

contents of voluntarily prepared documents, like the CryptoFX documents requested by the Receiver. Chavez, however, argues that the act of producing CryptoFX records, the passwords to the CryptoFX Google Drive or access to the same, as well as his computer and cell phone is testimonial in nature, and as such, protected by the Fifth Amendment. *Id.* at 9-10.

Contrary to Chavez’s assertions, the Receiver is entitled to all of the CryptoFX records and materials in Chavez’s possession and/or control, and he cannot rely on the Fifth Amendment to avoid producing them. First, the “collective-entity doctrine” precludes custodians of records of business entities from relying on the Fifth Amendment to block production of business records. *See* Motion to Compel at 12-15. Second, the act of producing the business records and the electronic devices requested by the Receiver is not testimonial in nature because their existence and location are a ‘foregone conclusion.’ *Id.* at 15 - 19. Further, any documents in Chavez’s Mac-Mini computer and cell phone that are legitimately protected by his attorney-client or work-product privileges can be redacted prior to production.

A. PRODUCTION OF THE BUSINESS RECORDS IS NOT PROTECTED BY CHAVEZ’S FIFTH AMENDMENT PRIVILEGE.

Chavez concedes that he cannot assert the Fifth Amendment privilege on behalf of CryptoFX, a collective entity. Response at 9. Additionally, he cannot rely upon the privilege against self-incrimination to avoid producing the records of the collective entity. *See Braswell v. United States*, 487 U.S. 99, 102 (1988) (“It is well established that . . . artificial entities are not protected by the Fifth Amendment.”). It is also well-established that the “collective-entity doctrine” precludes custodians of records of corporations, partnerships, limited liability companies, or other collective entities, from relying on the Fifth Amendment to block production of those records. *See Bellis v. United States*, 417 U.S. 85, 88 (1974). The right to resist compelled self-incrimination is a “personal privilege,” which companies and other collective

entities do not share. *Id.* at 90. This is true regardless of whether a document produced incriminates the company or its records custodian. *Braswell*, 487 U.S. 99. Thus, a custodian who produces records of a company like Chavez is in this case, “may not resist a subpoena for corporate records on Fifth Amendment grounds.” *Id.* at 113; *see also* Motion to Compel 12 – 15. The records requested by the Receiver are company records, which Chavez holds in his capacity as a member or representative of CryptoFX; they are not personal records. As such, the Fifth Amendment does not apply and does not bar their production. Therefore, the Court should order Chavez to produce all CryptoFX records in his possession and/or control, including access credentials to CryptoFX emails, accounting documents, “Leader spreadsheets” and other documents stored in the CryptoFX Google Drive (or provide access to the Drive), as well as CryptoFX-related communications, including emails, text messages, and WhatsApp messages with CryptoFX employees, business associates, sales people or Leaders, and investors.

B. TURNING OVER BUSINESS RECORDS AND UNENCRYPTED ELECTRONIC DEVICES IS NOT TESTIMONIAL IN NATURE.

Contrary to Chavez’s arguments, producing CryptoFX business records, providing access to the CryptoFX Google Drive, as well as turning over his computer and cell phone in an unencrypted state do not qualify as “testimonial communication[s] that [are] incriminating.” *Fisher v. United States*, 425 U.S. 391, 408 (1976).

In his responses to a Background Questionnaire to the SEC, dated February 9, 2022, Chavez responded that the phone number he “regularly used” for “business” matters, including for WhatsApp communications, is xxx-xxx-6214, a Verizon mobile number. *See* Chavez Responses to February 9, 2022 SEC Background Questionnaire at 2-3, Questions 8, 11, attached as **Exhibit M**. In his Response to the Motion to Compel, Chavez states that as CryptoFX grew, he purchased another phone he used for personal affairs. Response at 10. It is the cell phone

device corresponding to the number ending in xxx-6214 and corresponding account that the Receiver requests that Chavez turn over. Chavez does not dispute he used this cell phone for CryptoFX-related matters, including to trade crypto currencies, communicating with CryptoFX employees, investors as well as Leaders or other business associates. *Response* at 3 – 4 (referencing Chavez trading crypto and showing his cell phone to J. Taffinder, a CryptoFX employee and text messages with a trader); *see also* Exhibit M; Motion to Compel at 15 - 18. Nor does he dispute that he has access to this cell phone. Similarly, he does not dispute that he has access to his Mac-Mini computer or that he used this device to conduct CryptoFX activities.

Further, Chavez states in his Response that he did not set up the Google Drive himself, but that someone at CryptoFX did, and that he does not know the password to the Drive. *See* Response at 10. He also states that the password may reside in his computer. *Id.* The fact that Chavez did not “set up” the Google Drive does not mean he does not have access to it. In fact, it is undisputed that Chavez has access to the Google Drive and the CryptoFX documents stored therein, and that he has shared documents from the same Drive with CryptoFX sales people or Leaders. *See* Motion to Compel at 6 - 7, and Exhibit G. Compelling Chavez to provide access to the CryptoFX Google Drive or the passwords to the same as well as produce the unlocked devices would not disclose any information or relate any factual assertion, other than the undisputed fact that Chavez still controls the CryptoFX Google Drive and the devices at issue here.

Further, contrary to Chavez’s argument, the Receiver has described with particularity the records the Receiver is requesting as well as the documents that reside in the CryptoFX Google Drive and the devices. Business records that the Receiver has requested and Chavez has refused and continues to refuse to turn over include access credentials for email accounts Chavez has

used to conduct CryptoFX business, including the following email addresses: cryptofx@icloud.com; agreements@cfxlifestyle.org; cfxlifestylellc@gmail.com (Google); ceo10xplan@gmail.com (Google); mauriciox40@outlook.com (Microsoft); mauriziogroup@gmail.com (Google); ceo10xplan@icloud.com (Apple); and gruppoBM@yahoo.com (Yahoo). *See* Exhibit G (Chavez using agreements@cfxlifestyle.org and ceo10xplan@gmail.com to access and share Google Drive with a CryptoFX leader); *see* also Exhibit M at 2, Response to Question 10 (listing the email addresses that he “regularly used” to conduct business); Receiver’s Motion for Show Cause at 5 – 6 (Doc. No. 39).

The Receiver has also described with particularity the business records that reside in the CryptopFX Google Drive. These include, accounting documents, such as “Daily Reports,” “Leaders Summary Balances,” and Elite Bonus documents prepared by Norma Chavez and other members of the CryptoFX accounting team. The Drive also stores the Leaders spreadsheets used by Chavez, CryptoFX accounting team, J. Gonzalez, J. Taffinder, and Leaders, including I. Sanchez, G. Ochoa, R. Zavala, G. Longoria, G. Castaneda, F. de Maria Millan, R. Guifarro, R. Gomez, E. Escoto, R. Teran, S. Reyes, J. Segura, S. Aguado, C. Bustamante, and others. *See also* Motion at 6 – 7. “[T]he Fifth Amendment does not protect an act of production when any potentially testimonial component of the act of production—such as the existence, custody, and authenticity of evidence—is a ‘foregone conclusion’ that ‘adds little or nothing to the sum total of the Government’s information.’” *United States v. Apple MacPro Computer*, 851 F.3d 238, 247 (3d Cir. 2017). This is the case here. In this case, even if the Court finds that the Fifth Amendment may be implicated—which it is not—any testimonial aspects of the production of the CryptoFX business records, Google Drive and the unencrypted devices are a foregone conclusion.

The record is clear and undisputed that the company records exist and Chavez can access them. *See Fed. Trade Comm'n v. PointBreak Media, LLC*, 343 F. Supp. 3d 1282, 1294 (S.D. Fla. 2018) (granting Receiver's request for turnover of the defendants' laptop and cell phones and holding that their surrender of the devices "[was] not a testimonial communication for which they [could] successfully invoke a Fifth Amendment objection."). As such, the Court should compel Chavez to turn over all CryptoFX business records in his possession and/or control, including the usernames and passwords to the CryptoFX Google Drive; produce communications with CryptoFX employees, investors, sales people, and business associates; as well as turn over the Mac-Mini computer and the cell phone in an unencrypted state.¹

C. THE RECORDS REQUESTED BY THE RECEIVER ARE NOT PROTECTED BY CHAVEZ'S ATTORNEY-CLIENT PRIVILEGE.

Chavez does not dispute that the Receiver is the holder of the attorney-client privilege as to CryptoFX and that he cannot refuse to turn over CryptoFX records based on a claim of attorney-client privilege. However, he claims that the devices requested by the Receiver "may" contain communications protected by Chavez's attorney-client and work-product privileges. Response at 13. As stated in the Motion, if legitimately privileged material is comingled with CryptoFX business records belonging to the Receiver, preparation of a privilege log is Chavez's remedy. *See* Motion to Compel at 11 - 12. He may not assert a blank claim of privilege as he attempts to do here.²

¹ The Receiver also requests that Chavez cooperate with the Receiver in resetting the passwords to the Google Drive and any CryptoFX Gmail accounts he controls. Google requires a 2-Step verification, also called two-factor authentication, to access its applications and to re-set the username and password.

² The Receiver also requested that Chavez produce documents about his other businesses. Chavez states he has produced all the documents in his possession and/or control. With respect to the Hair Salon, the Receiver has received the company agreement, but not the lease agreement with the landlord where the salon is located. The Receiver has requested Chavez to produce this document as well.

CONCLUSION

The Receiver respectfully requests that the Court grant the Receiver's Motion to Compel and enter an Order compelling Chavez to turn over all CryptoFX records under his control; provide access to the CryptoFX emails and Google Drive; and turn over his Mac-Mini computer and the cell phone he has used for CryptoFX-related activities, in an unencrypted state or with usernames and passwords required to access the same.

Dated: May 23, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2023, the above and foregoing document was filed electronically through the CM/ECF system, which sent notification of such filing to all counsel of record:

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EXHIBIT M

BACKGROUND QUESTIONNAIRE

Please respond to the following questions in the space provided. If you need additional space for any response, you may attach additional pieces of paper.

Today's date: 02/09/2022

1. What is your full name?

Mauricio Antonio Chavez

2. Have you ever been known by any other name? Yes No

If yes, list each such name and the period(s) in which you were known by that name.

3. Date and Place of Birth?

[REDACTED]

4. Country of Citizenship?

El Salvador & United States of America

5. Marital Status? Married Divorced Single

If you have ever been married, state for each marriage: (i) the date(s) of the marriage; (ii) the name of your spouse; (iii) your spouse's birth name, if different; (iv) your spouse's age; and (v) your spouse's occupation.

[REDACTED]

6. List the names, ages and occupations of your children, if any.

[REDACTED]

7. List all residences you occupied at any time during the last [three] years, including vacation homes, beginning with your current residence. For each residence, state the address, dates of residence, and all telephone numbers (including facsimile numbers) listed at that address.

[REDACTED]

Houston, Texas 77077

No Phone Number

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8. List all telephone numbers and telecommunication services that were in your name or that you regularly used at any time during the last [three] years. Include all residential, business, cellular, credit card, and VOIP telephone numbers, including those listed in your response to question 7, and services such as GoogleVoice, Skype, video conference services. For each telephone number, state the name(s) of the corresponding carrier(s) (e.g., AT&T, Verizon, Vonage, Skype, etc.).

██████████ 6214 (mobile) Verizon

9. List the universal resource locator (URL) for all websites or blogs that you established or for which you had the authority to control content, at any time during the last [three] years. For each website, state the name(s) of the domain name registrar (e.g. GoDaddy) through which the URL was obtained, the name(s) of all individuals or entities who provided web site hosting or design services, whether the website contained primarily business or personal information, and the time period in which it was active.

Cryptofxlearningacademy.com (GoDaddy.com)

Cryptofxla.com (GoDaddy.com)

10. List all electronic mail addresses and social networking accounts (e.g. Facebook, LinkedIn, Twitter, Instagram, Flickr, and Google+) that were in your name or that you regularly used at any time during the last [three] years. Include all personal, business and shared electronic mail addresses and social networking accounts. For each electronic mail address and social networking account, state the name(s) of the corresponding internet service provider(s) (e.g., Google, Yahoo, AOL, or your employer), whether the address was used primarily for business or personal correspondence, and the time period in which it was active.

CEO10XPLAN@GMAIL.COM (Google); MAURICIOX40@OUTLOOK.COM (Microsoft)

MAURIZZIOGROUP@GMAIL.COM (Google)

CEO10XPLAN@ICLOUD.COM (Apple)

GRUPOBM@YAHOO.COM (Yahoo)

CFXLIFESTYLELLC@GMAIL.COM (Google)

11. List all usernames for instant messaging and similar electronic communication services (including, but not limited to, Bloomberg, Skype, whatsapp), other than those listed in your response to questions 8 through 10, that were in your name or that you regularly used at any time during the last [three] years. Include all personal, business and shared addresses. For each username, state the name(s) of the communication service provider (e.g., Google, AOL, etc.), whether the address was used primarily for business or

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personal correspondence, the time period in which it was active, and the name of the software application(s) (e.g., GTalk, ICQ, MSN Messenger) you used to access it.

6214 (WhatsApp)

12. List all internet message boards or discussion forums (including, but not limited to, Money Maker Group, PNQI Message Board, Investors Hub Daily) of which you were a member or on which you posted any messages at any time during the last [three] years. For each message board or discussion forum, state the service provider and your member name or identification information.

None

PUBLICLY-HELD COMPANIES

13. Are you now, ~~or have you~~ ever been, an officer or director of any publicly-held company? Yes No

If yes, identify each such company, its CUSIP, and any exchange on which it is or was listed, and state your positions (including membership on any Board or management committees) and the dates you held each position.

14. Are you now, or have you ever been, a beneficial owner, directly or indirectly, of five per cent or more of any class of equity securities of any publicly held company? Yes No

If yes, identify each such company, its CUSIP, and any exchange on which it is or was listed, and state the amount, percentage, and dates of your ownership.

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PRIVATELY-HELD COMPANIES

- 15. Are you now, or have you ever been, a beneficial owner, directly or indirectly, of any privately-held company (*i.e.*, corporation, partnership, limited liability company or other corporate form)? Yes No

If yes, identify each such company, including address and other contact information, and state your positions and the dates you held each position.

Maurizio Group LLC, Manager, 11/12/20 to date; CRYPTOFX LLC, Manager, 02/05/20 to date;

CFX Lifestyle LLC, Manager, 12/09/20 to date; CBT Group LLC, Manager, 10/16/20 to date;

CORELIFE INTERNATIONAL LLC, Manager, 07/29/21 to date

- 16. Are you now, or have you ever been, a manager or a member of any privately-held company (*i.e.*, corporation, partnership, limited liability company or other corporate form)? Yes No

If yes, identify each such company, including address and other contact information, and state your positions and the dates you held each position.

Maurizio Group LLC, Manager, 11/12/20 to date; CRYPTOFX LLC, Manager, 02/05/20 to date;

CFX Lifestyle LLC, Manager, 12/09/20 to date; CBT Group LLC, Manager, 10/16/20 to date;

CORELIFE INTERNATIONAL LLC, Manager, 07/29/21 to date

SECURITIES ACCOUNTS

- 17. List all securities or brokerage accounts that you have held in your name, individually or jointly, at any time during the last [three] years. Include all foreign accounts. For each such account, identify: (i) the brokerage firm; (ii) the location of the branch where your account is or was held; (iii) your broker; (iv) the type of account (*i.e.*, cash, margin or IRA); (v) the account number; and (vi) whether any person has ever held discretionary authority or power of attorney over the account; if so, name such person(s).

██████████

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[REDACTED]

22. List all accounts at financial institutions (including foreign accounts), other than those listed in your answer to question 20 or 21, over which you had any control at any time during the last [three] years. For each such account, provide the information requested by question 20.

None

23. List any other accounts (including foreign accounts), other than those listed in your answers to questions 20 through 22, that were held in your name, in which you had any direct or indirect beneficial interest, or over which you had any control, that you have used to transfer funds in the last [three] years, including, but not limited to, PayPal accounts. For each such account, provide the information requested by question 20.

None

PRIOR PROCEEDINGS

24. Have you ever testified in any proceeding conducted by the staff of the Securities and Exchange Commission, a U.S. or foreign federal or state agency, a U.S. or foreign federal or state court, a stock exchange, the Financial Industry Regulatory Authority ("FINRA") or any other self-regulatory organization ("SRO"), or in any arbitration proceeding related to securities transactions? Yes No

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the organization or agency; and (iii) the date(s) on which you testified.

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25. Have you ever been deposed in connection with any court proceeding? Yes No

If yes, for each such proceeding, identify: (i) the title of the proceeding, and (ii) the date(s) on which you were deposed.

26. Have you ever been named as a defendant or respondent in any action or proceeding brought by the SEC, any other U.S. or foreign federal agency, a state securities agency, FINRA, an SRO, or any exchange? Yes No

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the agency or tribunal; (iii) the substance of the allegations; (iv) the outcome of the proceeding; and (v) the date of the outcome.

27. Have you ever been a defendant in any action (other than those listed in response to question 26) alleging violations of the federal securities laws? Yes No

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the court or tribunal; (iii) the outcome of the proceeding; and (iv) the date of the outcome.

28. Have you ever been a defendant in any criminal proceeding other than one involving a minor traffic offense? Yes No

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the court or tribunal; (iii) the outcome of the proceeding; and (iv) the date of the outcome.

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EDUCATIONAL HISTORY

29. Provide the requested information about each educational institution that you have attended, beginning with the most recent and working backward to the date that you completed high school.

[REDACTED]			
Name of School			
[REDACTED]			
City	State	Country	Zip Code
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

[REDACTED]			
Name of School			
[REDACTED]			
City	State	Country	Zip Code
[REDACTED]	[REDACTED]	[REDACTED]	77024
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

[REDACTED]			
Name of School			
[REDACTED]			
City	State	Country	Zip Code
[REDACTED]	[REDACTED]	[REDACTED]	1997
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

30. Other than courses taken in connection with institutions listed in response to question 29, list any securities, accounting or business related courses taken since high school. For each such course, identify the date that the course was completed and the name of the institution or organization that offered the course.

None

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PROFESSIONAL LICENSES/CLUBS

31. Do you hold, or have you ever held, any professional license? Yes No

If yes, for each such license, identify: (i) the license number or attorney bar number; (ii) the licensing organization; (iii) the date the license was awarded; (iv) the date such license terminated, if applicable; (v) the date(s) of any disciplinary proceeding(s) against you; and (vi) the outcome of any such disciplinary proceeding (e.g., reprimand, suspension, revocation).

32. Are you, or have you ever been, a member of any professional or business club or organization? Yes No

If yes, list for each: (i) the name of the club or organization; (ii) its address; (iii) the date(s) of your membership; and (iv) service in any governance roles (e.g., board member, committee member, etc.) including title and dates of service.

33. Are you, or have you been in the last [three] years, a member of any social clubs, charities or nonprofit organizations? Yes No

If yes, list for each: (i) the name of the social club, charity or nonprofit organization; (ii) its address; (iii) the date(s) of your membership; and (iv) service in any governance roles (e.g., board member, committee member, etc.) including title and dates of service..

EMPLOYMENT HISTORY

34. Are you, or have you ever been, an employee of a broker, dealer, investment adviser, investment company, municipal securities dealer, municipal advisor, transfer agent, or

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nationally recognized statistical rating organization? Yes No

If yes, list for each: (i) the jurisdiction of the entity; (ii) your CRD number; (iii) the entity's CRD number; (iv) the entity's SEC File number; (v) the entity's CUSIP number; and (vi) any foreign registration information similar to the foregoing.

35. State your employment activities, beginning with the present and working backward to the date that you completed high school and attach a recent copy of your resume or curriculum vitae.

CRYPTOFOX LLC			
Employer's Name/Self-Employment			
1124 Blalock Road		832-207-8636	
Employer's Street Address			Telephone Number
Houston	TX	USA	77055
City	State	Country	Zip Code
Manager/CEO	2/5/20 to date		
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

Maurizzio Group LLC			
Employer's Name/Self-Employment			
800 Town & Country Blvd., Suite 301		77024	
Employer's Street Address			Telephone Number
Houston	Texas	USA	77024
City	State	Country	Zip Code
Manager/CEO	11/12/20 to date		
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

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Que Sabor Group (Self-Employment)

Employer's Name/Self-Employment			
13411 Briar Forest Drive, Apt. 1033			
Employer's Street Address			Telephone Number
Houston	Texas	USA	77077
City	State	Country	Zip Code
Self-employed	01/01/16 to 12/31/17 (approx.)		
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	
Title	Dates of Employment	Supervisor	

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Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

CONTINUE ON ADDITIONAL SHEETS IF NECESSARY