

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SECURITIES & EXCHANGE COMM. §
v. § NO. 4:22-CV-3359
MAURICIO CHAVEZ et al. §

UNOPPOSED MOTION FOR PAYMENT OF ATTORNEYS FEES
(FOR SEPTEMBER 2022)

David Gerger and the law firm Gerger, Hennessy & Martin move for permission to pay their invoice for work during September 2022 representing Mauricio Chavez. The Receiver does not oppose this request but asks that we file it as a motion with the Court.

1. Background and the Lawyers

The Securities & Exchange Commission (“SEC”) is conducting an investigation of Mauricio Chavez and a company called Crypto FX. In that investigation, Mr. Chavez and Crypto FX engaged experienced civil counsel, and Mr. Chavez also engaged David Gerger (Gerger, Hennessy & Martin, or “GHM” or “the Law Firm”) to represent him individually. GHM is experienced in advising clients facing government investigations – including criminal investigations but also civil investigations by the SEC.¹

¹ Gerger graduated law school in 1985, clerked for two federal judges; and was an Assistant Federal Public Defender before private practice. He practiced 10 years with Mike DeGeurin; opened the Houston office of the Quinn Emanuel firm; and worked 14 years in boutique firms that he founded. He is a Fellow in the American College of Trial Lawyers and the American Board of Criminal Law; has taught criminal law and ethics at the University of

Consistent with normal practice, GHM received a deposit into its trust account to secure and bill hourly fees and expenses each month.

2. Work in September 2022

On September 19, 2022 – on an application from the SEC -- this Court entered a temporary injunction and asset freeze regarding Mr. Chavez and, on September 29, appointed a Receiver over him. Between September 20-29, GHM had various communications with the SEC; reviewed the SEC’s application and the Court’s Orders, and a lawyer from the firm attended the Court’s September 29 hearing to meet the Receiver. (David Gerger was out of town the day of that hearing, so another attorney in the firm, Poorav Rohatgi, attended.) We have communicated with the Receiver since his appointment; have gathered and provided boxes of physical files in our possession to the Receiver; and are checking our electronic files to see if they contain any non-privileged files to deliver to the Receiver. We also have shared with the Receiver the amount on deposit in our trust account as of September 1 and will continue to be transparent with the Receiver, subject to our privilege and ethical obligations with Mr. Chavez.

During September, we incurred \$17,342.50 in fees (reviewing the SEC’s application and the Court’s Orders; discussions with the SEC and other parties; and attending the September 29 hearing to meet the Receiver.) The Court’s “Order Appointing Receiver” (Dkt. 11, September 29, 2022) provides that “the Receiver may

Houston Law Center; and is recognized by various organizations including “Band 1” in “White Collar Litigation” in Chambers & Partners. The firm’s qualifications are at www.ghmfirm.com.

make allowances for ... reasonable attorney's fees for the defendants." We have provided our charges to the Receiver, whose position is:

Money in GHM's trust account should be treated as Receivership assets subject to the asset freeze (we are treating them as such subject to any future Court order); in Receiver's judgment, the assistance of competent counsel to advise Mr. Chavez regarding his compliance with the Receivership Order is in the best interests of the Receivership estate; and Receiver does not object to this motion, but his non-objection is without prejudice to opposing future draws as circumstances, in his judgment, may warrant.

We thus ask for an order allowing us to transfer \$17,342.50 from our trust account to our operating account.

Respectfully submitted,

/s/ David Gerger
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CERTIFICATE OF CONFERENCE AND SERVICE

As explained above, the Receiver does not oppose this motion.

I sent this pleading to the Receiver before filing and filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve a copy on counsel of record.

/s/ David Gerger
David Gerger

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§

ORDER TO PAY FEES

The law firm Gerger, Hennessy & Martin has moved to transfer \$17,342.50 from its trust account to pay for legal work the firm provided during September 2022. The Receiver has reviewed the motion and does not object to the September fees. For the reasons stated in the motion, the motion is granted, and the law firm may transfer \$17,342.50 from its trust account to pay for services provided.

Signed: October _____, 2022, at Houston, Texas.

UNITED STATES DISTRICT JUDGE