UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

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

COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

v.

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

Defendants,

AICEL CARBONERO,

Relief Defendant.

RECEIVER'S UNOPPOSED MOTION TO APPROVE FINAL DISTRIBUTION

Melanie E. Damian, the court-appointed Receiver (the "Receiver") in the above-captioned enforcement action, moves for approval of the Receiver's proposed final distribution of assets of the Estate (the "Final Distribution"). In support of this Unopposed Motion, the Receiver states as follows:

I. <u>INTRODUCTION</u>

Since her appointment on May 8, 2020, the Receiver has worked diligently with the Commodity Futures Trading Commission (the "CFTC") to identify and marshal all known assets and records of Defendants and certain real property belonging to Relief Defendant Carbonero. As a result of the Receiver's efforts to recover the Defendants' assets and disgorgement obligations established in the Permanent Injunctions (defined *infra*), the Estate presently holds \$797,773.70 in

cash, after making a significant Initial Distribution of \$1,865,194.22 to claimants holding Allowed Claims.¹

The Receiver has resolved all of the recovery actions that she commenced and does not intend to bring any further actions. She has recovered the full sum due from Relief Defendant Aicel Carbonero. She has recovered \$2,620,394.38 of the \$3 million disgorgement obligation of the Israeli Defendants, who are making periodic payments toward the \$379,605.62 balance of that obligation. The Receiver has attempted to collect the \$349,822.51 balance of Defendant Fingerhut's \$400,011 disgorgement obligation, but he does not appear to have any assets or a significant source of income.

In light of the difficult financial condition of many of the defrauded customers and the near conclusion of all collection efforts in this case, it is appropriate for the Receiver to make the Final Distribution to claimants with Allowed Claims.² Accordingly, the Receiver seeks authority to disburse \$750,000, nearly all of the remaining cash-on-hand, retaining just over \$47,000 for payment of all administrative expenses that will be incurred through the conclusion of the Receivership.

¹ All capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion to Approve (A) Noticing and Claims Administration Process (the "Claims Process") and (B) Plan of Distribution (the "Distribution Plan") [ECF No. 301] ("Motion to Approve Claims Process").

² To protect the claimants from potential telemarketing frauds that have preyed upon victims of binary options trading schemes, the Receiver, submits as **Exhibit A** hereto a list of the amounts to be distributed to each of the claimants with Allowed Claims identified only by a claim number in the Final Distribution proposed herein. The Receiver retains all personal information necessary to identify claimants, process their claims and make distributions in her office. Should the Court wish to review such files, the Receiver would propose an *in camera* review of that personal information.

II. BACKGROUND

A. Commencement of the Enforcement Action and Appointment of the Receiver

On May 5, 2020, the CFTC filed a Complaint for injunctive relief and for restitution against Defendants (naming Carbonero as a relief defendant), commencing the above-captioned CFTC enforcement action (the "Enforcement Action"). *See* ECF No. 1.3 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 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 (the "Appointment Order") appointing Melanie E. Damian, Esq. as temporary Receiver of the entity Defendants and of all the funds, properties, premises, accounts, income, now or hereafter due or owing to the entity Defendants and the individual Defendants, and other assets directly or indirectly owned, beneficially or otherwise, by all such Defendants. *See* ECF No. 33.

B. Entry of Preliminary Injunction Order and Continuation of Receivership

On January 7, 2021, the Court entered a Preliminary Injunction Order ("Preliminary Injunction") as to all Defendants that, among other things, found good cause to continue the appointment of the Receiver as a permanent Receiver for the duration of the case. *See* ECF No. 199.

C. Entry of the Permanent Injunctions

On October 6, 2021, the CFTC filed Plaintiff's Motion for Entry of Proposed Consent Orders for Permanent Injunction against Defendants Daniel Fingerhut, Digital Platinum, Ltd., Tal Valariola & Itay Barak [ECF No. 273] (the "Motion for Permanent Injunctions").

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³ On June 12, 2020, the CFTC filed its first Amended Complaint. See ECF No. 101.

On November 17, 2021, the Court entered the Consent Order for Permanent Injunction and Other Statutory and Equitable Relief Against Digital Platinum Ltd., Tal Valariola and Itay Barak [ECF No. 284] and Consent Order for Permanent Injunction, Civil Monetary Penalty, and Other Equitable Relief Against Defendant Daniel Fingerhut [ECF No. 283] (collectively, the "Permanent Injunctions"), granting the Receiver the powers of a full equity, permanent receiver and authorizing and directing her to collect the disgorgement obligations ordered against the Defendants and devise and implement a consolidated claims process and plan of distribution. See ECF Nos. 283 and 284. In particular, the Permanent Injunctions charged the Receiver with collecting Defendant Fingerhut's \$400,011 disgorgement obligation and the Israeli Defendants' \$3 million disgorgement obligation. See id. Given that Defendant Fingerhut has thus far failed to pay his disgorgement obligation and provided sworn financial disclosures stating that he is unable to pay that obligation, the Receiver does not expect to collect the amount due from Defendant Fingerhut at this time. The Receiver has collected a significant portion of the Israeli Defendants' disgorgement obligation, and their monthly disgorgement payments are minimal. Thus, the recovery phase of this Receivership is nearly complete, and claimants are consistently requesting that the Receiver make a final distribution in this case. Accordingly, the Receiver proposes making the Final Distribution to claimants holding allowed claims.

D. Claims Process and Distribution Plan

On February 9, 2022, pursuant to the Permanent Injunctions, the Receiver filed her Motion to Approve Claims Process [ECF No. 301], which the Court granted on March 2, 2022 [ECF No. 307]. After administering the Claims Process, including reviewing all submitted claims, supporting documentation and requests for reconsideration and responding to all claimant inquiries, the Receiver determined that 149 claims with a total dollar amount of \$4,146,297.08

would be allowed or partially allowed and 85 claims (including duplicate claims) would be disallowed. The Receiver then made an Initial Distribution in the amount of \$1,865,194.22, with each claimant receiving 45% of the amount of their Allowed Claim.

Accordingly, the Receiver now seeks authority to make a *pro rata* Final Distribution to each claimant with an Allowed Claim in the amounts stated on Exhibit A.

III. THE PROPOSED FINAL DISTRIBUTION

The Receiver previously proposed and this Court approved the Initial Distribution on a *pro rata* basis. *See* Motion and Order to Approve Claims Process [Motion, ECF No. 301, and Order, ECF No. 307]. The Receiver now proposes to make a Final Distribution of nearly all of the remaining cash on hand. The current cash-on-hand in the Receivership Estate is \$ 797,773.70, and the proposed Final Distribution amount is \$750,000. Based on the total amount of Allowed Claims, the Receiver estimates that the Final Distribution to claimants will be 18% of the amount of Allowed Claims for a total recovery to claimants of 63% of Allowed Claims.

As previously approved by the Court, the Receiver will continue using Stretto as a distribution agent to make the Final Distribution to claimants. Stretto sent out the Initial Distribution in an efficient and thorough manner. Stretto's staff is trained to efficiently prepare and send electronic payments and checks to claimants from the Estate's fiduciary account using the email or physical addresses provided by claimants on their proof of claim forms. Stretto uses Paypal or Venmo for electronic transfers and the Positive Pay system⁴ and mail tracking to assure the checks reach the correct party and are not cashed by an unauthorized person. The cost per

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⁴ Positive Pay is a fraud-prevention system offered by Stretto's commercial bank to protect the Estate against forged, altered, and counterfeit distribution checks. Stretto will provide the bank with a list of the check number, dollar amount, and account number of each check sent to claimants.

electronic transfer is \$0.35 and per check sent is \$1.29 plus the costs of delivery and Stretto's time expended at Associate rates (approximately \$170-\$260/hour) in providing review and quality control in the preparation, mailing, and tracking of the checks and preparation of disbursement reports memorializing those payments to claimants. To reduce the cost of the Final Distribution, Stretto will make disbursements by electronic transfer to those claimants who have consented to receiving electronic payments, which method is less expensive, more secure, and more efficient than sending a check. Moreover, Stretto will track the checks and electronic payments sent to claimants and investigate any missing payments and/or seemingly altered or uncashed checks. The Receiver has determined that this is the most cost-effective and efficient method of making the Final Distribution to claimants proposed herein.

Upon completing the Final Distribution, the Receiver will file with the Court a final status report, final application for fees and costs, and motion to discharge the Receiver and to terminate the Receivership.

IV. CERTIFICATION

Undersigned counsel hereby certifies that counsel for the Receiver has conferred with counsel for the CFTC, Defendant Fingerhut, and counsel for the Israeli Defendants regarding the relief requested herein. Counsel for the CFTC, Defendant Fingerhut, and counsel for the Israeli Defendants confirmed that they have no objection to the requested relief. Therefore, the Motion is unopposed.

V. <u>CONCLUSION</u>

WHEREFORE, for the foregoing reasons, the Receiver respectfully requests that this Court enter the attached proposed order: (i) approving and authorizing the Receiver to make the Final

Distribution to all eligible claimants holding Allowed Claims in the amounts listed on Exhibit A, and (ii) granting such other relief as this Court deems just and proper.

Dated: September 5, 2025.

Respectfully submitted,

DAMIAN VALORI CULMO

Counsel for Receiver 1000 Brickell Avenue, Suite 1020 Miami, Florida 33131 Telephone: (305) 371-3960 Facsimile: (305) 371-3965

/s/ Kenneth Dante Murena Kenneth Dante Murena, Esq. Florida Bar No. 147486

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th of September, 2025, a true and correct copy of the foregoing Motion was served via CM/ECF upon all counsel of record, and via email to Defendant Daniel Fingerhut (am3hut@gmail.com).

/s/ Kenneth Dante Murena
Kenneth Dante Murena, Esq.

	Allowed	Initial Distribution		Total Distribution
Claim	Amount	Amount	Amount	Amount
DPL-0006	\$144.00	\$64.78	\$26.04	\$90.82
DPL-0014	\$1,036.80	\$466.40	\$187.54	\$653.94
DPL-0040	\$55,018.96	\$24,750.05	\$9,952.07	\$34,702.12
DPL-0054	\$19.01	\$8.55	\$3.44	\$11.99
DPL-0058	\$9,993.60	\$4,495.58		\$6,303.26
DPL-0067	\$13,651.20	\$6,140.93	\$2,469.29	\$8,610.22
DPL-0083	\$28.80	\$12.96	\$5.20	\$18.16
DPL-0086	\$4,608.00	\$2,072.89	\$833.51	\$2,906.40
DPL-0100	\$2,891.85	\$1,300.89	\$523.08	\$1,823.97
DPL-0121	\$3,456.00	\$1,554.67	\$625.13	\$2,179.80
DPL-0122	\$295.30	\$132.84	\$53.41	\$186.25
DPL-0133	\$2,966.40	\$1,334.42	\$536.57	\$1,870.99
DPL-0160	\$27.66	\$12.44	\$5.00	\$17.44
DPL-0178	\$191.99	\$86.37	\$34.72	\$121.09
DPL-0186	\$33,120.00	\$14,898.89	\$5,990.89	\$20,889.78
DPL-0189	\$25,892.68	\$11,647.71	\$4,683.58	\$16,331.29
DPL-0190	\$702.29	\$315.92	\$127.03	\$442.95
DPL-0197	\$172.80	\$77.73	\$31.26	\$108.99
DPL-0202	\$28.80	\$12.96	\$5.20	\$18.16
DPL-0203	\$738.47	\$332.20	\$133.57	\$465.77
DPL-0209	\$50,427.89	\$22,684.77	\$9,121.62	\$31,806.39
DPL-0213	\$172.80	\$77.73	\$31.26	\$108.99
DPL-0244	\$195.42	\$87.91	\$35.34	\$123.25
DPL-0247	\$505.75	\$227.51	\$91.48	\$318.99
DPL-0253	\$6,848.06	\$3,080.57	\$1,238.70	\$4,319.27
DPL-0257	\$24,192.00	\$10,882.67	\$4,375.95	\$15,258.62
DPL-0269	\$976.08	\$439.09	\$176.55	\$615.64
DPL-0271	\$8,807.04	\$3,961.81	\$1,593.05	\$5,554.86
DPL-0284	\$3,992.26	\$1,795.90	\$722.13	\$2,518.03
DPL-0285	\$27,820.80	\$12,515.07	\$5,032.34	\$17,547.41
DPL-0318	\$1,406.60	\$632.75	\$254.43	\$887.18
DPL-0322	\$144.00	\$64.78	\$26.04	\$90.82
DPL-0327	\$288.00	\$129.56	\$52.09	\$181.65
DPL-0348	\$24,533.26	\$11,036.18	\$4,437.68	\$15,473.86
DPL-0354	\$3,261.11	\$1,467.00	\$589.88	\$2,056.88
DPL-0357	\$8,640.00	\$3,886.67	\$1,562.83	\$5,449.50
DPL-0362	\$32,674.75	\$14,698.60	\$5,910.35	\$20,608.95
DPL-0363	\$81,273.60	\$36,560.58	\$14,701.13	\$51,261.71
DPL-0365	\$2,160.00	\$971.67	\$390.70	\$1,362.37
DPL-0366	\$2,211.08	\$994.64	\$399.95	\$1,394.59
DPL-0371	\$21,802.31	\$9,807.68	\$3,943.69	\$13,751.37
DPL-0372	\$36,576.00	\$16,453.56	\$6,616.02	\$23,069.58
DPL-0373	\$172.80	\$77.73	\$31.26	\$108.99
DPL-0379	\$38,609.54	\$17,368.34	\$6,983.86	\$24,352.20
DPL-0384	\$59,845.31	\$26,921.16	\$10,825.08	\$37,746.24
DPL-0387	\$27,216.00		\$4,922.95	\$17,165.95
DPL-0389	\$167.04	\$75.14	\$30.21	\$105.35
DPL-0391	\$15,627.39	\$7,029.92	\$2,826.74	\$9,856.66
DPL-0394	\$144.00	\$64.78	\$26.04	\$90.82
DPL-0401	\$35,586.07	\$16,008.24	\$6,436.96	\$22,445.20
DPL-0403	\$2,811.43	\$1,264.71	\$508.54	\$1,773.25

Oleim	Allowed	Initial Distribution		Total Distribution
Claim DPL-0406	Amount	Amount	Amount \$3,964.72	Amount
DPL-0400 DPL-0407	\$21,918.54 \$7,689.21	\$9,859.96 \$3,458.96	\$1,390.85	\$13,824.68 \$4,849.81
DPL-0410	\$4,067.30	·	\$735.70	\$2,565.36
DPL-0413	\$25,051.84	·	\$4,531.49	\$15,800.95
DPL-0415	\$25,760.45	\$11,588.23	\$4,659.66	\$15,800.93
DPL-0416	\$19,152.00	·	\$3,464.29	\$12,079.74
DPL-0417	\$144.00	\$64.78	\$26.04	\$90.82
DPL-0420	\$961.00	\$432.30	\$173.83	\$606.13
DPL-0421	\$8,719.49	\$3,922.43	\$1,577.21	\$5,499.64
DPL-0423	\$8,640.00		\$1,562.83	\$5,449.50
DPL-0427	\$21,513.60		\$3,891.47	\$13,569.27
DPL-0428	\$23,067.63		\$4,172.57	\$14,549.45
DPL-0429	\$460.80		\$83.35	\$290.64
DPL-0430	\$2,592.00		\$468.85	\$1,634.85
DPL-0431	\$11,604.46	· ' '	\$2,099.06	\$7,319.28
DPL-0432	\$210,137.47	\$94,529.45	\$38,010.60	\$132,540.05
DPL-0433	\$879.13	· ·	\$159.02	\$554.49
DPL-0434	\$1,008.00	\$453.44	\$182.33	\$635.77
DPL-0435	\$27,427.21	\$12,338.01	\$4,961.16	\$17,299.17
DPL-0436	\$1,728.00	\$777.33	\$312.57	\$1,089.90
DPL-0438	\$52,075.12	\$23,425.77	\$9,419.58	\$32,845.35
DPL-0442	\$30,528.00		\$5,522.04	\$19,254.93
DPL-0443	\$10,188.20	\$4,583.12	\$1,842.88	\$6,426.00
DPL-0444	\$17,683.20	\$7,954.71	\$3,198.61	\$11,153.32
DPL-0446	\$3,456.01	\$1,554.67	\$625.13	\$2,179.80
DPL-0447	\$25,644.87	\$11,536.24	\$4,638.75	\$16,174.99
DPL-0448	\$37,964.70		\$6,867.22	\$23,945.48
DPL-0449	\$8,496.00		\$1,536.79	\$5,358.68
DPL-0451	\$473.54	·	\$85.65	\$298.67
DPL-0452	\$212.16	\$95.44	\$38.37	\$133.81
DPL-0454	\$132,480.00		\$23,963.57	\$83,559.14
DPL-0461	\$74,802.18		\$13,530.55	\$47,179.99
DPL-0462	\$130,194.41	\$58,567.40	\$23,550.14	\$82,117.54
DPL-0464	\$323,013.51			
DPL-0465	\$75,168.00		\$13,596.71	\$47,410.72
DPL-0467	\$28,800.00	\$12,955.56	\$5,209.47	\$18,165.03
DPL-0468	\$213,934.91	\$96,237.71	\$38,697.50	\$134,935.21
DPL-0469	\$28,051.20	\$12,618.71	\$5,074.02	\$17,692.73
DPL-0470	\$23,616.00	\$10,623.56	\$4,271.76	\$14,895.32
DPL-0471	\$119,232.00	\$53,636.01	\$21,567.21	\$75,203.22
DPL-0472	\$13,341.75	\$6,001.73	\$2,413.31	\$8,415.04
DPL-0473	\$2,043.54	\$919.28	\$369.64	\$1,288.92
DPL-0476	\$3,339.94	\$1,502.46	\$604.14	\$2,106.60
DPL-0477	\$5,760.00	\$2,591.11	\$1,041.89	\$3,633.00
DPL-0504	\$17,196.58	\$7,735.81	\$3,110.59	\$10,846.40
DPL-0506	\$300.00	\$134.95	\$54.26	\$189.21
DPL-0507	\$5,267.24	\$2,369.45	\$952.75	\$3,322.20
DPL-0511	\$426.36	\$191.80	\$77.11	\$268.91
DPL-0517	\$9,750.00	\$4,386.00	\$1,763.61	\$6,149.61
DPL-0522	\$502.97	\$226.26	\$90.97	\$317.23
DPL-0525	\$552.17	\$248.39	\$99.88	\$348.27
DPL-0528	\$204.58	\$92.03	\$37.00	\$129.03

	Allowed	Initial Distribution	Final Distribution	Total Distribution
Claim	Amount	Amount	Amount	Amount
DPL-0529	\$348.03		\$62.95	\$219.51
DPL-0531	\$81.50			\$51.40
DPL-0533	\$28,945.96		\$5,235.87	\$18,257.09
DPL-0546	\$327.79	\$147.45	\$59.29	\$206.74
DPL-0549	\$3,313.05		\$599.28	\$2,089.64
DPL-0550	\$250.00	\$1,490.30 \$112.46	\$45.22	\$157.68
DPL-0552	\$16,013.06		\$2,896.51	\$10,099.92
DPL-0552 DPL-0556	\$1,006.48	· · · · · · · · · · · · · · · · · · ·	\$182.05	
DPL-0564	· ·			\$634.81 \$946.09
	\$1,500.00		\$271.32	
DPL-0573	\$100.00	\$44.98	\$18.09	\$63.07
DPL-0575	\$416.69	\$187.45	\$75.36	\$262.81
DPL-0577	\$414.31	\$186.38	\$74.93	\$261.31
DPL-0579	\$712.92	\$320.70	\$128.96	\$449.66
DPL-0581	\$3,721.00	·	\$673.06	\$2,346.94
DPL-0583	\$23.34		\$4.22	\$14.72
DPL-0587	\$157,356.77	\$70,786.28		\$99,249.67
DPL-0588	\$95,000.00		\$17,184.02	\$59,919.37
DPL-0590	\$26,532.00		\$4,799.22	\$16,734.53
DPL-0591	\$15,850.00		\$2,867.01	\$9,997.07
DPL-0592	\$3,000.00		\$542.65	\$1,892.19
DPL-0594	\$100,619.26		\$18,200.45	\$63,463.60
DPL-0596	\$13,800.00	\$6,207.87	\$2,496.20	\$8,704.07
DPL-0597	\$3,117.00	\$1,402.17	\$563.81	\$1,965.98
DPL-0598	\$511.44	\$230.07	\$92.51	\$322.58
DPL-0599	\$3,000.00		\$542.65	\$1,892.19
DPL-0601	\$1,104.35	\$496.79	\$199.75	\$696.54
DPL-0605	\$24,100.00		\$4,359.31	\$15,200.59
DPL-0606	\$200,000.00	\$89,969.15	\$36,176.89	\$126,146.04
DPL-0607	\$9,850.00	\$4,430.98	\$1,781.71	\$6,212.69
DPL-0608	\$64,000.00	\$28,790.13	\$11,576.60	\$40,366.73
DPL-0611	\$3,000.00	\$1,349.54	\$542.65	\$1,892.19
DPL-0612	\$14,500.00	\$6,522.76	\$2,622.82	\$9,145.58
DPL-0614	\$134,622.20	\$60,559.23	\$24,351.06	\$84,910.29
DPL-0618	\$204.58	\$92.03	\$37.00	\$129.03
DPL-0620	\$6,000.00	\$2,699.07	\$1,085.31	\$3,784.38
DPL-0621	\$41,820.18	\$18,812.63	\$7,564.62	\$26,377.25
DPL-0625	\$271,000.00	\$121,908.20	\$49,019.69	\$170,927.89
DPL-0627	\$150.60		\$27.23	\$94.98
DPL-0628	\$250.00	\$112.46	\$45.22	\$157.68
DPL-0629	\$1,421.50	\$639.46	\$257.12	\$896.58
DPL-0633	\$110,649.14	\$49,775.05	\$20,014.70	\$69,789.75
DPL-0634	\$6,000.00		\$1,085.31	\$3,784.38
DPL-0636	\$27,473.00		\$4,969.44	\$17,328.05
DPL-0637	\$135,545.56		\$24,518.08	\$85,492.68
DPL-0638	\$68,179.98	· · · · · · · · · · · · · · · · · · ·	\$12,332.70	\$43,003.17
DPL-0639	\$59,171.12		\$10,703.13	\$37,321.01
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	\$4,146,297.08	\$1,865,194.22	\$749,999.98	\$2,615,194.20

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

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

COMMODITY FUTURES TRADING COMMISSION,				
Plaintiff, v.				
DANIEL FINGERHUT, DIGITAL PLATINUM, INC., DIGITAL PLATINUM, LTD., HUF MEDIYA (A/K/A HOOF MEDIA), TAL VALARIOLA, and ITAY BARAK,				
Defendants,				
AICEL CARBONERO,				
Relief Defendant.				
ORDER GRANTING RECEIVER'S UNOPPOSED MOTION TO APPROVE FINAL DISTRIBUTION				
THIS CAUSE came before the Court on the Receiver's Unopposed Motion to Approve the				
Final Distribution (the "Motion"). With the Court having considered the Motion, finding that				
cause exists to grant the Motion, and being otherwise duly advised in the premises, it is hereby				
ORDERED as follows:				
1. The Motion is GRANTED.				
2. The Receiver is authorized to make the Final Distribution as proposed in the				
Motion, and to make reasonable revisions to the allowed claim amount, distribution amount, and/or				
claimant information as necessary to accomplish the Final Distribution.				
IT IS SO ORDERED, this day of, 2025.				

HON. DARRIN P. GAYLES UNITED STATES DISTRICT COURT JUDGE