

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BURTON W. WIAND, as Receiver for
OASIS INTERNATIONAL GROUP, LTD.;
OASIS MANAGEMENT, LLC; AND
SATELLITE HOLDINGS COMPANY,

Plaintiff,

v.

Case No: 8:20-cv-00862-VMC-TGW

CHRIS AND SHELLEY ARDUINI, et al.,

Defendants.

**RECEIVER'S NOTICE OF FILING COMPLAINT REGARDING BRENT WINTERS'
UNLICENSED PRACTICE OF LAW**

Plaintiff, BURTON W. WIAND, as receiver for OASIS INTERNATIONAL GROUP, LTD., OASIS MANAGEMENT, LLC, and SATELLITE HOLDINGS COMPANY (the "**Receiver**"), by and through undersigned counsel and pursuant to the Court's request at the August 17, 2020 Status Conference that the Receiver keep the Court informed, hereby notifies the Court of his August 24, 2020 submission of a formal complaint to the Florida Bar concerning Brent Winters' unlicensed practice of law. The referenced complaint is attached hereto as **Exhibit "1."**

Dated August 31, 2020.

Respectfully submitted,

ENGLANDER FISCHER

/s/ Beatriz McConnell

JOHN W. WAECHTER

Florida Bar No. 47151

Primary: jwaechter@eflegal.com

ENGLANDER FISCHER

A T T O R N E Y S

721 First Avenue North • St. Petersburg, Florida 33701
Phone (727) 898-7210 • Fax (727) 898-7218
eflegal.com

Secondary: dturner@eflegal.com
COURTNEY L. FERNALD
Florida Bar No. 52669
Florida Bar Certified, Appellate Practice
Primary: cfernald@eflegal.com
Secondary: tdillon@eflegal.com
BEATRIZ MCCONNELL
Florida Bar No. 42119
Primary: bmccconnell@eflegal.com
Secondary: tdillon@eflegal.com
ALICIA GANGI
Florida Bar No. 1002753
Primary: agangi@eflegal.com
Secondary: tdillon@eflegal.com
ENGLANDER and FISCHER LLP
721 First Avenue North
St. Petersburg, Florida 33731-1954
(727) 898-7210 / Fax (727) 898-7218
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and will send copies by U.S mail and email as indicated to the following:

Chris Arduini
169 Allen Height Road St
Johnsville, NY 13452
PRO SE
Via Email: carduini@frontiernet.net

Shelley Arduini
169 Allen Height Road St
Johnsville, NY 13452
PRO SE
Via Email: carduini@frontiernet.net

Offer Attia
217 Forest Ave
New Rochelle, NY 10804
PRO SE
Via Email: Michal@attiaenterprises.net

Ann Barton
c/o The Country Postman
2517 RT44 #11
New York, US 12578
PRO SE

Black Dragon Capital, LLC c/o Michael Obay
450 Leverett Avenue
Staten Island, NY 10308
PRO SE
Via Email: obaymichael@yahoo.com

Betsy Doolin
6662 La Mirada Drive East, Unit 2
Jacksonville, FL 32217
PRO SE
Via Email: bjd6257@icloud.com

Patrick Flander
1096 Youkers Bush Road
Saint Johnsville, NY 13452
PRO SE
Via Email: topnotchdj@hotmail.com

Henry Fuksman
862 Fassett Road
Elmira, NY 14905
PRO SE
Via Email: hfuksman@yahoo.com

Anna Fuksman
862 Fassett Road
Elmira, NY 14905
PRO SE
Via Email: hfuksman@yahoo.com

Elmore Runeeh Harris
5 Whitney Drive
Greenwich, CT 06831
PRO SE
Via US Mail and Email:
runeeh@verizon.net

Chad Hicks
3210 Vermont Road
Carterville, IL 62918
PRO SE
Via Email: cahicks09@yahoo.com

Richard Hubbard
412 Woodbury Drive
Wyckoff, NJ 07481
PRO SE
Via Email: wineandguns@yahoo.com

Courtney Hubbard
412 Woodbury Drive
Wyckoff, NJ 07481
PRO SE
Via Email: wineandguns@yahoo.com

Timothy Hunte
2155 Rainlily Drive
Center Valley, PA 18034
PRO SE
Via Email: timhunte@yahoo.com

Alan Johnston
2020 Holly Leaf Drive
Tyler, TX 75703
PRO SE
Via Email: coachbigal@yahoo.com

Kevin Kerrigan
14 Fieldstone Road
Putnam Valley, NY 10579
PRO SE
Via Email: irishkevin55@gmail.com

Kerrigan Management, Inc.
c/o Kevin Kerrigan
14 Fieldstone Road
Putnam Valley, NY 10579
PRO SE
Via Email:
kerriganmanagementinc@gmail.com

Life's Elements, Inc. c/o Kevin Johnson
810 Long Island Avenue
Medford, NY 11763
PRO SE
Via Email: energybizny@gmail.com

David Paul Lipinczyk
6336 Redman Road
Brockport, NY 14420
PRO SE
Via Email: dlipinczyk@aol.com

Vince Petralis, Jr.
5162 W Ridge Blvd
Spencerport, NY 14559
PRO SE
Via Email: vincepetralis@gmail.com

Vince Petralis (Sr.)
6 Adeane Drive
West Rochester, NY 14624
PRO SE
Via Email: spetralis2001@yahoo.com

Frank Nagel
10 Kyle Park
Carmel, NY 10512
PRO SE
Via Email: francisnagel@aol.com;
francisnkaren@aol.com

Carlos E. Sardi
Sardi Law PLLC
225 Alcazar Ave.
Coral Gables, FL 33134
05-697-8690 Fax: 305-697-8691
Attorney for Tami Lacy
Email: carlos@sardilaw.com

Frederick Stewart Schriels
GrayRobinson, PA
401 E Jackson St Ste 2700
Tampa, FL 33601-3324
813/273-5000 Fax: 813/273-5145
*Attorney for Joseph Martini, Jr. and Joseph
Martini (Sr.)*
Email: frederick.schriels@grayrobinson.com

William Keith Fendrick
Holland & Knight, LLP - Tampa
100 N Tampa St, Ste 4100
Tampa, FL 33602
813/227-8500 Fax: 813/229-0134
Attorney for Elizabeth McMahon
Email: keith.fendrick@hklaw.com

Christopher J. Whitelock
Whitelock & Associates, PA
300 SE 13th St Ft Lauderdale, FL 33316
954/463-2001 Fax: 954/463-0410
*Attorney for Bradley Kantor and Carrie
Kantor*
Email: cjw@whitelocklegal.com

/s/ Beatriz McConnell

Attorney for Plaintiff



5 5 0 5 W . G R A Y S T R E E T | T A M P A , F L 3 3 6 0 9 | P H O N E : 8 1 3 . 3 4 7 . 5 1 0 0

Burton W. Wiand
Direct Dial: 813-347-5101
bwand@wiandlaw.com

August 24, 2020

Via email: upltmp@floridabar.org

UPL Department
The Florida Bar
2002 N. Lois Ave., Ste. 300
Tampa, FL 33607

COMPLAINT ALLEGING UNLICENSED PRACTICE OF LAW

Introduction

This complaint is written to notify the Florida Bar of a nonlawyer, as that term is defined in R. Regulating Fla. Bar 10-2.1(c), who appears to be conducting the unauthorized practice of law. The nonlawyer, Brent Allan Winters, is a licensed attorney in the State of Illinois who has faced two disciplinary actions—both resulting in suspensions. I have enclosed Mr. Winters’ Illinois attorney record as **Exhibit A**. Mr. Winters is not a member of the Florida Bar, nor has he sought *pro hac vice* admission in the United States District Court for the Middle District of Florida, where he appears to represent several defendants in Case No. 8:20-cv-00862-VMC-TGW (“Clawback Case”). Mr. Winters’ office is in Terre Haute, Indiana. Mr. Winters is not licensed to practice law in Indiana.

I first became aware of Mr. Winters in connection with my appointment as the receiver in an enforcement action against individuals and entities involved in a Ponzi scheme. My appointment required me to recover assets and manage the claims process to pay creditors, including hundreds of investors in the Ponzi scheme. Accordingly, in April of 2020, I filed the Clawback Case and sued ninety-four defendants to recover monies received. Both the underlying receivership case (8:19-cv-00886-T-33SPF) and the Clawback Case are pending in the Middle District of Florida, Tampa Division.

Mr. Winters’ Unlicensed Practice of Law in the Receivership Case

Through the receivership claims process, I learned that Mr. Winters submitted claims on behalf of four hundred seventy (470) investors. These investors are located in numerous states, including Florida. Mr. Winters executed the forms as “Power of Attorney.” In response to the Receiver’s request for the Powers of Attorney, Mr. Winters provided a single power of attorney and approximately four hundred sixty-nine (469) signature pages. Importantly, the “Power of

Exhibit "1"

UPL Department
The Florida Bar
August 22, 2020
Page 2

Attorney” indicates that Mr. Winters is appointed as, “private Counsel and Agent,” with powers including these:

To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching upon my property, real or personal...in any way concerned and arising or deriving exclusively from Commodity Futures Trading Commission v. Oasis International Group, Ltd; Oasis Management, LLC, Satellite Holdings Company; Michael J. DaCorta; Joseph Anile, II; Raymond P. Montie III; Francisco “Frank” L. Duran; John J. Haas; Defendants and/or Relief Defendants per Case Number 8:19-cv-00886-VMC-SPF in the United States District Court Middle District of Florida, Tampa Division...

...To appear, cross-examine witnesses, take deposition(s), offer evidence in my defense, submit Affidavits and other pertinent paperwork, plead or defend on my behalf before any competent court of Jurisdiction respecting the aforesaid case and any derivative thereof.

The referenced Power of Attorney is enclosed as **Exhibit B**.

In submitting hundreds of claims on behalf of investors, Mr. Winters altered claim forms, often to increase the claim amount. When asked to provide supporting documentation, such as bank records, Mr. Winters claimed he was unable to comply with the request. Thus, I have continued to request information and manage Mr. Winters’ insertion into the claims process. The referenced correspondence between the myself and Mr. Winters is attached as Composite **Exhibit C**.¹

Mr. Winters’ Unlicensed Practice of Law in the Clawback Case

After filing the Clawback Case, my litigation counsel reached out to several of the clawback defendants. Soon after, on June 4, 2020, one of my litigation attorney’s, Beatriz McConnell, received correspondence from Mr. Winters (“June 4th Letter”), which is attached as **Exhibit D**. In the June 4th Letter, Mr. Winters refers to the clawback defendants as his clients and asserts legal argument related to the adequacy of a document sent to them in connection with the Clawback Case. In response, Ms. McConnell wrote to Mr. Winters and asked that he identify his clients. Ms. McConnell’s request is attached hereto as **Exhibit E**.

On June 11, 2020, Mr. Winters responded to Ms. McConnell’s request to identify his clients. Interestingly, Mr. Winters provided a list of 51 individuals, some were defendants in the Clawback Case, and many were investors for whom he submitted altered claims to the Receiver. The June 11th client list is attached hereto as **Exhibit F**. After serving many of the clawback defendants, several of them filed nearly identical *pro se* motions and joinders that appeared to have

¹

The August 21, 2020 correspondence directed to Mr. Winters is available upon request.

UPL Department
The Florida Bar
August 22, 2020
Page 3

been drafted by the same person.² Many of these *pro se* filings were filed by clawback defendants that appeared on Mr. Winters June 11th client list. This coupled with Mr. Winters' previous correspondence and his website (https://commonlawyer.com/?page=Legal_Services) which touts his "word-smithing" services along with "pleading & brief writing" and "[w]riting and re-writing of pleadings for *pro se* litigants," immediately raised concerns about Mr. Winters' involvement.

To make matters worse, investors and clawback defendants received solicitations sent on Mr. Winters' behalf. These solicitations referred to Mr. Winters as the "group attorney," provided his address for "checks and paperwork," and sought execution of the same Power of Attorney used to submit claims, as well as a Non-Disclosure Agreement related to Mr. Winters' representation. The referenced solicitation e-mails referencing the Power of Attorney and Non-Disclosure Agreement, are attached hereto as **Composite Exhibit G**. Additionally, the solicitation e-mails reference a recording of a meeting regarding Mr. Winters' retention as the group attorney which can be accessed at <https://recordings.tapeacall.com/t/P3La4DRLaNgB>.

Finally, after the *pro se* clawback defendants refused to confer with my litigation counsel in the Clawback Case, I requested a status conference to in part address these issues related to Mr. Winters' interference and unauthorized practice of law. After my attorneys served Mr. Winters with a copy of the motion by email, he promptly responded with a letter claiming he does not represent any clients, "as attorney at law," in the Clawback Case. The July 31, 2020 email and letter are attached as **Exhibit H**. Not surprisingly, none of the *pro se* clawback defendants appeared at the Zoom status conference and many filed identical documents claiming that because the court lacked jurisdiction over them, they would not appear.

Mr. Winters' conduct is impeding the progress of both the Clawback Case and the receivership, specifically the processing of claims which will delay distribution of funds to investor victims. For all of the reasons stated, Mr. Winters' actions are troubling and constitute the unlicensed practice of law. Please do not hesitate to contact me if you require additional information.

Under penalties of perjury, I declare that I have read the foregoing document and that to the best of my knowledge and belief the facts stated in it are true.


BURTON W. WIAND
Receiver

² The referenced *pro se* filings are available upon request.

LAWYER SEARCH: ATTORNEY'S REGISTRATION AND PUBLIC DISCIPLINARY RECORD

ARDC Individual Attorney Record of Public Registration and Public Disciplinary and Disability Information as of August 24, 2020 at 1:20:49 PM:

Full Licensed Name:	Brent Allan Winters
Full Former name(s):	None
Date of Admission as Lawyer by Illinois Supreme Court:	May 8, 1997
Registered Business Address:	Brent Allan Winters, Lawyer 5105 S Hwy 41 Terre Haute, IN 47802-4790
Registered Business Phone:	No Listing
Illinois Registration Status:	Active and authorized to practice law - Last Registered Year: 2020
Malpractice Insurance: (Current as of date of registration; consult attorney for further information)	In annual registration, attorney reported that he/she does not have malpractice coverage. (Some attorneys, such as judges, government lawyers, and in-house corporate lawyers, may not carry coverage due to the nature of their practice setting.)

Public Record of Discipline and Pending Proceedings:

Case(s) below are identified by caption and Commission case number. If there is more than one case, the cases are listed in an order from most recent to oldest. A case may have more than one disposition or more than one component to a disposition, in which situation each disposition and component is also listed separately within that case record, again in an order from most recent to oldest.

Click on [Rules and Decisions](#) ("R & D") to access any documents regarding this lawyer that are in Rules and Decisions. R & D contains all disciplinary opinions of the Supreme Court and most other Court orders and board reports issued since 1990. If R & D does not contain the decision that you are seeking, contact the Commission's Clerk's office for assistance. Contact information for the Clerk's office is available at [Office Hours](#).

In re Brent Allan Winters, 09SH0090
(One of multiple dispositions on this case)

Disposition: Suspension for a specified period
Effective Date of Disposition: October 8, 2012
End Date of Disposition: October 8, 2014

Definition of Disposition: Suspension for a specified period reflects a determination that the lawyer has engaged in misconduct and that the misconduct warrants an interruption of the lawyer's authority to practice law during the suspension period, which is a fixed period of time identified in the Supreme Court's order. The lawyer is not authorized to practice law during the period of the suspension.

Information: Mr. Winters, who was licensed in 1997, was suspended for two years. A federal jury found him guilty of filing a false tax return. During 1998, while running for a seat in the United States House of Representatives, he loaned his own election campaign fund \$36,616.50 and, after he was defeated, transferred the debt to a company for \$2,500 in order to falsely claim a loss on his 1998 federal income tax return. The suspension is effective on October 8, 2012. He was suspended on an interim basis on November 24, 2010.

In re Brent Allan Winters, 09SH0090
(One of multiple dispositions on this case)

Disposition: Interim suspension until further order of Court during pendency of disciplinary proceedings

Effective Date of Disposition: November 24, 2010

End Date of Disposition: October 8, 2014

Definition of Disposition: An interim suspension reflects the determination of the Supreme Court that a lawyer should be suspended during the pendency of a disciplinary proceeding. In imposing interim suspension, the Court orders that the lawyer be suspended until further order of the Court and may impose such conditions as the Court deems necessary. The lawyer is not authorized to practice law during the period of the interim suspension. The Court may terminate the interim suspension upon imposition of final discipline or under other circumstances as the Supreme Court deems just.

Information: Mr. Winters, who was licensed in 1997, was suspended on an interim basis and until further order of the Court. A federal jury found him guilty of filing a false tax return. During 1998, while running for a seat in the United States House of Representatives, he loaned his own election campaign fund \$36,616.50 and, after he was defeated, "sold" the debt to a company for \$2,500 in order to falsely claim a loss on his 1998 federal income tax return.

Exhibit "A"

POWER OF ATTORNEY

I, _____ living in _____,
_____ do hereby appoint, Brent Allan Winters, of Terre Haute,
Indiana as my private Counsel and Agent to act for me in any lawful way in respect to
the following subjects:

Claims and litigation. To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching upon my property, real or personal, or any part thereof, or touching any matter in which I or my property, real or personal, may be in any way concerned and arising or deriving exclusively from *COMMODITY FUTURES TRADING COMMISSION v. OASIS INTERNATIONAL GROUP, LTD*; OASIS MANAGEMENT, LLC, SATELLITE HOLDINGS COMPANY; MICHAEL J. DACORTA; JOSEPH S. ANILE, II; RAYMOND P. MONTIE III; FRANCISCO "FRANK" L. DURAN; JOHN J. HAAS; DEFENDANTS AND/OR RELIEF DEFENDANTS per Case Number 8:19-cv-00886-VMC-SPF in the United States District Court Middle District of Florida, Tampa Division. To defend, settle, adjust, make allowances, compound, submit to arbitration, and compromise all accounts, reckonings, claims, and demands whatsoever that now are, or hereafter shall be, pending between me and any person, firm, corporation, or other legal entity, in such manner and in all respects as my Counsel and Agent shall deem proper solely as relates directly to the foregoing specific complaint and/or such case(s) as may derive directly from it, including derivative civil and/or criminal cases.

Appearance. To appear, cross-examine witnesses, take deposition(s), offer evidence in my defense, submit Affidavits and other pertinent paperwork, plead or defend on my behalf before any competent court of Jurisdiction respecting the aforesaid case and any derivative thereof.

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

THIS POWER OF ATTORNEY SHALL BE CONSTRUED AS A DURABLE POWER OF ATTORNEY AND SHALL CONTINUE TO BE EFFECTIVE EVEN IF I BECOME DISABLED, INCAPACITATED, OR INCOMPETENT.

Right to Compensation. My Agent shall be entitled to reasonable compensation for services rendered as agent under this power of attorney.

Choice of Law. THIS POWER OF ATTORNEY WILL BE GOVERNED BY THE LAWS OF THE STATE OF INDIANA WITHOUT REGARD FOR CONFLICTS OF LAWS PRINCIPLES. IT WAS EXECUTED IN THE STATE OF INDIANA AND IS INTENDED TO BE VALID IN ALL JURISDICTIONS OF THE UNITED STATES OF AMERICA AND ALL FOREIGN NATIONS.

Exhibit "B"

Notary Seal

LEGAL NOTICE

The Certifying Notary is an independent contractor and not a party to this claim. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512. *Tampering with a witness, victim, or an informant.* The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution and U.S. laws.

ACKNOWLEDGMENT OF COUNSEL

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE COUNSEL ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF LAWFUL COUNSEL.

Brent Allan Winters
[Name of Counsel]

_____ Date: _____
[Signature of Counsel]



5 5 0 5 W G R A Y S T R E E T | T A M P A , F L 3 3 6 0 9 | P H O N E : 8 1 3 . 3 4 7 . 5 1 0 0

Lawrence J. Dougherty
Direct Dial 813-347-5115
Cell [REDACTED]
ldougherty@wiandlaw.com

July 8, 2020

Via e-mail and overnight courier

Brent Allan Winters
5105 S. US Hwy. 41
Terre Haute, Indiana 47802
brentwinters@use.startmail.com

Re: *CFTC v. Oasis Int'l Group et al.*, Case No. 8:19-CV-886-T-33SPF,
U.S. District Court for the Middle District of Florida

Dear Mr. Winters:

We represent Burton W. Wiand, the Court-appointed receiver (the "Receiver") over the assets of several Defendants and Relief Defendants (the "Receivership Entities") in the above-captioned civil enforcement matter filed by the Commodity Futures Trading Commission in the U.S. District Court for the Middle District of Florida (the "Court"). On February 4, 2020, the Court granted the Receiver's motion to (1) approve the procedure to administer claims and proof of claim form, (2) establish the deadline for filing proof of claim forms, and (3) permit notice by mail and publication (the "Motion") (Dkt. 231).¹ On March 17, 2020, the Receiver mailed proof of claim forms to all known investors and other known potential creditors. The proof of claim form approved by the Court and sent to known possible claimants states that "[a]ltered forms will not be accepted."

On June 15, 2020, we received approximately 470 claim forms submitted by you on behalf of investors in certain Receivership Entities. Upon initial processing of these claims, some issues of concern were noted. It is evident that the claim forms you submitted are not the proof of claim forms that were approved by the Court and sent by the Receiver to the investors. The forms were not signed by the claimants, but rather by you as purported power of attorney. Further, it appears that in many instances – if not all – the claimants assert a claim amount in excess of the amount invested and/or their Net Investment Amount (as that term is defined in the Motion) without any explanation or documentation supporting the additional

¹ Court documents governing the Oasis Receivership and documents regarding the claims process are available online at www.oasisreceivership.com.

Composite Exhibit "C"

To Brent Winters
July 8, 2020
Page 2

amount claimed. Rather than reject these altered claim forms outright, we would like to try to alleviate these issues by obtaining additional information and documentation from you. To that end, we request that, **for every claim you have submitted,**

1. Provide a copy of the power of attorney;
2. State whether you are representing the claimant(s) as his or her or its attorney, or, if you are providing representation in another capacity, state that capacity;
3. Identify every change that you made to the proof of claim form and explain why each change was made;
4. For every claim where amounts were provided by the Receiver on the Exhibit A to the proof of claim form sent to the investor, and the claimant(s) did not agree with the amounts provided by the Receiver, if you have not done so already, provide documentation to substantiate the differences, including but not limited to (i) copies of the fronts and backs of cashed checks and/or wire transfer confirmations showing payment to or from a Receivership Entity, and (ii) statements from a financial institution showing the clearing of the above checks or funds transferred to a Receivership Entity. Records of payment created by a Receivership Entity at the time that the Receivership Entity was being operated fraudulently are not sufficient to establish payment to the Receivership Entity; and
5. For every claim where the Receiver did not provide amounts on the Exhibit A to the proof of claim form, if you have not done so already, provide the documentation set forth in number 4 above for all amounts invested in or with any Receivership Entity and all payments of any kind received by the claimant from any Receivership Entity.

As noted above, the Receiver requests the foregoing information and documentation to determine **whether the claims you have submitted should be rejected**. The Receiver operates pursuant to appointment by the Court and is obligated to confirm compliance with the claims procedure approved by the Court. (Consolidated Receivership Order, Dkt. 177.) You have thirty days from the date of this letter to provide the information and documentation requested above as provided in the Court-approved claims procedure.

Please do not hesitate to call or e-mail me with contact information at the top of this letter if you wish to discuss any of the foregoing.

Very truly yours,



Lawrence J. Dougherty

LJD/ab

Brent Allan Winters

5105 S. Hwy 41
Terre Haute, Indiana 47802
317-515-7695
brentwinters@use.startmail.com
Power of Attorney *for certain*
Oasis-Group Claimants
Case 8-19-cv-00886

Lawrence J. Dougherty
Wiand Guerra King
5505 W. Gray Street
Tampa, Florida 33609

8 August 2020

Mr. Dougherty,

The following responses are to your letter of 8 July 2020, regarding claims forms that certain claimants in the above-referenced case have submitted to you at your request.

Response to Question 1. Claimants' signed copies of their Powers of Attorney arrived at your office today, Friday, 7 August 2020, according to FedEx tracking number 9129 1770 8513.

Response to Question 2. Accordingly, each of these Claimants have delegated a limited power of attorney to Brent Allan Winters ("Winters") to deal with their rights as Claimants in the above-referenced case only.

Response to Question 3. Winters made the following modifications to the Proof of Claim Form for the following reasons:

On 17 March 2020, the Receiver issued a letter Re: Oasis Receivership directed to "Dear Potential Claimant," which stated in pertinent part (¶ 1),

[Y]ou MUST submit a completed and signed Proof of Claim Form (**or a form that substantially conforms to the attached Proof of Claim Form** and which contains responses to all of the questions in the Proof of Claim Form) . . . (bold and underline added).

All Claimants, having delegated a power of attorney to Winters, have complied with this instruction.

As to all pages of the Proof-of-Claim Form:

- a) Winters converted the entire Form from the original static paper format into a digital format in order to provide clarity of written responses, ease of use, and more rapid, reliable, cost-effective means of transmission than would otherwise be required. The purpose of this conversion is also to make comprehension of typed (rather than hand-written) text more legible for the Receiver's use.
- b) The IB number (if known) and IRA Account holder's name (if known) appear at the bottom of the page in later versions of the digital form, but possibly not the first version of the Claim Form.

As to Page 1:

- c) Winters added instructions to the user (in blue) at the top of the box for entry of name and address, to make reading the entry easier.
- d) Winters added an IB number and Customer Code (aka account number) fields below the name-and-address field to facilitate more accurate access to the claimant's account information.

As to Page 2:

- a) Field 1. Winters added "If IRA, then IRA Name" for clarity, if the account was an IRA account as distinguished from a cash account.
- b) Field 2. Winters provided the information for this field.
- c) Field 3. Winters provided "List the full names of all interested parties, separated by commas" (in blue) for clarity.
- d) Fields 4 & 5. Winters provided the information for these fields.

As to Page 3:

- a) Field 6. The information for this field was provided.
- b) Field 8. The information for this field was provided because none of the Receiver's figures conformed to any claimant's account record as of 12-16 April 2019.

As to Page 4:

No changes.

As to Page 5:

- a) Winters changed the return address for completed Form for delivery to Brent Allan Winters for review and signature prior to submission to Receiver.

As to Pages 6 & 7:

No changes.

As to Page 8:

Winters added Exhibit B for clarification and simplified submission of details, where Question 10 required more additional information than space allowed on page 4. Unless otherwise noted in the Form, the amount claimed harmonizes with the Claimant's account balance as of 12 April 2019. The field for "Total

Invested” also includes earnings that were inevitably held over by suspension of the Claimant’s account.

Response to Questions 4 & 5:

At the least, without a time frame to which one can confine his search of bank-records evidence, retrieval of such records would be unduly burdensome, especially in a mere 30 days and for 470 persons. Further, even if such bank records were available (banking institutions often discard such records after a short period), thirty days is too short an allowance of time for a banking institution to respond.

Nevertheless and in all events, Winters looks forward to locating and providing whatever records he can obtain to help the Receiver properly serve the rights of the beneficiaries of the receivership.

Cordially,

/s/Brent Allan Winters

Brent Allan Winters
Attorney & Counsellor at Law
5105 South Highway 41
Terre Haute, Indiana 47802
(317) 515-7695
brentallanwinters@nym.hush.com

Beatriz McConnell
Englander and Fischer LLP
721 First Ave. North
St. Petersburg, Florida 33701

M. McConnell:

On behalf of my clients I am preparing to reply to your *Notice of a Lawsuit and Request to Waive Service of Summons* respecting Case No. 8:20-cv-00862-VMC-TGW (*the Request*). In order to help facilitate the Receiver's interest in serving the Court with regard to this matter, I seek your clarification of certain important aspects of *the Request*, as these may affect the content of an appropriate reply.

It is my understanding that the Receiver has delegated to your offices the responsibility of issuing *the Request* to selected Oasis investors in conformity with Rule 4 of the Federal Rules of Civil Procedure. So that I may properly respond, please answer the following questions:

First, Rule 4(d)(1)(D) *Requesting a Waiver*, states that the notice must inform the defendant, using the form appended to Rule 4. Please explain why the form provided has not been used, but was instead paraphrased?

Second, Rule 4(d)(1)(F) *Requesting a Waiver*, states that "notice and request must give the defendant a reasonable time of at least 30 days after the request was sent . . . to return the waiver." While some of my clients have been afforded the specified grace period, others have not been. Instead they have been provided an insufficient and unreasonable time to reply. If there is a justifiable reason for this, please advise.

Third, Rule 4(d)(1)(G) *Requesting a Waiver*, states that the "notice and request must be sent by first-class mail or other reliable means." While some of my clients received *the Request* as the Rule requires, others are apparently expected to accept notice delivered by email, a notoriously unreliable method that can make it nearly impossible to determine the date when notice was sent. Please clarify if proper notice via postal service with the attendant provisions for pre-paid return per Rule 4 will be supplied to all those you intend to serve *the Request* upon.

Fourth, Rule 4(k)(1) *Territorial Limits of Effective Service* states, "Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:

- (A) who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located;

Exhibit "D"

(B) who is a party joined under Rule 14 or 19 and is served within a judicial district of the United States and not more than 100 miles from where the summons was issued; or

(C) when authorized by a federal statute.”

Since neither 4(k)(1)(A) nor 4(k)(1)(B) is applicable to my clients, please identify the federal statute under which you are authorized to obtain a waiver of service.

Thank you for your considered attention to these inquiries.

/s/ Brent Allan Winters, Attorney at Law

Tara Dillon

From: Bea McConnell
Sent: Thursday, June 04, 2020 11:15 AM
To: Brent Winters; Tara Dillon; John Waechter
Cc: Alicia Gangi
Subject: Re: waiver request

ActionName: Burton W. Wiand v. Chris Arduini, et al.
Assigned (Actionstep): 2450
Organization (Actionstep): eflegal

Mr. Winters,

Thank you for your letter and for reaching out. Since your letter does not identify which defendants you represent, I cannot speak to those requests for waiver. Can you please provide that information so that I may address them and advise if you are authorized to accept service on their behalf? Additionally, if you take issue with the form of the request for notice sent to your clients, please provide legal authority that such issue constitutes good cause for defendants to refuse to sign and return the waiver and we will consider reissuing the request if necessary. With regard to your request for the federal statute, please see 28 U.S.C. § 754 and 28 U.S.C. § 1692 as referenced in paragraph 8 of the Complaint. I hope this helps clarify and I look forward to your assistance here. Thank you.

Sincerely,

Beatriz McConnell
Partner



721 First Avenue North
St. Petersburg, Florida 33701
P: 727.898.7210 | F: 727.898.7218

eflegal.com | bmccconnell@eflegal.com | [Sidebar Blog](#)

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From: Brent Winters <acommonlawyer@gmail.com>
Sent: Thursday, June 4, 2020 1:22 AM
To: Tara Dillon <tdillon@eflegal.com>; Bea McConnell <bmccconnell@eflegal.com>; John Waechter <jwaechter@eflegal.com>
Subject: waiver request

Exhibit "E"

Brent Allan Winters
Attorney & Counsellor at Law
5105 South Highway 41
Terre Haute, Indiana 47802
(317) 515-7695
brentallanwinters@nym.hush.com

Beatriz McConnell
Englander and Fischer LLP
721 First Ave. North
St. Petersburg, Florida 33701

M. McConnell:

The following are names of my clients.

- 1) Hicks, Chad and Amy
- 2) Agugliaro, Tony
- 3) Arduini, Chris & Shelley
- 4) Breese, Walt and Julie
- 5) Burnell, Clifford and Lois
- 6) Burrows, Michael
- 7) Crowley, Kayla:
- 8) Devine, John
- 9) Finch: David & Elizabeth Carnevele
- 10) Finch, Robert & Darlene
- 11) Flander, Patrick
- 12) Frances, Dr. Michael
- 13) Frost, Dane
- 14) Fuksman, Henry
- 15) Gable, Jeff & Kym
- 16) Gould, Carol c/o Michele Utter
- 17) Gudipati, Neelima
- 18) Hineman, Judy
- 19) Hunte, Tim
- 20) Johnson, Kevin
- 21) Johnston, Alan
- 22) Kerrigan, Kevin

- 23) Lawrence, Ronald Dale
- 24) Lipinczyk, David
- 25) Mann, Jeff
- 26) Marrone, Len
- 27) Miner, Tom
- 28) Nagel, Frank
- 29) Nicolau, Mario
- 30) Obay, Michael
- 31) Peterson, Stephen
- 32) Petralis, Sr, Vince & Sharon
- 33) Petralis, Jr, Vince
- 34) Prouty, John & Kimberly
- 35) Reinecker, Erich & Carol
- 36) Russo, Karen
- 37) Stedman, Nancy
- 38) Ulinger, Tim
- 39) Vona, Joseph
- 40) Whitesides, James & Melanie

Sincerely,

/s/ Brent Allan Winters

Exhibit "F"

From: Michele Utter <helpingoasis@gmail.com>

Date: April 16, 2020 at 2:45:49 PM EDT

To: Kevin <[REDACTED]@gmail.com>

Subject: Innocent Oasis Investor—CONFERENCE CALL TONIGHT (4/15; 7 pm ET; 6 pm CT)

Reply-To: <helpingoasis@gmail.com>

Innocent Oasis Investor—NECESSARY DETAILS

Hi Everyone!

Please take a moment and go over the information below. There is still a bit of confusion with all of the information that we've had to get out over a short amount of time!

- Michele Utter's cell number: [REDACTED] personal email is [\[REDACTED\]@icloud.com](mailto:[REDACTED]@icloud.com).
- Jason McKee's cell number: [REDACTED]
- I've had a couple of people ask if Greg, Jason and I are being paid for the time we are spending on this. The answer is a resounding NO! Jason and I are investors like yourselves, and we want to see justice done, and the investors restored. Greg has never been paid for the hundreds of hours that he has spent helping us.
- If you hear of anyone that is not receiving these emails, please have them check their spam folder. **It's going to be essential for you to stay tuned to the information we are sending to you!**
- Greg will be preparing a list of all of the donors for Brent. Brent will send a letter to the Receiver notifying him that he is now representing these people, and all future correspondence regarding them should be sent to him.
- In a few days, Greg will be drafting a letter just for our donor group to explain what comes next!
- Down at the very bottom of this email you will see an address...this is just an address we had to use to set up our Mailchimp email account. **Do NOT use this to send things to! ***If you have sent anything to this address you will need to cancel your check and send another, along with your paperwork to the address listed directly below.*****

Composite Exhibit "G"

• As stated in past emails, **all checks and paperwork to our attorney, Brent, need to go to: IPM, 5105 South Highway 41, Terre Haute, Indiana 47802. Checks are to be made to IPM as well.**

• NOTE: Brent's server is down temporarily until he can clear the backlog of PDFs. For now, you will need to physically mail your paperwork to Indiana (address directly above). Or, you can hold off on the paperwork until we let you know that his server is back up. You can still put your check in the mail if you haven't already.

• We have had some questions on what to send Brent.

1. You will ONLY need to send Brent the pages that have UNIQUE PERSONAL INFORMATION (this would be pages 1 and 7 of your Claims Form). Brent already has all the other generic pages.

2. Clawback letters

3. Any supporting documentation such as proof of your original investment, along with any withdrawals or deposits made from your Oasis account.

4. Your check made out to IPM.

Have a wonderful day!
Michele

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You are receiving this email because you opted in via our website.

Our mailing address is:

Helping Oasis
1900 Empire Blvd
Bay Towne Plaza
Webster, NY 14580-1934

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

From: Michele Utter <[REDACTED]@icloud.com>

Date: April 16, 2020 at 6:23:01 PM EDT

To: Kevin Kerrigan <[REDACTED]@gmail.com>

Subject: Needed for Michele

Hey Kevin,

As we spoke about, here is what you need to do :) !

1. Forward today's email (that I sent earlier from Mailchimp) to your investors who want to contribute. **That way they will have the information/instructions.**
2. Forward the recorded call to your investors.
3. Have everyone (yourself included) email me at shelutter@icloud.com with the following:
 - Their name
 - Cell number
 - Amount they are contributing to our group attorney
 - Check number for the attorney
 - Date they plan to mail the check and papers to the attorney.

Let me know if you need anything else!

Michele

Brent Allan Winters
Attorney and Counsellor at Law

Englander and Fischer, LLP
721 First Avenue North
St. Petersburg, Florida 33731-1954
(727) 898-7210 / Fax (727) 898-7218
Attorneys for Plaintiff

To Whom It May Concern,

I do not represent, as attorney at law, any clients in the United States District Court for the Middle District of Florida, Case No: 8:20-cv-00862: *Burton Wiand, as Receiver for Oasis International Group, Ltd.; Oasis Management, LLC; and Satellite Holdings Company, Plaintiff v. Chris and Shelley Arduini, et al., Defendants.*

Therefore, please direct no communication to me as though I represent, as an attorney-at-law, or have otherwise entered an appearance for any client in the above-referenced case; I have not.

Cordially,

/s/Brent Allan Winters

Exhibit "H"

5105 S. Hwy 41
Terre Haute, Indiana 47802
317-515-7696
brentallanwinters@nym.hush.com