

**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.**

**2025 ANNUAL STATUS REPORT OF RECEIVER DAVID A. CASTLEMAN**

**(FIFTEENTH STATUS REPORT)**

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David A. Castleman (the “**Receiver**”), as Receiver pursuant to the Consent Preliminary Injunction (the “**Consent Order**”), entered by this Court in this action (the “**Civil Action**”) on June 15, 2022 [Dkt. 56], files this Fifteenth Status Report (the “**Report**”) to apprise the Court of the activities of the receivership (the “**Receivership**”) for the 2025 calendar year (“**Annual Period**”), with a detailed focus on the period from October 1, 2025 through December 31, 2025 (the “**Fourth Quarter**”).<sup>1</sup> The Report may also describe events that occurred after the Fourth Quarter, to the extent useful in providing a complete report on a particular matter that otherwise fell within the Annual Period.

## I. INTRODUCTION

Following approval of the Receiver’s plan of distribution (“**Plan**”) in January 2025, the balance of the Annual Period was spent completing the claims review process, collecting payment information from EminiFX users eligible for a distribution, and completing the “Initial Distribution” [Dkt. 434] (the “**Initial Distribution**”) to those users in accordance with Plan’s terms. As a result of these efforts, the Receivership’s primary objectives of identifying, securing, and distributing assets have been substantially accomplished as of the close of the Annual Period, and continuing progress is being made on the remaining administrative, tax, and litigation matters.

At the beginning of the Fourth Quarter, on October 3, 2025, the Receiver filed his final claims report [Dkt. 532] (the “**Final Claims Report**”), reflecting the final accounting of all claims against the estate. The Final Claims Report was the culmination of the claims review and resolution process, which, during the Annual Period, focused on resolving the claims of last 630 users with transactions subject to dispute (“**Disputed Transactions**”) and/or a review hold on their account—representing less than 0.5% of the total transactions at issue. Of these last 630 claims,

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<sup>1</sup> The Receiver reported on certain Fourth Quarter activities in the *Third Quarter 2025 Report of Receiver David A. Castleman* [Dkt. 546], which was filed on October 31, 2025.

360 were resolved consensually, and the balance were resolved after the Court, on September 22, 2025, entered an order approving the Receiver's determinations and granting the relief sought in his User Objection Submissions (defined below) [Dkt. 527]. Ultimately, the Final Claims Report reflects all 32,965 user claims, consisting of a total of \$255.0 million in verified deposits and \$15.6 million in verified withdrawals, for a net user claim total of \$239.4 million.<sup>2</sup> It also includes the 8 non-user claims against the estate, all of which were settled and paid as of January 2025, as reflected in the *Amended Non-User Claims Report* filed on January 6, 2025.

Simultaneously with the claims resolution process, over the course of the Annual Period, the Receiver commenced and substantially completed the Initial Distribution under the approved Plan. Announced in January 2025 [Dkt. 434], the Initial Distribution allocated approximately \$100 million for payments to users who were, or became, eligible, for a distribution in accordance with Plan's terms, and applied a rising tide percentage of 45% (with an additional 10% for users with total deposits of \$1,000 or less, who are eligible for a one-time distribution). As of the close of the Annual Period, the Receiver has distributed over \$93 million to users in six waves of Initial Distribution payments, with the first wave occurring in February 2025, and the sixth and final wave beginning in December 2025. Within the Fourth Quarter, distributions of \$1.3 million to 558 users were completed, with thousands more distribution checks cashed in January 2026.<sup>3</sup>

The process of accurately disbursing funds to tens of thousands of users is a labor-intensive one. To ensure that distributions were made to the correct recipients, the Receiver allowed users to submit their payment information through their individualized online portal pages ("User

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<sup>2</sup> An additional 1,445 users are net winners with \$3.3 million in total deposits and \$10.7 million in total withdrawals. A further 444 accounts with no meaningful deposits and \$7.2 million in withdrawals are attributable to the currency fraud set forth in prior filings [see, e.g., Dkt. 450 ¶¶ 32-34].

<sup>3</sup> The Receiver will report on updated totals in the next quarterly report, and in a final accounting of the Initial Distribution after it is complete.

**Portal**") over the course of the claims review process. The Receiver established October 31, 2025 as the final deadline for users to upload or update payment information to receive a payment in connection with the Initial Distribution. The deadline was communicated via e-mail to users and in a video town hall on October 16, 2025. If users did not submit payment information by the October 31 deadline, but EminiFX records contain a valid U.S. or Canadian mailing address for those users, the Receiver sent paper checks with 120-day expiration dates to a user's last known valid U.S. or Canadian mailing address. The Receiver expects to file with the Court a final accounting of the Initial Distribution sometime in the second quarter 2026, once it becomes clear how many of the paper checks mailed to users were received and cashed before such checks expire.

***The Receiver encourages all users who receive distribution checks to deposit them promptly.***

If otherwise eligible users did not provide payment information by October 31, 2025, did not have a valid U.S. or Canadian mailing address to which a paper check could be mailed, or did not timely cash their mailed checks or such checks were returned as undeliverable, those users will still be eligible to receive the Initial Distribution if and when a subsequent distribution is made, provided that accurate payment information is provided at the appropriate time. However, concurrently with a subsequent distribution that results in the bulk of the estate being distributed, the Receiver expects to set procedures under which users who have not provided payment information, or have not been otherwise paid, will have been deemed to have abandoned their claims.

In addition to completing the claims process and the Initial Distribution, the Receiver pursued various recovery efforts during the Annual Period, including through the prosecution and resolution of litigation claims for the benefit of the Receivership. These efforts centered largely around two pending state court actions—one commenced by the Receiver in the Supreme Court

of the State of New York against Interactive Brokers LLC (“**Interactive Brokers**”), and a second, also brought by the Receiver in New York state court, against certain former EminiFX personnel arising from their roles in the operation of the company and receipt of improper transfers. During the Fourth Quarter, the state trial court in the Interactive Brokers matter granted a motion to dismiss filed by Interactive Brokers, not on the merits but solely on *in pari delicto* grounds based on imputing EminiFX’s fraudulent intent to the Receiver. The Receiver does not believe that the state trial court—in large part because any litigation recovery would be distributed to EminiFX users—and has appealed that ruling. The appeal is pending as of the date of this Report. In the litigation against former EminiFX personnel, the Receiver reached a settlement with two of the defendants and, on October 31, 2025, filed a motion with this Court requesting approval of that settlement [Dkt. 544]; that motion remains pending before this Court. The Receiver is continuing to prosecute the action with respect to the remaining defendant.

The Annual Period also saw the Receiver and his team making progress to resolve outstanding tax-related issues. To date, the Receiver has filed (i) a New York State returns for the pre-receivership period, (ii) a federal corporate tax return for the pre-receivership period, and (iii) federal qualified settlement fund (“**QSF**”) returns for 2022, 2023, and 2024 (New York does not require state-level QSF returns). Each of the federal returns was also accompanied by requests for prompt assessment to the IRS, but the timing of those determinations remains uncertain. The Receiver is actively working with his tax professionals to assess available options for bringing these open issues to a resolution and, pending that resolution, continues to maintain a reserve to ensure compliance with all applicable laws, including the payment of any tax liability if such is found to exist. Once these matters are resolved or sufficient time has passed, the Receiver intends to make a further application to the Court regarding the release of reserves, after which the

Receiver will be in a position to make a Second Distribution (defined below) to eligible claimants. If the Receiver continues to hear nothing from the IRS, and no other facts or circumstances change, the Receiver anticipates making a further application to the Court in the fourth quarter 2026.

As of the close of the Annual Period, the Receivership held over \$56 million in cash, along with actual and potential litigation claims. Although the Receiver would prefer that every eligible user receive their distribution (and every effort has been made to reach all claimants and have them provide correct payment information), as noted above, it is likely that, for those users that did not provide payment information, at least some distributions made via paper check to the users' last known U.S. address will be undeliverable, in which case such excess funds will remain in the estate for use in future distributions to other eligible users that have provided valid payment information. A full ledger of the Receivership's financial transactions for the Annual Period is attached as Exhibit 1, with additional financial data presented in Exhibit 2. The Receivership continues to maintain substantial liquidity, and appropriate reserves remain in place to satisfy tax and administrative obligations, ensuring the Receivership is positioned to complete its remaining work efficiently. If and to the extent reserves held for administrative matters are no longer necessary, the Receiver expects those funds, in addition to any unneeded reserves for tax matters, will become available for a Second Distribution.

Looking forward, the Receiver expects that the 2026 calendar year will continue to prosecute pending recovery litigation, to monitor the tax situation, and to monitor any appeals from decisions of this Court. If and to the extent that issues related to the court's approval of the distribution plan [Dkt. 431], or any other issue for which it would be appropriate for the Receiver to be heard, are properly before the Second Circuit, the Receiver will participate to the extent necessary and appropriate.

## II. PROCEDURAL HISTORY

On May 11, 2022, the CFTC filed the Complaint [Dkt. 5] and a motion for an *ex parte* Statutory Restraining Order [Dkt. 6], which the Court granted on the same day, appointing the Receiver initially as Temporary Receiver [Dkt. 9] (the “**SRO**”). On June 15, the Court entered the Consent Order that appointed the Receiver [Dkt. 56] (the “**Consent Order**”). On February 15, 2024, Mr. Alexandre’s counsel at the time filed a letter [Dkt. 257], stating Mr. Alexandre no longer agreed to the CFTC’s proposed consent judgment, and requesting permission to withdraw as counsel, which the Court granted on February 21, 2024. Mr. Alexandre has since been proceeding *pro se*.<sup>4</sup> Additional procedural history is set forth in detail in the fourteen prior status reports [Dkts. 71, 163, 192, 195, 218, 234, 251, 301, 370, 418, 444, 476, 511, 546]. The procedural history relevant to the Annual Period is as follows.

**Approval of Plan.** The Court entered an Opinion and Order approving the Plan on January 21, 2025 [Dkt. 431] (the “**Distribution Order**”). On January 28, 2025, Mr. Alexandre filed a document titled, “Emergency Motion for Leave to Proceed on an Interlocutory Appeal,” seeking leave to appeal the Distribution Order, as well as an additional order, discussed further below, dismissing counterclaims filed by Mr. Alexandre against the CFTC and the Receiver [Dkt. 433]. The same day, the Receiver filed a letter confirming his intent to continue with distributions under the Plan [Dkt. 440], as the Distribution Order provides that “[t]he Receiver is authorized to commence distributions as set forth in the . . . Plan at any time after of the entry of this Order,” Distribution Order” [Dkt. 431, at 20]. On January 30, 2025, the Court ordered that this provision

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<sup>4</sup> In light of Mr. Alexandre’s *pro se* status, the Receiver has continued to email Mr. Alexandre via his CorrLinks account docket entries of Orders of the Court when they are posted on ECF (e.g., Dkts. 539 and 553, as well as Dkt. 29 in Case Nos. 25-2094 / 25-2481 from the Second Circuit). After the close of the Fourth Quarter, the Receiver sent Mr. Alexandre Dkt. 564, as well as the Second Circuit decision dismissing his appeals as interlocutory.

remains effective unless and until a motion to stay the Distribution Order is granted. To date, no such order has been entered.

**Amended Non-User Claims Report.** In accordance with Transaction Verification and User Claims Procedures (the “Claims Procedures”) [Dkt. 228], on August 2, 2024, the Receiver filed the Non-User Claims Report [Dkt. 369], which provides a comprehensive summary of all non-user claims submitted in the Receivership. The report details the claims resolved through settlement, the Receiver’s determinations on the allowance, partial allowance, or disallowance of each claim, and the rationale for those determinations. At the time of filing of the report, one non-user claim remained outstanding, which was resolved thereafter. On January 6, 2025, the Receiver filed an *Amended Non-User Claims Report* [Dkt. 427], which reflects the resolution of the final claim. The final summary of all non-user claims is also included in the Final Claims Report, covering both user and non-user claims. All payments to non-users with allowed claims have been completed.

**Motion to Compel and Privilege Review Protocol Motion.** On February 19, 2025, the Receiver filed a motion to compel (the “Motion to Compel”) Mr. Alexandre’s compliance with the SRO and Consent Order, both of which required EminiFX and Mr. Alexandre to turn over all EminiFX assets held by Mr. Alexandre traceable to EminiFX [Dkts. 448-451]. Specifically, the motion seeks to compel Mr. Alexandre to turn over: (1) two luxury watches purchased with EminiFX funds, (2) cash physically given to EminiFX at its offices by EminiFX users for investment, but that was not deposited into EminiFX accounts, (3) any cryptocurrency withdrawn by Alexandre or any of EminiFX’s or Alexandre’s agents from EminiFX; and (4) passwords and any other necessary authentication to access Mr. Alexandre’s laptop and Gmail account, which Mr. Alexandre used for EminiFX business [*see* Dkt. 449]. Mr. Alexandre responded to the

Receiver's motion on April 1, 2025 [Dkt. 466]. The Receiver filed a reply on April 15, 2025 [Dkt. 470]. On August 19, 2025, the Court entered an *Opinion and Order* [Dkt. 516] (the "**Motion to Compel Order**") granting the Motion to Compel and further directing the Receiver to propose a protocol to safeguard potentially privileged materials prior to review. Mr. Alexandre filed an interlocutory appeal to the Motion to Compel Order, docketed as *CFTC v. Eddy Alexandre*, Case No. 25-2094 (2d Cir. docketed Aug. 27, 2025). However, as discussed further below, *see infra* Part IX, by order entered January 8, 2026, just after the close of the Annual Period, the Second Circuit dismissed the appeal [No. 25-2094, Dkt. 40.1].

On October 6, 2025, following the Court's directive in the Motion to Compel Order, the Receiver filed a motion seeking the Court's approval of a proposed process for the protection of privileged materials contained in Mr. Alexandre's laptop and Gmail account ("**Protocol Motion**") [Dkt. 536]. On November 10, 2025, Alexandre filed a "Motion for Reconsideration" of the Motion to Compel Order [Dkt. 550], which also raised issues with the Protocol Motion. On November 17, the Court docketed an "Opposition to Receiver's Motion (Dkts. 536-538) for Approval of A proposed Process for Protection of Privileged Materials" that Alexandre filed on November 12 [Dkt. 552]. On November 18, the Receiver filed a single reply addressing all issues raised with the Protocol Motion in both filings as if they were raised in a single opposition [Dkt. 555]. The Protocol Motion is now fully briefed and remains pending as of the date of this Report.

**Intervention Motion (Investors).** During the prior quarter, a group of EminiFX users led by Pierre Acluche filed a renewed motion to intervene in this case [Dkt. 439] and letter request from Mr. Acluche in opposition to the Plan [Dkt. 438]. The court denied the renewed motion and rejected Mr. Acluche's opposition to the Plan ("**January 30 Order**"), and further denied a separate motion by Mr. Alexandre to reconsider the January 30 Order [Dkt. 453, 457]. Mr. Acluche filed a

notice of appeal from the January 30 Order [Dkt. 452], which remains pending with the Second Circuit [Case No. 25-632] as of the date of this Report. On April 25, 2025, Mr. Acluche filed a letter with the Court seeking a stay of the proceedings pending the appeal [Dkt. 472]; the Court entered an order denying Mr. Acluche's request for a stay on April 28, 2025 [Dkt. 473].

**Intervention Motion (Alexandre).** On April 29, 2025, Mr. Alexandre filed a motion seeking to intervene in, and remove to this Court, the action (which is discussed further below) filed in New York state court against Clarelle Dieuveuil, the former Chief Financial Officer of EminiFX, and John Edvard Maisonneuve and Sophia Maisonneuve, who both served EminiFX senior executives [Dkt. 474]. By order entered May 1, 2025, the Court denied Mr. Alexandre's motion based on a lack of jurisdiction to issue orders affecting the state court proceeding [Dkt. 481]. Mr. Alexandre filed an appeal from the Court's order, Case No. 25-1278, which was dismissed (along with the consolidated appeal, Case No. 25-950) by the Second Circuit for lack of jurisdiction pursuant to an order entered on August 28, 2025 [No. 25-950/No.25-1278, Dkt. 30.1; *see also* Dkt. 543 (issuance of mandate dated October 28, 2025)].

**Motion for Summary Judgment.** On August 19, 2025, the Court issued an *Opinion and Order* [Dkt. 515] ("**Summary Judgment Order**") granting the CFTC's motion for summary judgment on all counts of the Complaint, finding that Mr. Alexandre and EminiFX were jointly and severally liable for violations of multiple antifraud and registration provisions of the Commodity Exchange Act and confirming that EminiFX operated as a Ponzi scheme that misrepresented trading profits and diverted investor funds. On August 27, 2025, the Court entered final judgment (the "**Judgment**") [Dkt. 520], ordering restitution to investors in the amount of \$228,576,962 and disgorgement of \$15,049,500, with restitution payments offsetting disgorgement. As discussed further below, Mr. Alexandre appealed both the Summary Judgment

Order (2d Cir. Case No. 25-2094) and the Judgment (2d Cir. Case No. 25-2481). *See infra* Part IX. By order entered after the close of the Annual Period, on January 8, 2026, the Second Circuit dismissed the appeals as interlocutory [*see* Case No. 25-2094, Dkt. 40.1].

**User Objection Submissions and Final Claims Report.** On May 23, 2025, the Receiver filed his *First Submission of User Objections (Disallowed Under Plan)* [Dkts. 496-97], which was followed on July 17, 2025 by the *Second and Final Submission of User Objections* [Dkts. 503-04] (collectively, “**User Objection Submissions**”). These filings represented the universe of unresolved user objections for which judicial resolution was requested in accordance with Section 2.E.VII of the Claims Procedures [Dkt. 228]. A formal letter application seeking such resolution was filed on July 23, 2025 [Dkt. 506]. On August 19, 2025, the Court entered an Order [Dkt. 517] establishing a schedule for affected users to respond, and the Receiver thereafter filed his *Notice of Filing of EminiFX User Responses to Receiver’s User Objection Submissions* on September 12, 2025 [Dkt. 524]. On September 22, 2025, the Court entered an Order [Dkt. 527] overruling the remaining user objections. Thereafter, a Final Claims Report incorporating the Court’s ruling on the User Objection Submissions was filed on October 3, 2025 [Dkt. 532]. The Final Claims Report reflects the final determinations of all 32,965 user claims and all 8 non-user claims against the Receivership estate.

**Motion for Supplemental Injunctive Relief and Civil Monetary Penalties.** On September 25, 2025, the CFTC filed a *Motion for Supplemental Order of Injunctive Relief and Civil Monetary Penalty* [Dkt. 529], seeking permanent injunctive relief against Mr. Alexandre and EminiFX, Inc. and a civil monetary penalty of \$45,148,500. On October 7, 2025, the Receiver, through counsel, filed a qualified response on the behalf of EminiFX [Dkt. 540], stating that he does not oppose the CFTC’s motion as it relates to EminiFX and confirming that any monetary

penalty imposed against EminiFX would constitute a subordinated claim under Section V.B of the Court-approved Distribution Plan [Dkt. 431]. The Receiver further noted that the proposed order properly reflects that subordination [Dkt. 540, at 2]. On October 31, 2025, Mr. Alexandre filed opposition to the motion styled as a motion for reconsideration and opposition [Dkt. 547]. On December 1, 2025, the CFTC filed a reply in further support of the relief sought [Dkt. 558]. The motion remains pending as of the date of this Report.

**Maisonneuve Settlement Application.** Arising out of the action filed by the Receiver against Clarelle Dieuveuil, the former Chief Financial Officer of EminiFX, and John Edvard Maisonneuve and Sophia Maisonneuve, on October 31, 2025, the Receiver filed a letter application with this Court seeking approval of a settlement of the claims asserted against the Maisonneuves [Dkt. 544]. Among other terms, the settlement provides that, in exchange for dismissal without prejudice of the claims asserted against them, the Maisonneuves have agreed to discharge any claims they have or could have against the Receivership, including their user claim that would otherwise entitle them to \$7,359. The Maisonneuves also provided substantial representations and warranties that they had not retained any of the millions of dollars in cash that was collected from users in April and May 2022. On November 19, 2025, Mr. Alexandre filed opposition to the settlement, entitled “Motion to Rebuke Receiver’s Application for Approval of Settlement Agreement with John and Sophia Maisonneuve, and for Renewed Request for Surcharge Against the Receiver” [Dkt. 556]. As of the date of this Report, the settlement application remains pending with the Court.

**Applications for Fees and Expenses.** On December 2, 2025, the Receiver filed an application for fees and expenses incurred in the third quarter 2025 [Dkt. 559]. The application remains pending as of the date of this Report.

### III. RECEIVERSHIP FINANCES

As noted in the Financial Condition Report [Dkt. 199], other than as set forth in the Motion to Compel and claims against Clarelle Dieuveuil for the turnover of funds in the Senior Executives Action (described below), the Receiver believes that all material EminiFX assets, as reflected on the EminiFX and Mr. Alexandre's account statements, have been turned over to the Receivership. If any additional assets come to light as a result of the Receiver's investigation, the Receiver will evaluate the facts and act or seek relief accordingly, including pursuing claims against third parties as appropriate.

In the Fourth Quarter, the Receivership earned \$252,923 in interest. The Receiver also distributed \$1,306,126 to Class 3 claimants, and \$49,699 to Class 3A Claimants. These totals include only those checks in the last wave that were cashed; thousands of checks for several million dollars remain outstanding and many of those were cashed in January 2026. The total cash position of the Receivership as of December 31, 2025 was \$56,261,431. Interest rates continue to decline, as does the principal on which interest is calculated, as distributions continue to be made to EminiFX users.

The fees and expenses for the Receiver and his professional firms that have been incurred during the Fourth Quarter total \$520,836 (\$483,562 in fees and \$37,274 in expenses). That total reflects a continuation of the downward trend in fees and expenses over the Annual Period, but still reflects the considerable activity in this case during the Fourth Quarter, largely related to facilitating the remainder of the Initial Distribution, responding to various filings on the docket, and prosecuting claims commenced by the Receiver, as set forth therein. The Receiver will file a separate application to seek authority to pay Fourth Quarter fees and expenses, to which the CFTC does not object, simultaneously with this Report.

The financial statements attached as Exhibit 2 show the post-appointment balance sheet, income statement, and cash flows for the Receivership during the Fourth Quarter. As noted above, these financial statements are illustrative and are not intended to be in accordance with generally accepted accounting principles (GAAP), nor are they intended to be used in connection with determining the taxable income (if any) of the Receivership or EminiFX. The Receiver includes these statements to give the Court and other interested parties a high-level overview of the financial condition of the Receivership.

#### **IV. RESOLUTION OF REMAINING USER TRANSACTIONS AND CLAIMS**

##### **A. *Claim Resolution Process***

The Receiver has described the initial transaction review, which occurred in the years before the Annual Period, in detail in prior reports [*see, e.g.*, Dkt. 444, at 12-19] and in the Schedule of User Transactions filed in October of 2024 [Dkt. 417] (“**Disputed Transaction Schedule**”). As reflected in the Disputed Transaction Schedule, 3,627 users had one or more Disputed Transactions. By January 25, 2026, the date of the filing of the Notice of Initial Distribution [Dkt. 434, at 2 & Ex. 5], the Receiver and his team had been able to resolve the Disputed Transactions and fix the claims of all but 630 of those users, who had either Disputed Transactions or “review holds” on their accounts (as described below). The Receiver and his team spent the balance of the first and second quarter 2025 working to resolve as many of the remaining accounts as possible without court intervention.

The Receiver was able to consensually resolve 360 user accounts. For those accounts that could not be resolved consensually, pursuant to Section 2.E.VII of the Claims Procedures, the Receiver was required to file with the Court a summary of user objections with respect to each of the Disputed Transactions, and the Receiver’s proposed resolution. Ultimately, the User Objection

Submissions included, in the aggregate, only 550 total Disputed Transactions for 270 unique users, representing less than 0.5% of all user transactions.

The first User Objection Submission, filed May 23, 2025, addressed a subset of unresolved Disputed Transactions in which the dispute was not over the asserted facts, but rather whether the user was entitled to credit under the terms of the Plan, specifically requests for internal transfers and ROI and/or bonuses (discussed further below). The second User Objection Submission, while also including a number of those types of requests not submitted in the first submission, primarily addressed deposits in which the user failed to provide sufficient documentation to corroborate that a deposit into EminiFX actually occurred, and the Receiver could not otherwise verify the claimed deposit despite extensive efforts. Specifically, it covered the following dispute categories: (i) insufficient documentation; (ii) transactions that were initiated but never completed; (iii) disputes over confirmed Withdrawals; and (iv) other transactional deficiencies. As noted above, on July 23, 2025, the Receiver also filed a letter application, formally requesting the Court's approval of the Receiver's determinations as reflected in the User Objection Submissions. Throughout the entire process, the Receiver entered into consensual resolutions when possible and gave the users the benefit of the doubt whenever he could under the applicable facts and circumstances.

On August 19, 2025, the Court entered an order setting forth a schedule for users with Disputed Transactions to respond to the determinations reflected on the User Objection Submission [Dkt. 517]. On August 20, 2025, the Receiver sent affected users notice of the Order. Service of that notice was detailed in an affidavit filed on August 21, 2025 [Dkt. 518]. As reflected in the affidavit, and explained in the notice sent to users, the Receiver established a procedure for users to submit responses via email. Users could also attach documents to their email responses. On September 12, 2025, the Receiver filed the *Notice of Filing of EminiFX User Responses to*

*Receiver's User Objection Submission* [Dkt. 524], which included the responses and any attachments (filed under seal, as necessary to protect users' personally identifiable information). In total, 44 users submitted responses, and 5 of those users' objections were resolved consensually because the user either withdrew their objection or provided additional documentation that caused the Receiver to revise his original determination. The remaining Disputed Transactions were left to the Court for resolution.

On September 22, 2025, the Court entered an order approving the Receiver's determinations and granting the relief sought in the User Objection Submissions [Dkt. 527], thereby resolving all remaining Disputed Transactions. As a result, all user claims under the Claims Procedures were fixed, and no further user objections remain pending. On October 3, 2025, the Receiver filed the Final Claims Report, reflecting the fully reconciled claim totals for all user and non-user claims (*see infra*).

Contemporaneously with efforts to resolve Disputed Transactions, the Receiver and his team undertook an effort during the Annual Period to resolve all review holds. Consistent with the Plan, certain users' accounts with verified transactions were placed on a distribution hold pending resolution of certain outstanding issues related to those accounts. By way of example, holds might have been placed on accounts that might be impacted by the resolution of a Disputed Transaction on another user's account (as when a user is claiming another's verified transaction), or where a pending or recommended merger of accounts would impact a user's ultimate claim total. The Receiver and his team used the User Portal to communicate with users regarding these holds, and to resolve them as appropriate.

By the second quarter 2025, there were only two accounts subject to a hold. One user account is the subject of the settlement application submitted to the Court on October 31, 2025

[Dkt. 544]. The other user is the subject of a judicial action commenced by a government agency unrelated to this proceeding, and consistent with a so-ordered stipulation between that agency and the user, the Receiver made the distribution in the third quarter 2025, holding the funds in escrow (and not included in the Receivership's accounting of its assets) until the parties to that action determine where those funds should ultimately be sent.<sup>5</sup> Accordingly, as of the close of the Fourth Quarter, there are no longer any claims subject to review holds.

#### *B. Final Claims Report*

With the Court's approval of the User Objection Submissions and the filing of the Final Claims Report [Dkt. 532],<sup>6</sup> the Receiver has completed the claims resolution process in its entirety. The Final Claims Report contains schedules that detail, for each user identified only by an anonymized five-digit user ID, the total verified deposits and the total verified withdrawals, broken out by Class 3 and Class 3A, along with schedules for the non-claimant accounts that were either net winners or had zero verified transactions.

A total of 32,965 user claims have been verified with a total of \$255.0 million in deposits and a total of \$15.6 million in withdrawals, for a net total universe of \$239.4 million in user account refund claims in the Receivership (*i.e.*, the amount to refund in whole all amounts invested):

Type of User Account	Users	Total Deposits	Total Withdrawals
User Claim Accounts	32,965	\$255,020,635.29	\$15,624,903.03
<i>Class 3 User Accounts</i>	24,811	\$250,771,947.01	\$15,536,369.49
<i>Class 3A User Accounts</i>	8,154	\$4,248,688.28	\$88,533.54
Net Winner User Accounts	1,889	\$3,276,649.08	\$17,916,171.01
<i>Net Winner Investors</i>	1,445	\$3,276,537.00	\$10,754,342.55
<i>Currency Fraud Accounts</i>	444	\$112.08	\$7,161,828.46
Zero Transaction Accounts	27,503	\$0.00	\$0.00
<b>Grand Total</b>	<b>62,357</b>	<b>\$258,297,284.37</b>	<b>\$33,541,074.04</b>

<sup>5</sup> The stipulation and the underlying judicial action both reference the affected user by name. The Receiver has the stipulation on file and been in regular contact with the government agency, the user, and the user's counsel. The Receiver sees no need to publish the User's name or personal details on the docket in this Action [*cf.* Dkt. 354].

<sup>6</sup> The Final Claims Report can be found at <https://www.eminifxreceivership.com/cases/eminifx/claims%20report.pdf>.

All User Claims are final, and the Receiver has updated all users' User Portal pages to reflect their total deposit, withdrawal and distribution amounts.

## **V. PLAN APPROVAL AND DISTRIBUTIONS OF USER REFUNDS**

### *A. Plan Approval*

On January 21, 2025, the Court approved the Plan as proposed by the Receiver [Dkt. 431]. Under the Court-approved Plan, allowed investor claims are defined based only upon each investor's actual deposits into, and withdrawals from, EminiFX. The Plan excludes (i) the ROI, representing fictitious profits not related to any actual investing activity, (ii) recruitment and multilevel marketing bonuses, and (iii) internal transfers from the definition of an investor's claim for a partial refund of his or her original investment. The Plan provides for a *pro rata* distribution using the "Rising Tide" method, which calculates claims based on pre-receivership deposits and treats pre-receivership withdrawals as distributions on such claims, acknowledging that pre-receivership withdrawals were paid from the pool of commingled investor deposits—the same pool of funds that is used to make distributions under the Plan. Under the Rising Tide method, the pro rata distribution percentage will be higher for users that did not withdraw funds than such percentage would otherwise be under a "Net Investment" distribution method (where withdrawals are subtracted from deposits to determine a net claim) for the same number of dollars distributed.

### *B. Initial Distribution*

Shortly after the Court's approval of the Plan, the Receiver and his team began the process of making the Initial Distribution. As reflected in the Notice of Initial Distribution [Dkt. 434], the Receiver allocated approximately \$100 million for the Initial Distribution, with Class 3 and Class 3A claimants receiving distributions based on Rising Tide percentages of 45% and 55%, respectively. Upon the finalization of the Final Claims Report, the Receiver is able calculate the

total amount of payments owed to claimants: \$99,318,168 to Class 3 claimants, \$2,260,203 to Class 3A claimants, for a total of \$101,578,371.

Payments to users in connection with the Initial Distribution were made in six waves, with payments made to users as they became eligible and as they provided payment information. Users were able to submit payment information through their individual User Portal pages to enable the Receiver to make distributions to which they may be entitled. As payment information was provided, the Receiver was able to make a distribution to the user in the following distribution wave. The Receiver froze the payment information panel in advance of each wave so that payment information was not changed while distributions were being processed. The payment portal was subsequently opened upon completion of the payment wave, to allow users with eligible claims to submit payment information for the next wave of distributions.

As of the announcement of the Initial Distribution in January 2025, over 15,000 users provided payment information. Following that announcement, and over the course of the Annual Period, the Receiver sent regular reminders to users through the Receivership website, User Portal notices, and targeted email communication, of the need to provide or update payment information to receive their Initial Distribution payment. As users added payment information, assuming they were otherwise eligible, they received a distribution in one of the five waves of payments between January and October 2025. Ultimately, the Receiver set October 31, 2025 as the final deadline for users to upload or update their payment information through their User Portals in connection with the Initial Distribution. The Receiver communicated the deadline to users through each of the means noted above, in addition to discussing the deadline in a virtual town hall held October 16, 2025. Following the October 31 deadline, the Receiver began work on a sixth and final payment wave of the Initial Distribution. In connection with this last wave, in addition to users that provided

payment information following the fifth distribution wave, the Receiver also issued paper checks with 120-day expiration periods to the last known address of otherwise eligible users who still had not provided payment information but had a valid U.S. or Canadian mailing address on file.

As of the close of the Annual Period, distributions were made successfully to approximately 23,800 users in the aggregate amount of over \$93 million. This is less than the approximate total of \$100 million calculated for Initial Distribution based upon the Final Claims Report because it does not yet include amounts (i) paid to users who have been sent but not yet cashed their paper checks or (ii) owed to users that did not supply payment information and for which the Receiver does not have a valid U.S. mailing address. Initial reporting for January 2026 indicates that several thousand checks have been cashed, including by many class 3A users, for several million dollars. Once the deadline to cash the checks has passed, and the Receiver has a clearer picture of which checks reached their intended recipients and if they were cashed, the Receiver intends to complete a final accounting of the Initial Distribution and to provide a report with such accounting to the Court.

In the event that checks are ultimately returned undelivered or remain uncashed, the Receiver will not, at this time, invoke the Unclaimed Property provision contained in § V.H of the Plan [*see* Dkt. 444-3, at 23]. Instead, to the extent that the Court is able to authorize the release tax or other reserves in the future, the Receiver expects to conduct a second distribution (the “**Second Distribution**”), which will include payments to all eligible claimants, including those whose initial payments remain pending due to missing payment information or uncashed checks. For users that had not provided payment information, but subsequently provide valid payment information prior to the Second Distribution, the aggregate amount of the First Distribution and the Second Distribution will be sent to such users. The Receiver will also, at that time, propose

more specific procedures for how to treat unpaid distributions as unclaimed property that would then flow back to the users who the Receiver is able to pay.

## VI. ASSET RECOVERY AND AFFIRMATIVE ACTIONS

### A. *Affirmative Litigation*

During the Annual Period, the Receiver and his team continued to work on various recovery efforts detailed in prior reports, including through continued third-party litigation. As of the start of the second quarter 2025, the Receiver had commenced two actions against third parties. First, on March 25, 2025, the Receiver filed a complaint against Clarelle Dieuveuil, the former Chief Financial Officer of EminiFX (“CFO”), captioned *David A. Castleman as Receiver for EminiFX, Inc. v. Clarelle Dieuveuil*, Index No. 651642/2025 (the “Senior Executives Action”) in the Supreme Court for the County of New York. In the Complaint, the Receiver alleges that the CFO is liable for breach of fiduciary duty and for fraud, arising from specific actions she took as CFO in furtherance of the operation of EminiFX. The Receiver further alleges that the CFO aided and abetted Mr. Alexandre’s alleged breach of fiduciary duty and fraud. Finally, the Receiver alleges that the CFO received transfers of over \$500,000 from EminiFX, for which no value was provided, and seeks to avoid those transfers.

During the Second Quarter, on May 14, 2025, the Receiver filed an amended complaint in the Senior Executives Action, adding defendants John Edvard Maisonneuve and Sophia Maisonneuve (“Maisonneuves”), who both served as senior executives in the Client Relations team at EminiFX. On June 16, 2025, the CFO filed her answer to the amended complaint. On July 9, 2025, the Receiver issued a discovery request to the CFO.

Just after the close of the third quarter 2025, the Receiver reached a settlement in principle with the Maisonneuves that would resolve the claims asserted against them in the Senior Executives Action. After the Amended Complaint was filed, the Maisonneuves, through newly

retained counsel, agreed to engage in multiple interviews with the Receiver. During those interviews, the Maisonneuves credibly represented to the Receiver that any cash that was provided by users for investment in EminiFX was given by them to Eddy Alexandre and that they have no knowledge of what was done with the funds thereafter. The Maisonneuves also represented to the Receiver that they do not have possession of such cash or any other EminiFX property. Based on these representations, as noted above, on October 31, 2025, the Receiver filed a letter motion seeking approval of the settlement [Dkt. 544]. Over the course of the Fourth Quarter, the Receiver continued to prosecute the claims against the CFO, and such efforts are ongoing as of the date of this Report. The Receiver will evaluate any additional resolution opportunities in the best interests of the Receivership estate, consistent with the Court’s Plan Approval Order [Dkt. 431 at 18–20].

In addition to the Senior Executives Action, on December 3, 2024, the Receiver filed a complaint against Interactive Brokers in the Supreme Court of the State of New York, County of New York. The case, captioned *David A. Castleman as Receiver for EminiFX, Inc. v. Interactive Brokers LLC*, Index No. 659407/2024 (“**Interactive Brokers Action**”), seeks damages based on Interactive Brokers’ alleged facilitation of transactions connected to EminiFX. On May 19, 2025, after the case was removed to this Court and remanded back to state court, Interactive Brokers moved to dismiss the action and stay discovery. The state court entered an order staying discovery pending the resolution of the dismissal motion. On December 8, 2025, the state court issued a decision and order granting Interactive Broker’s motion dismiss based on the equitable doctrine of *in pari delicto* (“**Dismissal Order**”). Index No. 659407/2024, NYSCEF Doc. No. 32.

On December 18, 2025, the Receiver filed a notice of appeal of the state court’s Dismissal Order. That appeal is currently pending before the New York Appellate Division, First Department, Index No. 659407/2024. The Receiver deemed an appeal warranted because the state

court's dismissal decision was not based on the merits, but rather on an equitable doctrine meant to prevent wrongdoers from benefitting from misconduct. The Receiver intends to argue that application of the doctrine would undermine the entire purpose of a receivership where recoveries fund refunds to users, as this Court noted in approving the Receiver's distribution plan. *See CFTC v. Alexandre*, 2025 WL 252435, at \*9 (S.D.N.Y. Jan. 21, 2025) ("Inasmuch as the settlements or judgments arising out of these causes of action, if obtained, would constitute Receivership assets that could lead to larger distributions, there is no doubt that allowing the Receiver to pursue such causes of actions would be fair, reasonable, and beneficial to investors.").

#### *B. Net Winners*

In addition to these efforts, at the outset of the Annual Period, the Receiver implemented the "Net Profit Settlement" process—that is, a settlement process for collecting a portion of the net profits from users that withdrew more than they had contributed from their EminiFX accounts ("**Net Winners**") without the need for litigation over the collection of those funds, as contemplated by the Court's Distribution Order. As that order provides,

With respect to Causes of Action against Net Winners, the Receiver is authorized to settle such Causes of Action for a return to the Receivership estate of fifty percent of the amount by which a Net Winner's Verified User Withdrawal Amount exceeds their Verified User Deposit Amount, in exchange for a release of liability, subject to further terms determined by the Receiver in the best interest of the Receivership estate, including but not limited to the resolution of additional claims against such persons or entities, without further order of this Court. The Receiver is authorized to set a June 30, 2025, deadline to settle such Net Winner Causes of Action, but may for good cause extend that deadline for some or all Net Winners.

[Dkt. 431, at 20.]

The Receiver and his team created a framework and procedure for effecting these settlements through the User Portal. The Receiver proposed that if a user received a net profit, and returned 50% of such net profit, the Receiver would provide the user with a release of all claims. At the outset of the second quarter 2025, users with net profits were contacted directly via email,

and had their User Portals updated to include an option to agree to the proposed settlement. Once a user has agreed, they are provided with payment information, and, upon the Receiver's receipt of their settlement payment, users received a written settlement and release agreement. All net profits recovered were added to the Receivership funds to be used for distribution to eligible EminiFX investors.

The Receiver has also evaluated the possibility of further litigation against Net Winners, and whether such litigation would be cost-effective and in the best interest of the Receivership. About half of the net winnings are attributable to the EminiFX accounts used to effectuate the currency fraud, *see supra* Part IV(B), and the net winnings that remain are distributed across a large number of users. At present, for the reasons that follow, the Receiver has determined that further litigation would not, as a general matter, be in the best interest of the Receivership estate.

The Receiver and his professionals undertook an extensive analysis of EminiFX's books and records, internal databases, transactional ledgers, bank account information, and related financial and investor records in connection with the evaluation of potential net winner recovery claims. This review included reconciling investor contributions and withdrawals; analyzing the timing, source, and characterization of transfers; assessing potential avoidance, fraudulent conveyance, and clawback theories under applicable federal and state law. Through this process, the Receiver identified those who he believed were net winners and evaluated the amount at issue, potential defenses that could be asserted by individual users, collectability considerations, litigation risk, and the anticipated time and expense associated with recovery efforts.

Based on the foregoing analysis and the results of the ongoing Net Profit Settlement Process described above, together with the anticipated costs of continued investigation, litigation, and enforcement—including professional fees, the risk of protracted disputes, and the relative size

of each applicable user's net winnings—the Receiver has, at this time, identified only one case where litigation may be warranted.<sup>7</sup> Otherwise, further pursuit of net winner claims through litigation does not appear to be economically beneficial to the estate, as the expected costs would likely outweigh any incremental recoveries.

## VII. RECEIVERSHIP COMMUNICATIONS

The Annual Period saw the Receiver and his team communicating with users through various means—including email and Portal message, phone calls, and, in some cases, via videoconference platform—to provide pertinent updates in the Receivership, and to resolve transaction-related issues. Specifically, during the Fourth Quarter, on October 16, 2025, the Receiver held a virtual town hall was to address users' questions on the Final Claims Report and other issues, including the October 31, 2025 deadline to provide payment information. During the second quarter 2025, the Receiver made a major update to the Receivership website (<http://www.eminifxreceivership.com>), and a further update was implemented early in the Fourth Quarter, largely to include updates related to the issuance of the Final Claims Report, which had been sent at the time of issuance to all claim holders via mail or e-mail.

Going forward, the Receivership website will continue to be the primary source of information for interested parties. *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), a report on asset recovery, key filings, frequently asked questions, 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

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<sup>7</sup> The Receiver discovered that a user was manually credited with \$250,000 through the EminiFX platform by Mr. Alexandre, and the user almost immediately withdrew the full amount credited. The user had no other material deposits, nor has the Receiver discovered any evidence of other value provided. The Receiver and his team are currently assessing the likelihood of whether litigation would result in an actual recovery to the estate [cf. Dkt. 564].

without the need for any such party to pay for filings using PACER or ECF. The Receiver's team will aim to have all docket items posted by the end of each week, 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 the information over time. Finally, the website contains a section for EminiFX users or interested parties to update their contact information, especially their email addresses.

Finally, as noted in the Receiver's response to a motion to intervene filed by certain EminiFX users [Dkt. 250], the Receiver encourages any EminiFX users who wish to file anything directly with the Court to reach out through the various communication channels available—most notably the [EminiFX@Stretto.com](mailto:EminiFX@Stretto.com) email address—to see if their concern may be resolved by the Receiver and his professionals.

### **VIII. TAXES**

As of the Receiver's appointment, the IRS did not have a tax return on file for EminiFX, nor does it appear that one was prepared based on the evidence provided to the Receiver. The Receiver has a specific obligation to file a tax return for EminiFX (*see* Dkt. 9, ¶ 31(m) (incorporated at Consent Order ¶ 37)). Ultimately, Deloitte Tax prepared and the Receiver filed a federal tax return covering the pre-Receiptership period ("**Corporate Tax Return**") in the first quarter 2025. The Corporate Tax Return filed with a tax liability of \$0, which, as previously indicated, the Receiver believes is correct under the applicable circumstances. During the second quarter, in April 2025, the Receiver filed a New York State tax for EminiFX based on pre-Receiptership activities with the relatively de minimis tax liability of \$9,750.

The Receiver has been required to address other tax issues in the Receivership. Pursuant to applicable United States Treasury Regulations, the EminiFX Receivership estate is treated as a Qualified Settlement Fund (“QSF”) effective as of the date of the commencement of the Receivership, May 11, 2022. A QSF is a separate entity created in conjunction with the Receivership that is subject to federal income tax requirements that are independent of EminiFX’s and individual users’ tax requirements. By operation of law, EminiFX’s assets were transferred to the QSF on May 11, 2022. To the extent that assets transferred to the QSF produce includable income, less certain expenses, the QSF will be required to pay tax at the maximum tax rate in effect for that tax year under the Internal Revenue Code.

To that end, on September 28, 2025, the Receiver filed a QSF return for 2024 (“2024 QSF Return”). It was followed by a request for prompt assessment, sent October 8, 2025. Prior to that QSF return, the Receiver had filed other returns at both the state and federal levels. After filing a QSF return for 2022 (“2022 QSF Return”), in the fourth quarter 2024, the Receiver filed a QSF tax return for 2023 (“2023 QSF Return,” and with the 2022 QSF Return and 2024 QSF Return, the “QSF Returns”), the year in which all Bitcoin held by the Receivership was sold. The total tax liability was just under \$25,000. Like the 2024 QSF Return, both the Corporate Tax Return and the QSF Returns for 2022 and 2023 were filed with a request for prompt assessment, though determinations from the IRS remain outstanding as of this Report.

In accordance with the Court’s approval of the Plan and in consultation with his tax advisors, the Receiver has conservatively reserved funds during any distributions to eligible users to account for reasonable worst-case tax liabilities related to the Corporate Tax Return (pre-receivership) and the 2023 QSF Tax Return (post-receivership). These reserves are detailed in the Receiver’s reply brief in support of the Plan [Dkt. 399, at 3, 12-13]. In general, the primary

potential worst-case issue with the Corporate Tax Return arises from whether the decline in the value of the Bitcoin held in EminiFX pre-receivership (a decline of about \$40 million) can be used to offset the income to EminiFX arising from the over \$250 million in user deposits—which are treated as taxable income. Additionally, in general, the primary potential worst-case issue with the 2023 QSF Tax Return arises from whether the basis of the recovered Bitcoin is calculated as the time of the receivership, when the CoinPayments account passed into the Receivership, or the time of the transfer of that Bitcoin from the EminiFX CoinPayments account to the Receivership’s Coinbase account, a difference of approximately \$50 million.

The Receiver stands by both the Corporate Tax Return and the 2023 QSF Tax Return, both of which have been filed the Receiver believes are correct under the facts of this matter and applicable law. However, holding the reserves is necessitated by the inapplicability of 11 U.S.C. § 505(b) to federal equity receiverships, which remain subject to the Federal Priority Statute, 31 U.S.C. § 3713. *See also S.E.C. v. Credit Bancorp., Ltd.*, 297 F.3d 127, 140 (2d Cir. 2002). To the extent that the IRS audits or otherwise reviews the Corporate Tax Return or QSF Returns, or to the extent that the Receiver and his tax advisors conclude that a review period has expired, the Receiver will return to this Court for further instructions as applicable. Unless the IRS responds further to the Receiver, or the applicable facts and circumstances change, the Receiver anticipates seeking further instruction from this Court in the fourth quarter 2026.<sup>8</sup>

As stated in prior reports, the Receiver does not intend to issue 1099s to EminiFX users that received funds from EminiFX, including those who received more funds than they contributed, as the Receiver does not believe that such excess amounts represented profits from actual investing

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<sup>8</sup> The passage of the Federal Receivership Fairness Act, H.R. 5146, could also impact the time the IRS has to review the Tax Returns. However, at this point, the bill has only been introduced and referred to two committees. *See* <https://www.congress.gov/bill/119th-congress/house-bill/5146> (last visited January 29, 2026).

activity, but instead were paid using the contributions from other EminiFX users and are properly reflected as partial refunds on money contributed to EminiFX. Nothing in the foregoing is intended to be tax advice for any EminiFX user, and ***each EminiFX user is responsible for his or her own personal tax situation.***

## IX. APPEALS

During the Annual Period, the Receiver and his team monitored and, to the extent necessary, participated in appeals arising from this case. In the second quarter 2025, Mr. Alexandre filed two related appeals in the United States Court of Appeals for the Second Circuit arising from this Court’s rulings granting the CFTC’s motion for summary judgment in this action: *CFTC v. Eddy Alexandre*, Case No. 25-2094 (2d Cir. docketed Aug. 27, 2025) (the “**First Appeal**”) and *CFTC v. Eddy Alexandre*, Case No. 25-2481 (the “**Second Appeal**”) (2d Cir. docketed Oct. 6, 2025) (collectively, the “**Primary Appeals**”). The First Appeal was been designated as the lead case in the Second Appeal, and is also styled as an interlocutory appeal from the Court’s Motion to Compel Order.

On September 26, 2025, the CFTC filed a Motion to Dismiss or, in the Alternative, to Hold the Appeal in Abeyance [*First Appeal*, Dkt. 22], contending that the First Appeal was premature because the District Court had not yet ruled on the CFTC’s pending motion for supplemental injunctive relief and civil monetary penalties [Dkt. 529]. On October 1, 2025, the Receiver, as Appellee, filed a response to the CFTC’s Motion to Dismiss or Stay the Appeal [*First Appeal*, Dkt. 27]. In that filing, the Receiver explained that while the appeal was styled as interlocutory, the Summary Judgment Order may be treated as an appeal of the subsequently entered Judgment under Fed. R. App. P. 4(a)(2), into which prior orders such as the Distribution Plan Order [Dkt. 431] may merge by operation by law. The Receiver took no position on whether summary judgment was properly granted or on any substantive issue in the enforcement action. Rather, his limited

appearance was solely to protect the interest of the Receivership estate and the implementation of the Plan and in any appellate litigation or decision. The Receiver further indicated that he did not oppose the CFTC's request to hold the appeal in abeyance pending resolution of the CFTC's supplemental motion.

As noted above, by order entered January 8, 2026, the Second Circuit dismissed the Primary Appeals. At this time, the only appeal currently pending before the Second Circuit is the intervenor appeal [Case No. 25-632], in which the Receiver is not participating. *See supra* Part II. The Receiver intends to participate in any future appeal that might be filed only as necessary to protect the Receivership and the Distribution Plan. To the extent issues related to the Distribution Plan are properly before the Second Circuit [*cf.* Dkts. 443, 447 (unprosecuted interlocutory appeal of the Distribution Plan Order)], the Receiver is prepared to switch to Net Investment method if ordered by the Second Circuit or this Court. Such a switch would have a net impact of lowering the final *pro rata* percentage by about 3% (equivalent to approximately \$7 million) as a result of additional distributions to conform to the Net Investment calculation.

The Receiver will continue to monitor closely and participate as necessary in any pending appeals. The Receiver will advise the Court in subsequent reports of any developments that could affect the Receivership's administration, distributions, or final wind-down.

## **X. RECOMMENDATIONS AND NEXT STEPS**

While the litigation in the Civil Action continues, whether before this Court or through appeals, the Receiver anticipates the following next steps to administer the Receivership in the coming quarters:

**Final Accounting of Initial Distribution.** As discussed above, the Receiver has completed six payment waves under the Initial Distribution. Once all checks mailing in connection with the final payment wave have either been cashed or have expired, likely in the second quarter

2026, the Receiver will prepare and file with the Court a final accounting of distributions made in connection with the Initial Distribution. The Receiver will also continue to make reasonable efforts to ensure that all eligible users receive their distributions.

**Future Distribution Payments.** The Receiver anticipates conducting a Second Distribution following resolution of outstanding the various tax matters set forth above. *See supra* Part VIII. At that time, the Receiver expects to apply to the Court for authority to release the tax reserves to enable a distribution of the released funds to all eligible claimants, including those whose initial payments remain pending due to missing payment information or uncashed checks. Although certain tax issues remain under review, the Receiver does not anticipate further delay beyond what is necessary to protect the estate's position and obtain final tax clearance. Following any Second Distribution, the Receiver will then determine whether and to what extent it is possible to make a further, final distribution of any remaining funds, including amounts derived from abandoned or unclaimed distributions pursuant to the Plan and proceeds from any subsequently recovered assets through litigation.

**Resolution of Tax Issues.** The primary tax returns in which liability could be reasonably and materially contested are the QSF Tax Returns and the Corporate Tax Return. The Receiver will continue to work with his tax advisors to assess all available options for achieving finality with respect to these returns, including encouraging the IRS to expedite its review if any of those returns. The Receiver cannot determine with certainty when these issues will be resolved.

**Litigation Claims.** The Receiver will continue to litigate the remaining claims against the CFO in the Senior Executives Action and pursue his appeal of the Interactive Brokers Action. As noted above, the Receiver is assessing the merits of commencing one additional affirmative action

in the first half of 2026, but otherwise, at this time, does not anticipate commencing other affirmative recovery efforts, including with respect to net winners.

**Appeals.** The Receiver will continue to monitor the ongoing appeals of decisions of this Court and will file papers solely to the extent that the matter at issue in the appeal bears upon the Receivership and, in particular, the Plan of Distribution.

## **XI. CONCLUSION**

The Receiver will provide a further report within 30 days of the end of the second quarter 2026, 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  
January 30, 2026

Respectfully Submitted,

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

  
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*Receiver*

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2026, I electronically filed the 2025 Annual Status Report of David A. Castleman (Fifteenth Status Report), with the Clerk of the Court using the Court's CM/ECF system, which shall send notice to all counsel of record. I also served, or cause to be served, copies of the Fifteenth Status Report on Defendant Eddy Alexandre by U.S. mail to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887.

Dated: New York, New York  
January 30, 2026

/s/ David A. Castleman

David A. Castleman

# Exhibit 1

## Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): Cash General Ledger - 2025 All

Category	Type	Detail	Dkt	Asset Pool	Amount (USD)	Date	Balance (USD)
					Balance on 12/31/2024:		\$151,812,792.50
Distributions	Unsecured	Class 4	431	General Receivership	(\$249,750.00)	01/24/2025	\$151,563,042.50
Operations	Income	Interest		General Receivership	\$300,899.99	01/31/2025	\$151,863,942.49
Operations	Income	Interest		General Receivership	\$223.91	01/31/2025	\$151,864,166.40
Operations	Income	Interest		General Receivership	\$218,609.81	02/28/2025	\$152,082,776.21
Operations	Income	Interest		General Receivership	\$202.61	02/28/2025	\$152,082,978.82
Operations	Expenses	Professional Fees	459	General Receivership	(\$94,242.50)	03/10/2025	\$151,988,736.32
Operations	Expenses	Professional Fees	459	General Receivership	(\$618,230.08)	03/10/2025	\$151,370,506.25
Operations	Expenses	Professional Fees	459	General Receivership	(\$275,142.00)	03/10/2025	\$151,095,364.25
Operations	Expenses	Professional Fees	459	General Receivership	(\$44,014.00)	03/10/2025	\$151,051,350.25
Operations	Expenses	Professional Fees	459	General Receivership	(\$3,455.25)	03/10/2025	\$151,047,895.00
Operations	Expenses	Professional Fees	459	General Receivership	(\$213,845.50)	03/10/2025	\$150,834,049.50
Operations	Expenses	Prof Expenses	459	General Receivership	(\$12,278.50)	03/10/2025	\$150,821,771.00
Operations	Expenses	Prof Expenses	459	General Receivership	(\$2,201.00)	03/10/2025	\$150,819,570.00
Operations	Expenses	Prof Expenses	459	General Receivership	(\$35,907.86)	03/10/2025	\$150,783,662.14
Operations	Expenses	Litigation	91	General Receivership	(\$3,100.00)	03/14/2025	\$150,780,562.14
Operations	Income	Interest		General Receivership	\$138,568.98	03/31/2025	\$150,919,131.12
Operations	Income	Interest		General Receivership	\$254.04	03/31/2025	\$150,919,385.16
Distributions	Investors	Class 3	431	General Receivership	(\$6,259,119.49)	03/31/2025	\$144,660,265.67
Distributions	Investors	Class 3A	431	General Receivership	(\$124,603.35)	03/31/2025	\$144,535,662.32
Distributions	Investors	Class 3	431	General Receivership	(\$69,807,256.04)	03/31/2025	\$74,728,406.27
Distributions	Investors	Class 3A	431	General Receivership	(\$650,235.64)	03/31/2025	\$74,078,170.63
Taxes	State - NY	NYS Corporation	SRO-31m	General Receivership	(\$9,750.00)	04/23/2025	\$74,068,420.63
Operations	Income	Interest		General Receivership	\$122,615.44	04/30/2025	\$74,191,036.07
Operations	Income	Interest		General Receivership	\$1,813.90	04/30/2025	\$74,192,849.97
Operations	Expenses	Professional Fees	490	General Receivership	(\$54,107.50)	05/22/2025	\$74,138,742.47
Operations	Expenses	Professional Fees	490	General Receivership	(\$503,633.50)	05/22/2025	\$73,635,108.97
Operations	Expenses	Professional Fees	490	General Receivership	(\$206,870.00)	05/22/2025	\$73,428,238.97
Operations	Expenses	Professional Fees	490	General Receivership	(\$119,541.00)	05/22/2025	\$73,308,697.97
Operations	Expenses	Professional Fees	490	General Receivership	(\$1,275.00)	05/22/2025	\$73,307,422.97
Operations	Expenses	Professional Fees	490	General Receivership	(\$305,388.47)	05/22/2025	\$73,002,034.50
Operations	Expenses	Prof Expenses	490	General Receivership	(\$12,607.30)	05/22/2025	\$72,989,427.20
Operations	Expenses	Prof Expenses	490	General Receivership	(\$530.40)	05/22/2025	\$72,988,896.80
Operations	Expenses	Prof Expenses	490	General Receivership	(\$5,977.00)	05/22/2025	\$72,982,919.80

## Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): Cash General Ledger - 2025 All

Category	Type	Detail	Dkt	Asset Pool	Amount (USD)	Date	Balance (USD)
Operations	Expenses	Prof Expenses	490	General Receivership	(\$27,988.74)	05/22/2025	\$72,954,931.06
Operations	Income	Interest		General Receivership	\$124,510.34	05/31/2025	\$73,079,441.40
Operations	Income	Interest		General Receivership	\$261.61	05/31/2025	\$73,079,703.01
Operations	Income	Interest		General Receivership	\$114,336.16	06/30/2025	\$73,194,039.17
Operations	Income	Interest		General Receivership	\$194.41	06/30/2025	\$73,194,233.58
Operations	Income	NW Settlements	431	General Receivership	\$11,777.40	06/30/2025	\$73,206,010.98
Distributions	Investors	Class 3	431	General Receivership	\$0.00	06/30/2025	\$73,206,010.98
Distributions	Investors	Class 3A	431	General Receivership	\$0.00	06/30/2025	\$73,206,010.98
Distributions	Investors	Class 3	431	General Receivership	(\$10,756,788.44)	06/30/2025	\$62,449,222.54
Distributions	Investors	Class 3A	431	General Receivership	(\$393,018.32)	06/30/2025	\$62,056,204.22
Operations	Income	Interest		General Receivership	\$113,223.92	07/31/2025	\$62,169,428.14
Operations	Income	Interest		General Receivership	\$197.66	07/31/2025	\$62,169,625.80
Distributions	Investors	Class 3	431	General Receivership	(\$703,618.47)	08/04/2025	\$61,466,007.33
Operations	Income	Interest		General Receivership	\$112,247.12	08/31/2025	\$61,578,254.45
Operations	Income	Interest		General Receivership	\$197.94	08/31/2025	\$61,578,452.39
Operations	Expenses	Professional Fees	519	General Receivership	(\$80,385.00)	09/04/2025	\$61,498,067.39
Operations	Expenses	Professional Fees	519	General Receivership	(\$620,110.70)	09/04/2025	\$60,877,956.69
Operations	Expenses	Professional Fees	519	General Receivership	(\$153,622.50)	09/04/2025	\$60,724,334.19
Operations	Expenses	Professional Fees	519	General Receivership	(\$8,600.00)	09/04/2025	\$60,715,734.19
Operations	Expenses	Professional Fees	519	General Receivership	(\$1,980.50)	09/04/2025	\$60,713,753.69
Operations	Expenses	Professional Fees	519	General Receivership	(\$260,164.25)	09/04/2025	\$60,453,589.44
Operations	Expenses	Prof Expenses	519	General Receivership	(\$107.84)	09/04/2025	\$60,453,481.60
Operations	Expenses	Prof Expenses	519	General Receivership	(\$12,878.80)	09/04/2025	\$60,440,602.80
Operations	Expenses	Prof Expenses	519	General Receivership	(\$430.00)	09/04/2025	\$60,440,172.80
Operations	Expenses	Prof Expenses	519	General Receivership	(\$24,073.02)	09/04/2025	\$60,416,099.78
Operations	Income	Interest		General Receivership	\$101,895.30	09/30/2025	\$60,517,995.08
Operations	Income	Interest		General Receivership	\$196.80	09/30/2025	\$60,518,191.88
Distributions	Investors	Class 3	431	General Receivership	(\$305,467.92)	09/30/2025	\$60,212,723.96
Distributions	Investors	Class 3A	431	General Receivership	(\$17,804.10)	09/30/2025	\$60,194,919.86
Distributions	Investors	Class 3	431	General Receivership	(\$2,781,144.02)	09/30/2025	\$57,413,775.84
Distributions	Investors	Class 3A	431	General Receivership	(\$49,441.46)	09/30/2025	\$57,364,334.38
Operations	Income	Interest		General Receivership	\$97,144.45	10/31/2025	\$57,461,478.83
Operations	Income	Interest		General Receivership	\$171.76	10/31/2025	\$57,461,650.59
Operations	Income	Interest		General Receivership	\$83,352.06	11/30/2025	\$57,545,002.65

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): Cash General Ledger - 2025 All**

Category	Type	Detail	Dkt	Asset Pool	Amount (USD)	Date	Balance (USD)
Operations	Income	Interest		General Receivership	\$152.55	11/30/2025	\$57,545,155.20
Operations	Income	Interest		General Receivership	\$71,945.23	12/31/2025	\$57,617,100.43
Operations	Income	Interest		General Receivership	\$156.66	12/31/2025	\$57,617,257.09
Distributions	Investors	Class 3	431	General Receivership	(\$1,305,667.61)	12/31/2025	\$56,311,589.48
Distributions	Investors	Class 3A	431	General Receivership	(\$49,541.98)	12/31/2025	\$56,262,047.50
Distributions	Investors	Class 3	431	General Receivership	(\$458.74)	12/31/2025	\$56,261,588.76
Distributions	Investors	Class 3A	431	General Receivership	(\$157.32)	12/31/2025	\$56,261,431.44

# Exhibit 2

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): 2025 Annual Balance Sheet**

<b>Assets [1]</b>	<b>2025 (Year)</b>	<b>2024 (Year)</b>	<b>Difference</b>
Cash and Cash Equivalents	\$ 56,261,431	\$ 151,812,793	\$ (95,551,362)
Litigation and Other Claims [2]		<i>To be determined</i>	
<b>Total Assets</b>	<b>\$ 56,261,431</b>	<b>\$ 151,812,793</b>	<b>\$ (95,551,362)</b>
<b>Liabilities</b>			
Professional Fees and Expenses for Work			
Performed but not Paid in Period [3]	\$ 1,055,022	\$ 1,299,317	\$ (244,295)
Tax Liabilities [4]	\$ -	\$ -	\$ -
Receivership Refund Claims [5]			
Total Value	\$ 239,395,732	\$ 227,753,358	\$ 11,642,374
Less Amounts Distributed	\$ (93,204,323)	\$ -	\$ (93,204,323)
Net Value	\$ 146,191,409	\$ 227,753,358	\$ (81,561,949)
<b>Total Liabilities</b>	<b>\$ 147,246,431</b>	<b>\$ 229,052,675</b>	<b>\$ (81,806,244)</b>
<b>Receivership Net Asset Value</b>	<b>\$ (90,985,000)</b>	<b>\$ (77,239,882)</b>	<b>\$ (13,745,118)</b>

**Notes**

[1] All assets and liabilities as of December 31, 2025. These statements are unaudited and not in accordance with generally accepted accounting principles in the United States (GAAP) and should not be considered in isolation from or as a replacement for the most directly comparable GAAP financial measures.

[2] The estate may have significant litigation and other claims based on the pre-receivership activities of EminiFX, Inc. and third-parties. The Receiver has not attempted to value those claims for the purpose of this balance sheet.

[3] Fees and expenses incurred for the Third and Fourth Quarters 2025 pending approval by the Court.

[4] The Receiver does not believe that there is any outstanding tax liability. Section VIII of the Status Report explains tax issues in detail, including the reason for holding tax reserves.

[5] The total value of receivership refund claims for the prior period reflected the net investment (deposits less withdrawals) of the investors whose transactions have been fixed by the Receiver as of December 31, 2024 (with minor calculation adjustments), but disputed claims with a net investment value between \$8.8 to \$14.4 million were excluded. During 2025, the total value of the claims was fixed when the Court overruled the final claims objections on September 22, 2025 [Dkt. 527]. The total value of receivership refund claims for the Year 2025 reflects the inclusion of the formerly disputed claims, resulting in an increase of \$11.6 million, in line with prior expectations.

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): 2025 Annual Income Statement**

<b>Income [1]</b>	<b>2025 (Year)</b>	<b>2025 (4Q Only)</b>	<b>2024 (Year)</b>
Interest on Accounts	\$ 1,603,373	\$ 252,923	\$ 4,596,375
Net Winner Settlements	\$ 11,777	\$ -	\$ -
<b>Total Income</b>	<b>\$ 1,615,150</b>	<b>\$ 252,923</b>	<b>\$ 4,596,375</b>
<b>Expenses</b>			
Administrative Expenses [2]	\$ 3,455,293	\$ 520,836	\$ 5,639,385
Tax Payments	\$ 9,750	\$ -	\$ 24,918
Miscellaneous Expenses	\$ 3,100	\$ -	\$ 227,775
<b>Total Expenses</b>	<b>\$ 3,468,143</b>	<b>\$ 520,836</b>	<b>\$ 5,892,078</b>
<b>Receivership Net Income</b>	<b>\$ (1,852,993)</b>	<b>\$ (267,913)</b>	<b>\$ (1,585,080)</b>

**Notes**

[1] Income from October 1 to December 31, 2025 (4Q Only), or from January 1 to December 31, 2025 (Year). These statements are unaudited and not in accordance with generally accepted accounting principles in the United States (GAAP) and should not be considered in isolation from or as a replacement for the most directly comparable GAAP financial measures. This income statement is for illustrative purposes only and is not intended to represent the taxable income to the receivership estate.

[2] Fees and expenses incurred for the Third and Fourth Quarters 2025 pending approval by the Court.

**Receivership Estate of EminiFX and Alexandre (22 Civ. 3822): 2025 Annual Statement of Cash Flows**

	2025 (Year)	2025 (4Q Only)	2024 (Year)
Cash on Hand at Beginning of Period [1]	\$ 151,812,793	\$ 57,364,334	\$ 154,140,070
<b>Asset Turnovers and Liquidations</b>			
Liquidation of Digital Assets	\$ -	\$ -	\$ (251,555)
Cash Recoveries	\$ -	\$ -	\$ 2,880
Liquidation of Vehicles	\$ -	\$ -	\$ (5,000)
<b>Total Cash Flow from Asset Turnovers and Liquidations</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (253,675)</b>
<b>Receivership Activities</b>			
Interest	\$ 1,603,373	\$ 252,923	\$ 4,596,375
Professional Fees and Expenses [2]	\$ (3,699,588)	\$ -	\$ (6,417,284)
Tax Prepayments and Refunds	\$ (9,750)	\$ -	\$ (24,918)
Other Expenses	\$ (3,100)	\$ -	\$ (227,775)
Net Winner Settlements	\$ 11,777	\$ -	\$ -
<b>Total Cash Flow from Receivership Activities</b>	<b>\$ (2,097,288)</b>	<b>\$ 252,923</b>	<b>\$ (2,073,602)</b>
<b>Distributions to Claimants</b>			
Class 3 (Investor Claimants - 45% Rising Tide)	\$ (91,919,521)	\$ (1,306,126)	\$ -
Class 3A (Investor Claimants - 55% Rising Tide)	\$ (1,284,802)	\$ (49,700)	\$ -
Class 4 (Unsecured Claimants)	\$ (249,750)	\$ -	\$ -
<b>Total Cash Flow from Distributions to Claimants</b>	<b>\$ (93,454,073)</b>	<b>\$ (1,355,826)</b>	<b>\$ -</b>
<b>Cash and Cash Equivalents at the End of the Period</b>	<b>\$ 56,261,431</b>	<b>\$ 56,261,431</b>	<b>\$ 151,812,793</b>

**Notes**

[1] Cash flows from October 1 to December 31, 2025 (4Q Only), or from January 1 to December 31, 2025 (Year). These statements are unaudited and not in accordance with generally accepted accounting principles in the United States (GAAP) and should not be considered in isolation from or as a replacement for the most directly comparable GAAP financial measures.

[2] Fees paid for the Fourth Quarter 2024 and the First and Second Quarters 2025.