

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**MAURICIO CHAVEZ,  
GIORGIO BENVENUTO, and  
CRYPTOFOX, LLC,**

**Defendants,**

**and**

**CBT GROUP, LLC,**

**Relief Defendant.**

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§ **CIVIL ACTION No. 4:22-cv-03359**  
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§ **JUDGE ANDREW S. HANEN**  
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**MAURICIO CHAVEZ’S SECOND MOTION  
FOR PAYMENT OF ATTORNEY’S FEES**

Mauricio Chavez respectfully requests that the Court order the payment of the attorneys’ fees of the undersigned counsel. In support of this request, Mr. Chavez would respectfully show the Court as follows.

**I. Argument and Authority**

**A. The Court Previously Ordered Payment of Chavez’s Fees at a Reduced Hourly Rate.**

The undersigned counsel was engaged to represent Defendant Mauricio Chavez after his prior counsel withdrew in November 2022.<sup>1</sup> In March 2023, the undersigned counsel filed a motion for payment of his attorney fees and expenses for the four months ending February 28, 2023. The Court addressed that request (and other matters) at a hearing on February 23, 2023, and

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<sup>1</sup> Unopposed Motion to Withdraw (ECF No. 25) and Order (ECF No. 30).

memorialized its rulings in an order that same day. The Court ruled that the Receiver should pay Chavez's attorney's fees, but only at the reduced hourly rate of \$425 per hour.<sup>2</sup>

The Court also **GRANTS** Defendant Mauricio Chavez's Motion for Payment of Attorney Fees. (Doc. No. 61). Defendant Mauricio Chavez's attorney is, likewise, to be paid by the Receiver at the rate of \$425 per hour.

Following that ruling, Chavez's counsel recalculated his fees through February 28, 2023, to reflect the reduced hourly rate that the Court had ordered and the Receiver paid those fees.

**B. The Fees Now Requested**

Chavez now seeks his attorney's fees and expenses for the eight-month period from March 1, 2023, to October 31, 2023. Those fees and expenses are summarized on the statement attached as Ex. 1 and here:

<b>Pratt &amp; Flack Invoice Summary</b>			
<u>Invoice Date</u>	<u>Fees</u>	<u>Expenses</u>	<u>Total</u>
4/13/2023	\$12,367.50	\$4,469.85	\$16,837.35
5/7/2023	\$7,862.50	\$0.00	\$7,862.50
6/14/2023	\$8,182.50	\$0.00	\$8,182.50
7/13/2023	\$1,997.50	\$0.00	\$1,997.50
8/3/2023	\$2,337.50	\$0.00	\$2,337.50
9/12/2023	\$3,612.50	\$8.56	\$3,621.06
10/9/2023	\$2,847.50	\$0.00	\$2,847.50
11/9/2023	\$1,530.00	\$0.00	\$1,530.00
<b>Total</b>			<b>\$45,215.91</b>

The Court may note that the amount of those invoices have declined substantially since the prior motion for attorney's fees. This is in part because of the lower hourly rate now being applied, but primarily because the level of activity has decreased. Chavez's counsel is mindful of this Court's admonition that all counsel should do all they can to preserve the assets of the Receivership estate.

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<sup>2</sup> Order (ECF No. 67)

The amounts billed are also remarkably tiny relative to the amounts billed by the Receiver and his counsel. For example, the amount billed for time in October represents less than four hours of attorney time. The only persons who have billed any time on this matter in the past eight months are the undersigned counsel, Paul Flack, and one legal assistant.

During the eight months at issue, the undersigned counsel's various efforts have included concluding a bifurcated settlement of this case with the SEC, arranging the turnover of personal property identified by the Receiver, responding to a motion to compel filed by the Receiver regarding Chavez's Fifth Amendment claims relating to electronic devices, attending a hearing on that motion, crafting an agreed form of order regarding same, coordinating with the Receiver, a forensic computer expert, and Mr. Chavez regarding the production ordered by the Court, and monitoring the Receiver's many court filings.

### **C. Positions of Other Parties**

Counsel for Chavez provided counsel for the SEC and counsel for the Receiver copies of his fee invoices with the descriptions redacted. The SEC does not oppose the payment of the fees. The Receiver's counsel said that, because the descriptions were completely redacted, the Receiver could take no position regarding the payment of the fees. Should the Court deem it necessary, Chavez is willing to submit the invoices without redaction to the Court for in camera review, provided it will not be deemed any waiver of the attorney-client privilege.

## **II. Conclusion**

For the reasons stated above, Chavez requests that the Court order the Receiver to pay the fees requested. A proposed order is submitted with this motion.

Respectfully submitted,

By: /s/ Paul D. Flack

Paul D. Flack

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SD Texas ID No. 17461

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Pratt & Flack, LLP

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(713) 705-3087

**Counsel for Defendant Mauricio Chavez**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on all counsel of record via the Court's CM/ECF electronic service of process on or before November 14, 2023.



\_\_\_\_\_  
Paul D. Flack

PRATT & FLACK LLP

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Carmen Cavazos Pratt  
cpratt@prattflack.com

November 14, 2023

**INVOICES SUMMARY**

Re: *Mauricio Chavez – SEC*

1. Invoice No.: 2860

Invoice Date: 04/13/2023

Total Legal Fees for Paul Flack: \$12,367.50

Total Expenses: \$ 4,469.85

Total: \$16,837.35

2. Invoice No.: 2893

Invoice Date: 05/07/2023

Total Legal Fees for Paul Flack: \$ 7,862.50

Total Expenses: \$ .00

Total: \$ 7,862.50

3. Invoice No.: 2942

Invoice Date: 06/14/2023

Total Legal Fees for Paul Flack: \$ 8,182.50

Total Expenses: \$ .00

Total: \$ 8,182.50

4. Invoice No.: 2978

Invoice Date: 07/13/2023

Total Legal Fees for Paul Flack: \$ 1,997.50

Total Expenses: \$           .00

Total: \$ 1,997.50

5. Invoice No.: 2998

Invoice Date: 08/03/2023

Total Legal Fees for Paul Flack: \$ 2,337.50

Total Expenses: \$           .00

Total: \$ 2,337.50

6. Invoice No.: 3038

Invoice Date: 09/12/2023

Total Legal Fees for Paul Flack: \$ 3,612.50

Total Expenses: \$       8.56

Total: \$ 3,621.06

7. Invoice No.: 3069

Invoice Date: 10/09/2023

Total Legal Fees for Paul Flack: \$ 2,847.50

Total Expenses: \$           .00

Total: \$ 2,847.50

8. Invoice No.: 3110

Invoice Date: 11/09/2023

Total Legal Fees for Paul Flack: \$ 1,530.00

Total Expenses: \$           .00

Total: \$ 1,530.00

Respectfully,

Pratt & Flack LLP

Paul Flack

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<b>MAURICIO CHAVEZ, GIORGIO BENVENUTO, and CRYPTOFX, LLC,</b>	§	<b>JUDGE ANDREW S. HANEN</b>
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<b>Defendants,</b>	§	
	§	
<b>and</b>	§	
	§	
<b>CBT GROUP, LLC,</b>	§	
	§	
<b>Relief Defendant.</b>	§	

**ORDER REGARDING MAURICIO CHAVEZ’S  
SECOND MOTION FOR PAYMENT OF ATTORNEYS’ FEES**

The Court has considered Mauricio Chavez’s Second Motion for Payment of Attorney’s Fees filed November 14, 2023, and any opposition thereto. The motion is GRANTED. The Court approves payment of the following fees and expenses to Chavez’s counsel by the Receiver:



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Signed: \_\_\_\_\_, 2023.

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UNITED STATES DISTRICT JUDGE