

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:20-CV-21887-DPG

COMMODITIES FUTURES TRADING
COMMISSION,

Plaintiff,

v.

DANIEL FINGERHUT,
DIGITAL PLATINUM, INC., DIGITAL
PLATINUM, LTD., HUF MEDIYA
(A/K/A HOOOF MEDIA), TAL VALARIOLA,
and ITAY BARAK

Defendants,

AICEL CARBONERO,

Relief Defendant.

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RECEIVER'S SECOND STATUS REPORT

Melanie E. Damian, the court-appointed Receiver (the "Receiver") in the above-captioned enforcement action ("CFTC Enforcement Action"), submits her second status report concerning the status of the Receivership, established pursuant to the Court's Order Appointing Temporary Receiver [ECF No. 33] (the "Appointment Order"). This interim report sets forth the Receiver's activities and efforts to fulfill her duties under the Appointment Order for the period from July 1, 2020 through October 31, 2020 (the "Reporting Period").

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I. INTRODUCTION

Since her appointment on May 8, 2020, the Receiver, with the assistance of her retained professionals, including her lead counsel, forensic IT professionals, and financial advisor and forensic accountant, has worked diligently to continue to fulfill her duties and obligations as set forth in the Appointment Order, to preserve the assets and records of the Receivership Estate (“Receivership Estate” or “Estate”) and to further identify and marshal all known assets and records of the Defendants not previously secured, including without limitation corporate books and records, email accounts, and bank funds and records. Recovery of these assets and records was significantly delayed due to the Defendants’ refusal to comply with the mandates of the Appointment Order as the Defendants continued to oppose the relief the CFTC sought in its Motion for Preliminary Injunction [ECF No. 11]. The Receiver and her counsel spent significant time and resources working to obtain the Defendants’ compliance with the Appointment Order which required the filing of a motion for order to show cause against Defendant, Daniel Fingerhut (“Fingerhut”) [ECF No. 88] for his refusal to comply with the Court’s Appointment Order. After entry of such order, the Receiver worked with Fingerhut’s counsel to obtain the information, records and assets.

The Receiver further utilized the recovered records from financial institutions and records from the Defendants to investigate transfers between parties, including, transfers between Relief Defendant, Aicel Carbonero (“Carbonero”) and Fingerhut to determine an appropriate disgorgement amount and work with Carbonero’s prior counsel¹ to reach an agreement for the stipulated entry of a Preliminary Injunction. *See* ECF No. 120. The Receiver’s forensic

¹ On August 19, 2020, Carbonero’s prior counsel withdrew as counsel of record pursuant to Court Order [ECF No. 166].

accountants also continue to analyze the records recovered from the Defendants and from financial institutions in response to the Receiver's subpoenas to analyze transfers of assets and complete bank account reconstructions to fully understand and analyze transfers to and from the Defendants.

Additionally, the Receiver, with the assistance of her professionals, began the process of identifying and formulating claims against third parties, affiliates and insiders of the Defendants who improperly received significant recoverable transfers from the Defendants.

II. PROCEDURAL BACKGROUND AND THE APPOINTMENT AND DUTIES OF RECEIVER

The Appointment Order and Duties of the Receiver

On May 5, 2020, Commodity Futures Trading Commission ("CFTC") filed a Complaint for injunctive relief and for restitution against Fingerhut, Digital Platinum, Inc. ("DPI"), Digital Platinum, LTD ("DPL"), Huf Mediya, LTD (a/k/a Hoof Media, LTD) ("Huf"), Tal Valariola ("Valariola"), and Itay Barak ("Barak") (collectively, the "Receivership Defendants" or "Defendants") while also naming Aicel Carbonero as a relief defendant commencing the above-captioned CFTC Enforcement Action. *See* ECF No. 1.² On May 6, 2020, the CFTC also filed an Expedited Motion for Preliminary Injunction [ECF No. 11] and an Expedited Motion for Appointment of Temporary Receiver [ECF No. 12] to preserve the status quo during the pendency of litigation in the CFTC Enforcement Action and to secure the assets and documents of the Defendants. *See* ECF No. 12. On May 8, 2020, the Court entered the Appointment Order appointing Melanie E. Damian, Esq. as temporary Receiver of the Receivership Defendants named in the CFTC's Complaint and of all the funds, properties, premises, accounts, income, now or hereafter due or owing to the Receivership Defendants, and other assets directly or indirectly

² On June 12, 2020, the CFTC filed their first Amended Complaint. *See* ECF No. 101.

owned, beneficially or otherwise, by the Receivership Defendants. *See* ECF No. 33.

The Appointment Order requires the Receiver to periodically file with the Court and serve on all parties periodic reports, the first of which was due sixty (60) days following entry of the Appointment Order, summarizing efforts to marshal and collect assets, administer the Receivership Estate, and otherwise perform the duties mandated by the Appointment Order. *See* ECF No. 33 at p. 4. On July 7, 2020, the Receiver filed her Initial Status Report (“Initial Report”) which described, among other things, the Receiver’s initial efforts to carry out her duties and obligations as set forth in the Appointment Order as well as the status of the Receivership Estate. *See* ECF No. 125. The Initial Report further detailed the Receiver’s efforts to marshal and secure assets, steps the Receiver intended to take in the future to protect Receivership Estate assets, and recommendations as to the continuation of the Receivership. *See id.*

III. STATUS AND ACTIVITIES OF THE RECEIVERSHIP (JULY 1, 2020 THROUGH OCTOBER 31, 2020)

The Receiver provides herein a detailed description of the status of the operations and assets of the Receivership Estate and her efforts and accomplishments with respect to her duties under the Court’s Orders during the current Reporting Period.

A. Receivership Receipts, Disbursements and Assets

As of October 31, 2020, the Receiver held funds totaling \$1,451,150.24³ in her fiduciary account for the Receivership Estate at City National Bank in Miami, Florida, earning interest at 1.25% (APR). *See* Receivership Receipts and Disbursements attached hereto as **Exhibit A**. In addition to this cash on hand, the Estate includes the following assets:

- \$17,572.23 and €51,792.34 in cash, frozen in accounts of DPL and \$6,292.55 in

³ Of this amount, \$1,180,653.82 was transferred from an account of DPL at Safra Bank to the Receiver’s fiduciary account on September 4, 2020. *See* Exhibit A.

securities frozen in an investment account of Fingerhut;

- Assets of Defendants Valariola and Barak in Israel, where they reside (identity and value of assets has not yet been fully disclosed or determined);
- Condominium unit located at 7276 Gary Avenue, Miami Beach, Florida 33141 (the “Residence”) (value has not yet been determined⁴), and personal property therein including, but not limited to furniture and electronics (value has not yet been determined but is not estimated to be significant);⁵
- Personal motorboat (value has not yet been determined);⁶
- Businesses owned by Fingerhut, DPI, DPL, Huf, Valariola, and Barak (nature, location and value have not yet been determined).

B. Receiver’s Continued Efforts to Locate and Marshal Assets of the Defendants and Defendants’ Compliance with the Appointment Order

During the Reporting Period the Receiver continued to fulfill her duties and obligations under the Appointment Order to locate and marshal assets and records of the Receivership Defendants while investigating the Defendants’ business that is the subject of the CFTC’s Complaint. Defendants’ compliance with the mandates of the Appointment Order, including their obligations to turn over assets and records to the Receiver, is a crucial factor in Receiver’s ability to locate and marshal Defendants’ assets and records. In this case, the Receiver’s efforts were hampered to some extent by the Defendants’ invocation of the Fifth Amendment in response to

⁴ While the Residence’s exact current market value is unknown at this time, the Receiver obtained a detailed report dated May 12, 2020 from Miami-Dade County’s Office of the Property Appraiser which lists the Residence’s 2019 assessed value as \$445,400.00. *See* Detailed Report of Office of the Property Appraiser which was attached to the Receiver’s Initial Report as Exhibit B [ECF No. 125].

⁵ An inventory of the Residence was attached to the Receiver’s Initial Report as Exhibit C [ECF No. 125]

⁶ According to Fingerhut’s counsel, there is no equity in the motorboat because the current resale value is less than the amount remaining on the personal loan utilized to purchase the vessel. The Receiver and her counsel are working with Fingerhut and Carbonero’s counsel to confirm this and determine if selling the asset is feasible.

the Appointment Order's turnover and sworn accounting requirements and their challenges to service of process, which required the Receiver to expend additional time and effort to fulfill her duties under that Order.

1. Defendants' Compliance with the Appointment Order

Since her appointment, the Receiver has worked to secure the Defendants' compliance with the mandates of the Appointment Order including, but not limited to, the Defendants' duty to cooperate with the Receiver, to provide a full detailed accounting of all of their assets, and to transfer and deliver to the possession, custody, and control of the Receiver all of their records and assets, including without limitation the funds in their accounts. *See* ECF No. 33 at pp. 5-7.

a. Defendant Fingerhut

On June 2, 2020, after repeated attempts to obtain Defendant Fingerhut's compliance with the mandates of the Appointment Order, the Receiver filed her motion for an order to show cause ("Show Cause Motion") why Fingerhut should not be held in contempt of the Court's Order for his refusal to comply with the Appointment Order and refusal to cooperate with the Receiver. *See* ECF No. 88. On July 7, 2020, the Court conducted a hearing on the Receiver's Show Cause Motion. The Court issued an Order requiring Fingerhut to submit a writing to the Court identifying the specific provisions of the Appointment Order with which Fingerhut has complied and those with which he would not comply based upon his Fifth Amendment right against self-incrimination. *See* ECF No. 126. On July 13, 2020, Fingerhut filed his response to the Show Cause Motion asserting an improper, blanket Fifth Amendment objection to the entirety of the Appointment Order. *See* ECF No. 128. On July 20, 2020, the Receiver and the CFTC filed their combined response to Fingerhut's Fifth Amendment objection. *See* ECF No. 133. The Court set Fingerhut's Response to the Show Cause Motion and the combined response for hearing on July 28, 2020, and

then continued the hearing to August 19, 2020. *See* ECF No. 144. At the hearing on August 19, 2020, the Court held Fingerhut to be in civil contempt of Court for failing to comply with the requirements of the Appointment Order and, on August 20, 2020, the Court memorialized such contempt holding in an Order that provided Fingerhut until August 24, 2020 to purge the contempt and comply with the mandates of the Appointment Order to avoid the imposition of contempt sanctions. *See* ECF No. 170.

On August 23, 2020, Fingerhut's counsel sent correspondence to the Receiver detailing, among other things, Fingerhut's assets and bank accounts and providing credentials to access the online portal for each account. Fingerhut's counsel represented that this correspondence constituted full compliance with the Appointment Order. The Receiver's counsel attempted to access each of Fingerhut's accounts using the credentials provided in the correspondence, however, there were additional security safeguards that thwarted the Receiver's counsel's attempts to access and download bank statements for each account. Additionally, some of the online account credentials proved to be inaccurate or outdated, thus preventing the Receiver from accessing several of Fingerhut's online accounts. Further, Fingerhut's correspondence failed to provide information related to a number of Fingerhut's bank accounts and credit cards that the Receiver had previously identified. And, Fingerhut's correspondence identified several electronic devices belonging to Fingerhut that had not been previously delivered to the Receiver for forensic imaging.

On September 1, 2020, the Receiver arranged for a courier to collect Fingerhut's electronic devices identified in Fingerhut's correspondence and deliver them to the Receiver's forensic IT professional for forensic imaging. However, after the devices were delivered to the Receiver's forensic IT professional, he was unable to access and image the devices because they were

password protected and Fingerhut had not provided the correct passwords. The Receiver's counsel exchanged multiple correspondences with Fingerhut's counsel attempting to recover the passwords that would allow the devices to be accessed and forensically imaged. Indeed, on September 10, 2020, the Receiver's counsel sent correspondence to Fingerhut's counsel identifying the deficiencies in Fingerhut's counsel's August 23, 2020 correspondence (claiming to fully comply with the Court's Appointment Order), including but not limited to the need for the correct passcodes to access Fingerhut's devices, and requesting that Fingerhut provide the Receiver with a full accounting of all funds, records and assets, among other things required by the Appointment Order. On September 17, 2020, Fingerhut completed and delivered to the Receiver the financial disclosure form provided by the Receiver which detailed Fingerhut's assets and records.

b. Defendants DPL, Valariola and Barak

During the Reporting Period, the Receiver worked with counsel for the CFTC and counsel for DPL, Valariola and Barak (collectively, the "Israeli Defendants") to obtain the Israeli Defendants' compliance with the mandates of the Appointment Order. On August 18, 2020, counsel for the Israeli Defendants provided an informal proffer while preserving the Fifth Amendment rights they had invoked in response thereto. The proffer identified approximately USD \$1.3 million⁷ held by DPL in various accounts located in Israel, Spain, and Bulgaria. The

⁷ More specifically, DPL's counsel's informal proffer advised that DPL has three (3) bank accounts: one account in Israel containing approximately \$1.1 million USD; one in Spain containing less than \$100,000 USD; and one in Bulgaria containing less than \$100,000 USD. The Receiver later learned from bank records provided by DPL's counsel that the account in Spain at Caixa Bank holds \$17,572.23 and the accounts in Bulgaria at UniCredit Bullbank holds a total of €51,792.34.

Receiver demanded turnover of these funds.⁸ DPL's counsel also advised that DPL does not have any other assets of any kind. Further, DPL's counsel advised that DPL no longer has any operations, employees, office space, leases, or outstanding liabilities and DPL disposed of all of its personal property (computers, hard drives, and other office equipment) prior to entry of the Appointment Order. DPL's counsel agreed to provide copies of DPL's business records as well as bank records, invoices, accountant audits and company ledgers that were provided to forensic accountant, Grant Thornton. However, DPL refused to provide the Receiver with access to email and other cloud-based accounts of DPL, or information regarding those accounts, including usernames and passwords. At present, the Receiver does not have such access.

In response to the informal proffer, the Receiver's counsel requested that DPL: (i) identify computers, equipment and other digital devices of DPL that were previously disposed of; (ii) identify all assets by way of financial disclosure of DPL, Valariola and Barak; (iii) describe the business/revenues that DPL, Valariola and Barak propose to exclude from Grant Thornton's calculation of profits; and (iv) turn over to the Receiver control of all email accounts of DPL, including without limitation by providing the username and password for each account and cooperating in connection with any two-factor authentication necessary to access the accounts. On August 21, 2020, DPL's counsel provided copies of DPL's books and records (the same records provided to Grant Thornton) and advised that additional information by way of financial disclosure would be forthcoming. DPL's counsel continued to provide limited bank account statements and records, identified at least one personal computer that a former employee had taken from DPL for personal use, and explained that DPL's computers were empty of content apart from the operating

⁸ To date, DPL has effectuated turnover of the funds held in its account at Safra Bank in Israel in the amount of \$1,180,635.82.

system. As of the filing of this Report, the Israeli Defendants have not delivered to the Receiver full financial disclosures as required by the Appointment Order, and Defendants Valariola and Barak continue to invoke their Fifth Amendment right against self-incrimination in response to such requirement.⁹

2. *Records from Financial Institutions*

As detailed in the Initial Report, the Receiver and her professionals sent correspondence and subpoenas to a number of financial institutions demanding (i) the freezing of all accounts and assets of all Defendants, (ii) access to the accounts and account records including online access, (iii) detailed information concerning the history, nature and value (where applicable) of each account as required by the Appointment Order, and (iv) records concerning each account including, without limitation, account statements, communications involving the Defendants, asset transfer records, and account opening documents. *See* ECF No. 125.

During the Reporting Period, financial institutions continued to respond to the Receiver's correspondence and subpoenas and provide copies of the requested records. Additionally, the Receiver sent supplemental subpoenas to several financial institutions to request records associated with newly discovered accounts associated with the Defendants as well as additional records covering a larger time period for the Defendants' previously identified accounts. The Receiver and her counsel continue to work with the responding financial institutions to ensure full compliance with the Receiver's subpoenas. The Receiver has and will continue to provide copies of all records to her forensic accounting professionals to analyze and facilitate their bank

⁹ On September 17, 2020, Defendants Valariola and Barak submitted to the Court a proposed Order that, if entered, would find that their provision of financial disclosures in this enforcement action, whether for purposes of settlement or otherwise, would not constitute a waiver of their Fifth Amendment rights against self-incrimination as to anything other than the specific information contained in such financial disclosures.

reconstruction and tracing of funds for purposes of identifying assets of the Estate, potential sources of recovery, Defendants' customers and creditors, and information regarding Defendants' business operations. Further, while working to obtain full compliance from the Defendants with the mandates of the Appointment Order, the Receiver uncovered additional previously unidentified accounts of certain Defendants at other financial institutions to which the Receiver and her counsel have issued subpoenas requesting copies of all account records.

C. Analysis of Defendants' Accounts and Transfers of Funds/Assets

As outlined in the Initial Report, the Receiver's forensic accountants are in the process of preparing a reconstruction of the activity in each of the Receivership Defendants' accounts at financial institutions ("Account Reconstructions"). The Receiver, her counsel and her forensic accountants will utilize the data obtained from the Account Reconstructions to trace funds to and from the Receivership Defendants and their affiliated business entities for purposes of identifying potential assets of the Estate, customers and creditors of the Defendants, and individuals and entities that may have received improper and avoidable transfers from Defendants. As additional records are identified and received from financial institutions and Defendants, the Receiver will provide copies to her forensic accountants so they may complete their analyses of account activity and the Account Reconstructions.

1. Receiver's Analysis of Transfers Between Fingerhut and Carbonero

As discussed in the Initial Report, the Receiver and her professionals have spent significant time analyzing the transfer of funds and assets by and between Defendants Fingerhut and Carbonero to determine the value of Fingerhut's ill-gotten gains that were transferred to Carbonero and her liability as a Relief Defendant. During the Reporting Period, the Receiver received additional productions in response to subpoenas from JP Morgan Chase, Bank of America, and

Ally Bank, among other institutions. The Receiver and her professionals reviewed these and other records and conducted extensive analysis of assets transferred between Fingerhut and Carbonero reflected therein. Specifically, between February 2015 and January 2018, Fingerhut, through his company, Fingerhut Group Inc, paid to Carbonero a total amount of \$74,950.¹⁰ In June 2018, Fingerhut paid off the Residence's mortgage in the amount of \$314,510.98. In June 2018, Carbonero began making significant transfers to Fingerhut using bank accounts established for his various business entities including but not limited to Fingerhut Group, Inc., Recruiting Hut, LLC, and Media Hut. The transfers from Carbonero to the accounts associated with Fingerhut's various business entities, which began in June 2018 and continued through April 2020, totaled \$113,300. Carbonero previously claimed that these transfers were made pursuant to an informal agreement between Fingerhut and Carbonero in which Carbonero would periodically make payments to Fingerhut in repayment of the mortgage which Fingerhut paid off in June 2018. However, a number of the transfers from Carbonero to Fingerhut included a notation that they were for "services" and "marketing services". Carbonero has not provided adequate explanation as to actual purpose of these transfers given the apparent discrepancy and her new counsel has not demonstrated a willingness to resolve any such issues. The Receiver will continue to work with her professionals, counsel for the CFTC and counsel for Fingerhut and Carbonero to complete her analysis of these transfers and their role in determining the value of the ill-gotten gains transferred to Carbonero for purposes of determining an appropriate disgorgement amount from her.

2. Israeli Forensic Accountant's Analysis of DPL's Transactions and Determination of Net Profits Related to CFTC's Claims

During the initial reporting period, the Receiver, the CFTC and DPL agreed to have an

¹⁰ These transfers were made to Carbonero using her business account at JP Morgan Chase for her dental practice, Aicel Carbonero DDS.

independent forensic accountant at Grant Thornton in Israeli analyze the accounts and business transactions of DPL to determine DPL's net profits related to the business activities that were the subject of the CFTC's Complaint for the ultimate purpose of attempting to agree upon an amount that DPL would pay to the Estate in connection with a possible settlement of the CFTC's claims. After the parties agreed upon the scope and purpose of the engagement, the Israeli forensic accountant commenced gathering DPL's business and account records and analyzing its accounts and business transactions.

During the Reporting Period, the Israeli forensic accountant completed its initial analysis and prepared and delivered to the parties a Report of its analysis and determinations regarding the net profits of DPL. Upon reviewing the Report, the Receiver requested that the Israeli forensic accountant provide additional analysis and a report detailing the revenues of DPL that were excluded from the net profit calculation (*i.e.*, the revenues that DPL generated from activities it asserts were unrelated to the subject of the CFTC's Complaint). The Israeli forensic accountant provided the additional analysis and report, which the Receiver reviewed and discussed with counsel for DPL, counsel for Valariola and Barak. During the next reporting period, the parties will continue to consider the Israeli forensic accountant's reports and will seek to reach an agreement regarding the net profits that would serve as the basis for a possible settlement of the CFTC's claims.

D. Securing Real and Personal Property and Other Assets of the Defendants

As explained in the Initial Report, the Receiver inventoried and secured Defendant Carbonero's Residence located in Miami Beach. During the Reporting Period, as described *supra*, the Receiver worked to obtain Defendants' full compliance with the mandates of the Appointment Order to fulfill her duties thereunder, including marshalling all of the Defendants' assets. In his

financial disclosure, Defendant Fingerhut identified assets in an investment account in the amount of \$6,292.55¹¹, a small personal motorboat and an automobile. Defendant DPL, through counsel, proffered that DPL has no personal or real property other than the assets held in three bank accounts, a significant portion of which was transferred to the Receiver's fiduciary account with the balance remaining frozen in the accounts, according to DPL's counsel. Because Defendants have not provided the sworn financial disclosures required by the Appointment Order and the Receiver has not completed her investigation of their assets, the Receiver cannot be certain that Defendants do not possess additional assets that have not yet been disclosed. As such, the Receiver will continue to search for assets of the Defendants and will take possession of any assets she may discover.

E. The Estate's Potential Claims Against Third Parties, Affiliates, Insiders and Relatives

The Receiver and her professionals will continue to work to identify all potential sources from which the Receivership Estate could recover funds and other assets belonging to, or improperly transferred from, the Defendants, including affiliates, insiders, relatives and third parties who received funds or other assets traceable to the Defendants' businesses and/or customers that are the subject of the CFTC's Complaint. In the event the Court enters a preliminary injunction and extends the relief granted in the Statutory Restraining Order as to Defendants Fingerhut, Valariola, Barak, DPI, DPL and/or Huf, and authorizes the Receiver to bring recovery claims, the Receiver will complete her investigation of those claims, and after consultation with the CFTC, pursue those claims she believes are meritorious and likely to result in a significant recovery for the Receivership Estate.

¹¹ These funds and this investment account are frozen.

IV. EXPENSES AND DISBURSEMENTS OF THE ESTATE

During the Reporting Period, the Receiver made disbursements from the Estate's fiduciary account in the amount of \$95,676.77 to pay professional fees and costs as authorized by this Court [ECF No. 163] and minimal bank fees for the Receiver's fiduciary account. *See* Exhibit A.

Pursuant to the Appointment Order, the Receiver and her professionals are entitled to the payment of the fees and reimbursement of the expenses they incurred during the time period covered by this Report because the services they provided and expenses they advanced are reasonably likely to benefit the Receivership Estate and were necessary to the administration of the Estate. *See* ECF No. 33 at p. 9. In accordance with the requirements of the Appointment Order, the Receiver will file an application seeking approval and payment of those fees and expenses from the funds the Receiver has marshaled and deposited into her fiduciary account in connection with fulfilling her duties under the Appointment Order, and such application will itemize the time and nature of services rendered by the Receiver and her professionals. *See id.*

V. RECEIVER'S RECOMMENDATIONS AND CONCLUSION

In light of her ongoing efforts to fulfill her duties under the Appointment Order, including securing all known assets, accounts, documents, and other items of Estate and analyzing the Defendants' business and account records to locate additional assets, investigate the Defendants' business operations, identify their customers and creditors, and determine if the Estate has claims against third parties, affiliates and insiders who received improper transfers from the Defendants, the Receiver recommends that the Receivership continue until the Receiver is able to fully satisfy her duties.

The Receiver will continue to work with her team of professionals to locate, marshal and preserve all known and potential assets of the Estate. Further, as authorized by the Appointment

Order, the Receiver will continue to investigate the Defendants' business operations and, at the appropriate time after consultation with the CFTC, pursue any and all potential claims against third parties, affiliates and insiders that are likely to result in significant recoveries for the Estate. With respect to the Israeli Defendants, the Receiver will work with their counsel and counsel for the CFTC to attempt to reach a global resolution of the CFTC's claims. In the event the Parties are unable to reach such a resolution, the Receiver will seek to enforce this Court's Orders in Israel and other countries in which such Defendants maintain assets in accordance with applicable international law. The Receiver will also continue to investigate and gather information regarding all Defendants' assets through cooperation, subpoenas, depositions, and other inquiries to financial institutions, and other entities and persons with any connection to the Defendants, to discover potential claims against affiliates, insiders, third parties and other sources of recovery. Finally, the Receiver will continue to perform all other duties as mandated by the Appointment Order and will update the Court on a regular basis as to the status of the Receivership.

Respectfully submitted this 24th day of November 2020.

Respectfully submitted,

/s/Kenneth Dante Murena
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Court-Appointed Receiver*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic transmission via this Court's CM/ECF filing system on November 24, 2020 on all counsel or parties who have appeared in the above-styled action.

/s/Kenneth Dante Murena
Kenneth Dante Murena,
Counsel for Melanie E. Damian,
Court-Appointed Receiver