

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

Case No. 8:19-cv-00886-VMC-SPF

OASIS INTERNATIONAL GROUP,
LIMITED, ET AL.,

Defendants,

and

MAINSTREAM FUND SERVICES,
INC., ET AL.,

Relief Defendants.

**MOTION FOR LEAVE TO FILE MOTION FOR CLERK'S
ENTRY OF DEFAULT AGAINST DEFENDANT JOSEPH S. ANILE, II**

I. INTRODUCTION

At a hearing on July 2, 2019, the Court directed Plaintiff Commodity Futures Trading Commission ("CFTC") to resolve outstanding issues concerning Defendant Joseph S. Anile, II ("Anile") by July 15, 2019. On July 12, 2019, the Court granted the United States' Motion to Intervene (Doc. #148) and Motion to Stay (Doc. # 149), and stayed this case until January 6, 2020. Doc. #179. The Court also administratively closed the case until January 6, 2020.

Id.

II. PRECISE RELIEF REQUESTED

In light of the stay and administrative closure of this matter, the CFTC seeks leave of Court to file a Motion for Clerk's Entry of Default Against Anile.

III. BASIS FOR THE REQUEST

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Rule 1.07(b), the CFTC is entitled to request a clerk's entry of default against Anile, who has failed to answer or otherwise defend in this matter. However, given the Court's July 12, 2019 order, the CFTC is presently unable to seek this relief.

IV. MEMORANDUM OF LEGAL AUTHORITY

It is solely the Court's province to grant the relief sought by the CFTC. Prior to entry of the Court's July 12, 2019 order staying and administratively closing the matter, the CFTC intended to comply with the Court's directive regarding Anile on July 15, 2019. As stated in its July 11, 2019 filing, the CFTC recently learned that Anile was in the process of retaining legal counsel in Florida. Doc. #172 at 5. However, since that time, no Florida counsel has contacted the CFTC or entered an appearance for Anile in this matter. Thus, as of today, and so as to comply with the Court's July 2 directive, the CFTC must seek leave of Court to file a Motion for Clerk's Entry of Default Against Anile.

V. CONCLUSION

WHEREFORE, for good cause shown, the CFTC moves this Court for leave to file a Motion for Clerk's Entry of Default Against Anile. In the alternative, the CFTC requests further direction from the Court.

Dated: July 15, 2019

Respectfully submitted,

**COMMODITY FUTURES TRADING
COMMISSION**

By: /s/ Jennifer J. Chapin
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LOCAL RULE 3.01(G) CERTIFICATION

I hereby certify that on July 15, 2019, the undersigned counsel for the CFTC contacted Gerard Marrone, Defendant Joseph S. Anile, II's last known legal counsel, by both electronic mail and telephone. Mr. Marrone did not respond to either attempted contact prior to the CFTC's filing of this instant motion. Since July 11, 2019, it has been the CFTC's understanding that Mr. Anile was in the process of retaining legal counsel in Florida. However, such counsel has not contacted the CFTC.

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2019, I filed a copy of the foregoing with the Clerk of the Court via the CM/ECF system, which served all parties of record who are equipped to receive service of documents via the CM/ECF system.

I hereby certify that on July 15, 2019, I provided service of the foregoing via electronic mail to:

Gerard Marrone
Law Office of Gerard Marrone P.C.
66-85 73rd Place
Second Floor
Middle Village, NY 11379
gmarronelaw@gmail.com
COUNSEL FOR DEFENDANT JOSEPH S. ANILE, II

I hereby certify that on July 15, 2019, I provided service of the foregoing via electronic mail to the following unrepresented party:

Michael J. DaCorta
mdacorta@oasisig.com