000.00	\$ 55,000.00	\$ 55,000.00	Agreement Complete	Funds Received
19	\$ 30,000.00	\$ 300,000.00	\$ 30,000.00	\$ 30,000.00	Agreement Complete	Funds Received
20	\$ 40,000.00	\$ 369,001.00	\$ -	\$ -	Returned to Bonaventura	Separate Negotiation
21	\$ 80,000.00	\$ 800,000.00	\$ 80,000.00	\$ 80,000.00	Agreement Complete	Funds Received
22	\$ 35,000.00	\$ 320,000.00	\$ 35,000.00	\$ -	Agreement in Principle	Negotiating Stipulation
23	\$ 55,000.00	\$ 550,000.00	\$ 55,000.00	\$ -	Stipulation Signed	Filed with Court
24	\$ 30,000.00	\$ 300,000.00	\$ 30,000.00	\$ 30,000.00	Agreement Complete	Funds Received
25	\$ 52,000.00	\$ 510,000.00	\$ 52,000.00	\$ -	Agreement in Principle	Negotiating Stipulation

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): Resolution of Real Property Portfolio**

Number	Deposit Amount	Purchase Price	Agreed Recovery	Amount Received	Status	Next Step
26	\$ 45,000.00	\$ 360,001.00	\$ 45,000.00	\$ -	Stipulation Signed	Preparing to File
27	\$ 45,000.00	\$ 436,000.00	\$ 45,000.00	\$ 45,000.00	Agreement Complete	Funds Received
28	\$ 50,000.00	\$ 447,000.00	\$ 50,000.00	\$ -	Agreement Complete	Awaiting Funds
29	\$ 40,000.00	\$ 400,000.00	\$ 40,000.00	\$ -	Stipulation Signed	Filed with Court
30	\$ 41,200.00	\$ 412,000.00	\$ 41,200.00	\$ 41,200.00	Agreement Complete	Funds Received
31	\$ 70,000.00	\$ 660,000.00	\$ 70,000.00	\$ -	Agreement Complete	Awaiting Funds
32	\$ 34,000.00	\$ 331,000.00	\$ 34,000.00	\$ -	Stipulation Signed	Preparing to File
33	\$ 40,000.00	\$ 377,000.00	\$ 40,000.00	\$ -	Stipulation Signed	Filed with Court
34	\$ 57,000.00	\$ 566,000.00	\$ 57,000.00	\$ 57,000.00	Agreement Complete	Funds Received
35	\$ 60,000.00	\$ 509,000.00	\$ 60,000.00	\$ -	Agreement Complete	Awaiting Funds
36	\$ 49,000.00	\$ 486,000.00	\$ 49,000.00	\$ -	Agreement in Principle	Negotiating Stipulation
37	\$ 32,000.00	\$ 310,000.00	\$ -	\$ -	Negotiation in Process	Awaiting Lender
38	\$ 110,000.00	\$ 1,080,000.00	\$ 110,000.00	\$ -	Agreement in Principle	Negotiating Stipulation
39	\$ 172,700.00	\$ 1,726,021.30	\$ 172,700.00	\$ -	Stipulation Signed	Preparing to File
40	\$ 50,000.00	\$ 480,000.00	\$ 50,000.00	\$ -	Agreement in Principle	Negotiating Stipulation
41	\$ 65,500.00	\$ 655,000.00	\$ 65,500.00	\$ -	Agreement in Principle	Negotiating Stipulation
42	\$ 30,000.00	\$ 290,000.00	\$ 30,000.00	\$ 30,000.00	Agreement Complete	Funds Received
43	\$ 45,000.00	\$ 440,000.00	\$ 45,000.00	\$ 45,000.00	Agreement Complete	Funds Received
44	\$ 110,000.00	\$ 1,075,000.00	\$ 110,000.00	\$ 110,000.00	Agreement Complete	Funds Received
45	\$ 33,000.00	\$ 325,000.00	\$ 33,000.00	\$ 33,000.00	Agreement Complete	Funds Received
46	\$ 50,000.00	\$ 500,000.00	\$ -	\$ -	Returned to Bonaventura	Separate Negotiation
47	\$ 37,000.00	\$ 370,000.00	\$ 37,000.00	\$ 37,000.00	Agreement Complete	Funds Received
48	\$ 155,000.00	\$ 1,550,000.00	\$ 155,000.00	\$ 155,000.00	Agreement Complete	Funds Received
<b>TOTALS</b>	<b>\$ 2,502,400.00</b>	<b>\$ 24,254,525.30</b>	<b>\$ 2,345,400.00</b>	<b>\$ 915,200.00</b>		

## **EXHIBIT 3**

## EminiFX Receivership - October 2022 Status Report

## Summary of Uses of Cash -- Preliminary Analysis

	EMINIFX INC		ALEXANDRE	GRAND TOTAL
	BANK 1	BANK 2	BANK 1	
<b>Beginning Bank Balance</b>	\$ -	\$ -	\$ 45	\$ 45
<b>Deposits</b>	<b>48,780,433</b>	<b>27,064,044</b>	<b>2,000,472</b>	<b>77,844,949</b>
Transfers Between Known Accounts	(2,954,600)	(12,102,042)	15,056,642	-
Net Deposits	45,825,833	14,962,002	17,057,114	77,844,949
<b>Uses of Cash</b>				
<b>Investments</b>				
Real Estate Investments				
Bonaventura Realty Corp	(2,679,000)	-	-	(2,679,000)
Manhasset Deposit	-	-	(535,000)	(535,000)
Real Estate Attorney	(250,000)	-	-	(250,000)
Other Real Estate	(37,000)	-	(1,432)	(38,432)
<b>Total Real Estate Investments</b>	<b>(2,966,000)</b>	<b>-</b>	<b>(536,432)</b>	<b>(3,502,432)</b>
Brokerage 1	-	-	(9,070,000)	(9,070,000)
Crypto Exchange 3	(1,000)	(100,000)	(35,000)	(136,000)
Crypto Exchange 2	-	-	(5,926)	(5,926)
<b>Total Investments</b>	<b>(2,967,000)</b>	<b>(100,000)</b>	<b>(9,647,359)</b>	<b>(12,714,359)</b>
<b>Other Uses of Cash</b>				
Business Related Uses				
Personnel/Payroll	(1,478,915)	(91,297)	-	(1,570,212)
Tech Expenses	(863,897)	(28,000)	(3,691)	(895,588)
Office Expenses	(767,059)	-	(5,757)	(768,964)
Business Expenses	(667,672)	(3,187)	(48,205)	(722,916)
Credit Card Payments	(148,488)	3	-	(148,485)
Legal Expenses	(210,000)	-	-	(210,000)
<b>Total Business Related Uses of Cash</b>	<b>(4,136,031)</b>	<b>(122,481)</b>	<b>(57,653)</b>	<b>(4,316,165)</b>
Other Uses of Cash				
Payments to Individuals	(281,560)	(14,176)	(33,350)	(329,086)
Payments/Withdrawals Under Investigation	(406,953)	(69,000)	(77,583)	(553,536)
Miscellaneous	(25,880)	(43)	(7,813)	(33,736)
<b>Total Other Uses of Cash</b>	<b>(714,393)</b>	<b>(83,219)</b>	<b>(118,746)</b>	<b>(916,358)</b>
Personal Uses				
Charitable Contributions	(180,000)	-	(265,000)	(445,000)
Payments to Related Parties	(210,000)	(67,147)	(35,892)	(313,039)
Personal	(108,007)	(5,000)	(104,582)	(217,589)
ATM Withdrawal	(16,511)	(1,003)	(79,173)	(96,687)
Credit Card Payments	-	-	(32,306)	(32,306)
<b>Total Personal Uses of Cash</b>	<b>(514,517)</b>	<b>(73,150)</b>	<b>(516,953)</b>	<b>(1,104,621)</b>
<b>Total Uses of Cash</b>	<b>(8,331,942)</b>	<b>(378,850)</b>	<b>(10,340,710)</b>	<b>(19,051,502)</b>
<b>Net Cash</b>	<b>37,493,892</b>	<b>14,583,153</b>	<b>6,716,448</b>	<b>58,793,492</b>
<b>Frozen Funds Transferred to Receiver</b>	<b>37,493,926</b>	<b>14,583,153</b>	<b>6,716,092</b>	<b>58,793,171</b>
Variance	< 0.0001%	-	< 0.01%	< 0.001%

## **EXHIBIT 4**

ENGLISH VERSION  
(*la version française est jointe*)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

22 Civ. 3822 (VEC)

-against-

EDDY ALEXANDRE and  
EMINIFX, INC.,

Defendants.

**NOTICE OF RECEIVERSHIP**

**TO ALL EMINIFX ACCOUNT HOLDERS AND POTENTIAL CREDITORS:**

This Notice is to inform you that EminiFX, Inc. (“EminiFX”) and certain assets of Eddy Alexandre (“Alexandre”) are in Receivership. By Orders dated May 11, 2022 and June 15, 2022, the United States District Court for the Southern District of New York (the “Court”) has appointed David Castleman (the “Receiver”) as Receiver over EminiFX and the assets of Alexandre that are traceable to funds derived from EminiFX customers. This Notice was authorized by the Court order dated August 5, 2022.

You are receiving this Notice because you had an account on the EminiFX online platform, you may be a customer of EminiFX, or because the Receiver has reason to believe that you may wish to assert a claim in the receivership estate. **There is no action required by you at this time in response to this Notice.** However, you are permitted to speak with an attorney regarding this notice and your rights as a customer, creditor, or account holder.

Additional information about the Receivership, including a copy of the Consent Preliminary Injunction appointing the Receiver, can be found at <http://www.eminifxreceivership.com>. Please check the website for updates and all documents that are filed with the Court in this case. The Receiver’s Initial Status Report, filed on July 20, 2022, can be found on that website. **This website will be your primary source of information about this case.**

If you wish to receive future notices at a different email address, we prefer that you update your email address in the “Update Contact Information” of the website. You may also send an email with your new contact information to [EminiFXInquiries@Stretto.com](mailto:EminiFXInquiries@Stretto.com).

**Prior Emails Are Not Refund Requests or Claims Submissions**

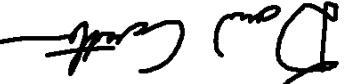
If you have previously provided information relating to your EminiFX investment, that does not mean that you have submitted a claim. Please save all information relating your EminiFX investment. You will receive a separate email in the future with instructions for how to submit a “Claim” based on the amount you invested. **The Receiver is not otherwise processing individual refunds or withdrawals, and will not respond to such requests outside the Claims process.**

**Notice of Stay on Actions Against Defendants**

All EminiFX users and potential creditors are hereby notified that the Consent Order restricts a number of actions, as stated in the order. The Consent Order may be found on the homepage of the receivership website, and Paragraph 55 is excerpted here:

*55. Except by leave of the Court, during the pendency of the receivership ordered herein, Defendants, and all other persons and entities are stayed from taking any action (other than the present action by the Plaintiff) to establish or enforce any claim, right or interest for, against, on behalf of, in, or in the name of, the Defendants, the Receiver, the Receivership Property, or the Receiver’s duly authorized agents acting in their capacities as such, including but not limited to, the following actions:*

- a. Petitioning, or assisting in the filing of a petition that would cause the Defendants to be placed in bankruptcy;*
- b. Commencing, prosecuting, litigating or enforcing any suit or proceeding against any of the Defendants, or any of their subsidiaries or affiliates, except that such actions may be filed to toll any applicable statute of limitations;*
- c. Commencing, prosecuting, continuing or entering any suit or proceeding in the name or on behalf of any of the Defendants, or any of their subsidiaries or affiliates;*
- d. Accelerating the due date of any obligation or claimed obligation, enforcing any lien upon, or taking or attempting to take possession of, or retaining possession of, property of the Defendants, or any of their subsidiaries or affiliates, or any property claimed by any of them, or attempting to foreclose, forfeit, alter or terminate any of the Defendants’ interests in property, including without limitation, the establishment, granting, or perfection of any security interest, whether such acts are part of a judicial proceeding or otherwise;*
- e. Using self-help or executing or issuing, or causing the execution or issuance of, any court attachment, subpoena, replevin, execution or other process for the purpose of impounding or taking possession of or interfering with, or creating or enforcing a lien upon any property, wherever located,*

Court-Appointed Receiver  
David Castelman  
  
Sincerely,

As stated above, no further response is required from you at this time. Please continue to monitor the website at <http://www.eminifxreceivership.com>, where all pleadings filed in this case will be posted. Any notice requiring your attention is likely to be sent via email, so please update any changes to your email address using the website.

Please do not call the Commodity Futures Trading Commission, the Court, or the Clerk of the Court for information about the Receivership. None of them are permitted to give you legal advice.

Please continue to check the website for future updates, especially the "Frequently Asked Questions" section. You may click the "Subscribe" button on the "Civil Docket" section to receive additional emails when court filings are made in this case. If you have a specific inquiry, you may email [EminifXInquiries@Stetco.com](mailto:EminifXInquiries@Stetco.com) or call (855) 228-3721. Due to the enormous volume of questions, we do not expect to respond to every email or call, especially if the information requested is already on the website.

If Doing any act or thing whatsoever to interfere with the Receiver taking control, possession or management of the property subject to the Receivership, or to in any way interfere with the Receiver or to harass or interfere with the duties of the Receiver, or to overstep the jurisdiction of this Court over the property and assets of the Receivership Defendants, or their subsidiaries or affiliates.

or owned by or in the possession of the Defendants, or any of their subsidiaries or affiliates, or the Receiver, or any agent of the Receiver; and

### Additional Information and Next Steps

VERSION FRANÇAISE  
(*English Version Attached*)

**TRIBUNAL DE DISTRICT DES ÉTATS-UNIS  
DISTRICT SUD DE NEW YORK**

**COMMODITY FUTURES TRADING  
COMMISSION,**

**Demanderesse**

22 Civ. 3822 (VEC)

**-contre-**

**EDDY ALEXANDRE et  
EMINIFX, INC.,**

**Défenderesses.**

**AVIS DE MISE SOUS SÉQUESTRE**

**À TOUS LES TITULAIRES DE COMPTE EMINIFX ET CRÉANCIERS POTENTIELS :**

Le présent avis vise à vous informer qu'EminiFX, Inc. (« EminiFX ») et certains actifs d'Eddy Alexandre (« Alexandre ») sont en mis sous séquestre. En vertu des ordonnances en date du 11 mai 2022 et du 15 juin 2022, le Tribunal de district des États-Unis pour le district sud de New York (le « Tribunal ») a nommé David Castleman (le « Séquestre ») en tant que Séquestre d'EminiFX et des actifs d'Alexandre qui sont rattachables aux fonds provenant des clients d'EminiFX. Le présent avis a été autorisé par l'ordonnance du Tribunal en date du 5 août 2022.

Vous recevez cet avis parce que vous aviez un compte sur la plateforme en ligne EminiFX, vous êtes peut-être un client d'EminiFX ou parce que le Séquestre a des raisons de croire que vous souhaitez peut-être faire valoir une réclamation concernant les actifs mis sous séquestre. **Aucune action n'est requise de votre part pour le moment en réponse au présent avis.** Cependant, vous êtes autorisé à parler à un avocat de cet avis et de vos droits en tant que client, créancier ou titulaire de compte.

Des informations supplémentaires sur la mise sous séquestre, y compris une copie de l'injonction préliminaire de consentement désignant le Séquestre, sont disponibles sur <http://www.eminifxreceivership.com>. Veuillez consulter le site Web pour avoir les mises à jour et tous les documents déposés auprès du Tribunal dans cette affaire. Vous pouvez accéder au rapport de situation initial du Séquestre, déposé le 20 juillet 2022, sur ce site Web. **Ce site Web sera votre principale source d'informations sur cette affaire.**

Si vous souhaitez recevoir de futurs avis à une adresse électronique différente, veuillez mettre à jour votre adresse électronique dans la section « Mettre à jour les coordonnées » du site Web. Vous

pouvez également envoyer un e-mail avec vos nouvelles coordonnées à EminiFXInquiries@Stretto.com.

**Les e-mails antérieurs ne constituent pas des demandes de remboursement ou des soumissions de réclamations**

Si vous avez déjà fourni des informations relatives à votre investissement EminiFX, cela ne signifie pas que avez soumis une réclamation. Veuillez enregistrer toutes les informations relatives à votre investissement EminiFX. Vous recevrez ultérieurement un e-mail séparé contenant des instructions sur la manière de soumettre une « Réclamation » en fonction du montant que vous avez investi. **Le Séquestre ne traite autrement pas les remboursements ou les retraits individuels et ne répondra pas à ces demandes en dehors du processus de Réclamation**

**Avis de suspension des actions à l'encontre des Défenderesses**

Tous les utilisateurs d'EminiFX et les créanciers potentiels sont informés par la présente que l'ordonnance de consentement limite un certain nombre d'actions, comme indiqué dans l'ordonnance. Vous trouverez l'ordonnance de consentement sur la page d'accueil du site Web de mise sous séquestre, dont le paragraphe 55 est extrait ci-dessous :

*55. Sauf autorisation du Tribunal, pendant la durée de la mise sous séquestre ordonnée en vertu des présentes, les Défenderesses et toutes les autres personnes et entités ne peuvent intenter une quelconque action (autre que la présente action de la Demanderesse) pour établir ou faire valoir une quelconque réclamation, droit ou intérêt pour, contre, pour le compte de, dans ou au nom des Défenderesses, du Séquestre, des biens mis sous séquestre ou des mandataires dûment autorisés du Séquestre agissant en leurs qualités, y compris, mais sans s'y limiter, les actions suivantes :*

- a. Demander ou participer au dépôt d'une demande qui entraînerait la mise en faillite des Défenderesses ;*
- b. Entamer, engager, intenter ou exécuter toute poursuite ou procédure contre l'une des Défenderesses, ou l'une de leurs filiales ou sociétés affiliées, de telles actions peuvent néanmoins être intentées pour suspendre tout délai de prescription applicable ;*
- c. Entamer, engager, poursuivre ou lancer toute poursuite ou procédure au nom ou pour le compte de l'une des Défenderesses, ou de l'une de leurs filiales ou sociétés affiliées ;*
- d. Accélérer la date d'échéance de toute obligation ou obligation alléguée, faire valoir un quelconque privilège sur, ou prendre ou tenter de prendre possession, ou conserver la possession, des biens des Défenderesses, ou de l'une de leurs filiales ou sociétés affiliées, ou de tout bien réclamé par l'une d'entre elles, ou tenter de saisir, de confisquer, de modifier ou de résilier l'un des intérêts des Défenderesses sur les biens, y compris, mais sans s'y limiter, l'établissement, l'octroi ou l'amélioration*

*de toute sûreté, que ces actes fassent partie d'une procédure judiciaire ou non ;*

*e. Utiliser l'auto-assistance ou exécuter ou délivrer, ou provoquer l'exécution ou la délivrance de, toute saisie judiciaire, citation à comparaître, mainlevée, exécution ou autre processus dans le but de confisquer ou de prendre possession ou d'interférer avec, ou de créer ou d'exécuter un privilège sur un quelconque bien, où qu'il se trouve, détenu par ou en possession des Défenderesses, ou de l'une de leurs filiales ou sociétés affiliées, du Séquestre ou de tout mandataire du Séquestre ; et*

*f. Exécuter quelque acte ou chose que ce soit pour interférer avec la prise de contrôle, la possession ou la gestion, par le Séquestre, des biens soumis à la mise sous séquestre, ou pour interférer de quelque manière que ce soit avec le Séquestre ou pour interférer avec les devoirs du Séquestre ou le harceler ; ou pour interférer de quelque manière que ce soit avec la compétence exclusive de ce Tribunal sur les biens et les actifs des Défenderesses sous séquestre, ou de leurs filiales ou sociétés affiliées.*

#### **Informations supplémentaires et étapes suivantes**

Nous vous invitons à consulter régulièrement le site Web pour avoir les futures mises à jour, en particulier la section « Foire aux questions ». Vous pouvez cliquer sur le bouton « S'abonner » dans la section « Dossier civil » pour recevoir des mises à jour supplémentaires par e-mail lorsque des dépôts judiciaires sont effectués dans cette affaire. Si vous avez une demande spécifique, vous pouvez envoyer un e-mail à EminiFXInquiries@Stretto.com ou appeler le (855) 228-3721. En raison du grand nombre de questions, nous ne prévoyons pas de répondre à chaque e-mail ou appel, surtout si les informations demandées se trouvent déjà sur le site Web.

Veuillez ne pas contacter la Commodity Futures Trading Commission, le Tribunal ou le greffier du Tribunal pour obtenir des informations sur la Mise sous séquestre. Aucun d'entre eux n'est autorisé à vous fournir des conseils juridiques.

Comme indiqué ci-dessus, **aucune autre réponse n'est requise de votre part pour le moment**. Nous vous invitons à consulter régulièrement le site Web à l'adresse <http://www.eminifxreceivership.com>, où vous trouverez l'ensemble des actes de procédure déposés dans le cadre de cette affaire. Tout avis nécessitant votre attention sera probablement envoyé par e-mail, veuillez donc mettre à jour tout changement de votre adresse électronique par le biais du site Web.

Cordialement,



David Castleman  
Séquestre judiciaire

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

22 Civ. 3822 (VEC)

-against-

EDDY ALEXANDRE and  
EMINIFX, INC.,

Defendants.

**AFFIDAVIT OF SERVICE**

I, Parker L. Popky, depose and say that I am employed by Stretto, the proposed claims and noticing agent in the above-captioned case.

Commencing on August 9, 2022, at my direction and under my supervision, employees of Stretto caused the following document to be served via first-class mail on the service list attached hereto as Exhibit A, and via electronic mail on the service list attached hereto as Exhibit B:

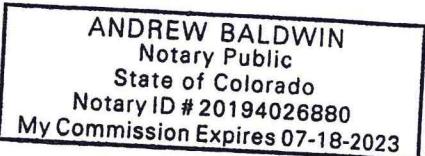
• Notice Of Receivership

Dated: August 11, 2022

State of Colorado      )  
                            )  
                            ) SS.  
County of Denver      )

  
\_\_\_\_\_  
Parker Popky

Subscribed and sworn before me this 11<sup>th</sup> day of August 2022 by Parker Popky.

  
\_\_\_\_\_  
(Notary's official signature)

## **Exhibits to Affidavit of Service Omitted from Public Filing**