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**Subject:** Activity in Case 8:19-cv-00886-VMC-SPF Commodity Futures Trading Commission v. Oasis International Group, Limited et al Order on Motion for Extension of Time to File Response/Reply  
**Date:** Friday, May 31, 2019 8:33:41 AM

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**U.S. District Court**

**Middle District of Florida**

**Notice of Electronic Filing**

The following transaction was entered on 5/31/2019 at 8:31 AM EDT and filed on 5/31/2019

**Case Name:** Commodity Futures Trading Commission v. Oasis International Group, Limited et al

**Case Number:** [8:19-cv-00886-VMC-SPF](#)

**Filer:**

**Document Number:** 89(No document attached)

**Docket Text:**

**ENDORSED ORDER: Plaintiff Commodity Futures Trading Commission's "Unopposed Motion for Extension of Time to Respond to Defendant Raymond P. Montie, III's Motion to Dismiss" requests an extension of time for the CFTC to not only respond to Montie's motion but also file an amended complaint. (Doc. # [88]). The CFTC explains that "[i]n response to Montie's Motion to Dismiss, the CFTC intends to file both a response in opposition and its First Amended Complaint." (Id. at 4). However, the filing of an amended complaint will render Montie's motion to dismiss moot. See *Malowney v. Fed. Collection Deposit Grp.*, 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) ("An amended complaint supersedes an original complaint."); *Meterlogic, Inc. v. Copier Sols., Inc.*, 185 F. Supp. 2d 1292, 1297 (S.D. Fla. 2002) ("[The plaintiff] filed a second amended complaint.... The defendants did not oppose the filing of this complaint, which rendered moot the parties' previous pleadings and the defendants' summary judgment and Daubert motions."). Therefore, the extra time the CFTC needs to draft a response to Montie's motion is unnecessary. Furthermore, the CFTC's request for an extension of time to file its complaint without leave of Court also seems unnecessary. The CFTC may amend its complaint without leave of Court until June 12, 2019; thereafter - if necessary - the CFTC may request the Court grant it leave to amend its complaint. See Fed. R. Civ. P. 15(a). Nonetheless, to**

**prevent the CFTC from missing the deadline to respond to Montie's motion, the Court will grant the CFTC's request for an extension to file a response to the motion to dismiss until the day its deadline is to file an amended complaint as a matter of course - June 12, 2019. For these reasons, the CFTC's Motion (Doc. # [88]) is denied in part and granted in part as explained herein. Signed by Judge Virginia M. Hernandez Covington on 5/31/2019. (DLB)**

**8:19-cv-00886-VMC-SPF Notice has been electronically mailed to:**

Mark L. Horwitz mark@mlhorwitzlaw.com, sue@mlhorwitzlaw.com

A. Brian Phillips brian.phillips@phillips-law-firm.com, Andrew.Searle@phillips-law-firm.com, abplaw@gmail.com, patricia.carbone@phillips-law-firm.com, paula.bird@phillips-law-firm.com

Dennis C. Vacco dvacco@lippes.com, sbaskerville@lippes.com

Vincent Albert Citro vince@horwitzcitrolaw.com, sue@mlhorwitzlaw.com

Jared J. Perez jperez@wiandlaw.com, awilson@wiandlaw.com, jrizzo@wiandlaw.com

Jo Mettenburg jmettenburg@cftc.gov, cmarvine@cftc.gov, creed@cftc.gov

Andrew C. Searle andrew.searle@phillips-law-firm.com,  
andrew.christopher.searle@gmail.com

Jacob Vickers Stuart, Jr jvs@jacobstuartlaw.com

Eric Ryan Feld efeld@wiandlaw.com, bwiand@wiandlaw.com, dburnette@wiandlaw.com

Christopher Walker cwalker@lippes.com, blittle@lippes.com, bowens@lippes.com,  
rscherer@lippes.com, sobrien@lippes.com

J. Alison Auxter jauxter@cftc.gov

Jennifer Chapin jchapin@cftc.gov, TStanphill@CFTC.gov, erobinson@cftc.gov

Scott S. Allen, Jr sallen@lippes.com, sbaskerville@lippes.com

**8:19-cv-00886-VMC-SPF Notice has been delivered by other means to:**

Christopher Robert Kaigle  
The Kaigle Law Firm, P.A.  
1521 Mount Vernon St  
Orlando, FL 32803