

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 CLERK’S ENTRY OF DEFAULT

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) and Local Rule 1.07(b), Plaintiff Commodity Futures Trading Commission (“CFTC”) hereby requests a clerk’s entry of default against Defendant Joseph S. Anile, II (“Anile”).

In support of this request, the CFTC states the following:

1. On April 15, 2019, the CFTC filed its Complaint for Injunctive Relief, Civil Monetary Penalties, Restitution, Disgorgement and Other Equitable Relief (the “Complaint”) alleging violations of the Commodity Exchange Act (the “Act”), 7 U.S.C. §§ 1 *et seq.* (2012), and the Commission Regulations promulgated thereunder, 17 C.F.R. §§ 1 *et seq.*

(2018). Doc. #1 and Exhibit 1 to this pleading, Declaration of Jennifer J. Chapin in Support of Motion for Clerk’s Entry of Default (“Chapin Decl.”) at ¶3.

2. That same day, the CFTC moved separately for an emergency ex parte statutory restraining order, a preliminary injunction and other equitable relief. Doc. #4. This Court granted that motion. Doc. #7.

3. In its Complaint, the CFTC alleged that Defendants were engaged in a fraudulent scheme to solicit and misappropriate money from over 700 U.S. residents for pooled investments in retail foreign currency contracts (“forex”). The CFTC also alleged that between mid-April 2014 and mid-April 2019, Defendants fraudulently solicited hundreds of members of the public (“pool participants”) to invest approximately \$75 million in two commodity pools (the “Oasis Pools”) that purportedly would trade in forex. Rather than use pool participants’ funds for forex trading as promised, however, Defendants traded only a small portion of pool funds in forex—which trading incurred losses—and instead misappropriated the majority of pool participants’ funds and issued false account statements to pool participants to conceal their trading losses and misappropriation. Doc. #1 at ¶1.

4. On or about April 18, 2019, the CFTC effected personal service of the summons and Complaint on Anile. Doc. #20. Chapin Decl. at ¶4.

5. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Anile’s answer or other responsive pleading to the CFTC’s Complaint was due on or before May 9, 2019. Chapin Decl. at ¶5.

6. On June 12, 2019, the CFTC filed its First Amended Complaint. Doc. #110; Chapin Decl. at ¶6.

7. That same day, Defendant Anile was served with the First Amended Complaint via his legal counsel. Chapin Decl. at ¶7.

8. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Defendant Anile's answer or other responsive pleading to the First Amended Complaint was due on or before July 3, 2019. Chapin Decl. at ¶8.

9. As of the date of this filing, counsel for Defendant Anile has not entered an appearance in this matter. *See* Civil Docket for Case #8:19-CV-00886-VMC-SPF; Chapin Decl. at ¶9.

10. As of the date of this filing, Defendant Anile has failed to answer either the Complaint or the First Amended Complaint or otherwise defend as instructed by the Summons and as provided by the Federal Rules of Civil Procedure. *See* Civil Docket for Case #8:19-CV-00886-VMC-SPF and Chapin Decl. at ¶10.

11. Anile is an adult living in Florida. Chapin Decl. at ¶11.

12. Anile is not currently a member of any branch of the military service of the United States as defined in the Servicemembers Civil Relief Act ("SCRA"), 50 U.S.C. §§ 3901-4043 (2012 and Supp. 2015). Chapin Decl. at ¶¶12-13.

13. Anile is not entitled to the protections of the SCRA. Chapin Decl. at ¶14.

WHEREFORE, the CFTC requests a clerk's entry of default against Defendant Joseph S. Anile, II.

Dated: July 15, 2019

Respectfully submitted by,

**COMMODITY FUTURES TRADING
COMMISSION**

By: /s/ Jennifer J. Chapin
Jo E. Mettenburg, jmettenburg@cftc.gov
TRIAL COUNSEL
Jennifer J. Chapin, jchapin@cftc.gov
J. Alison Auxter, aauxter@cftc.gov
Attorneys for Plaintiff
COMMODITY FUTURES TRADING
COMMISSION
4900 Main Street, Suite 500
Kansas City, MO 64112
(816) 960-7700
(816) 960-7751 (fax)

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