

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-863-T-60SPF

RAYMOND P. MONTIE, III,

Defendant.

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**RAYMOND P. MONTIE, III'S MOTION TO STRIKE THE PLAINTIFF'S NOTICE**

Pursuant to Federal Rule of Civil Procedure 12(f), defendant Raymond Montie, III, moves to strike the plaintiff's improper notice (doc. 12). Plaintiff's counsel decided it was not necessary to consult with the undersigned, pursuant to M.D. Fla. L.R. 3.01(g), and ask for an extension of time to reply to the motion to dismiss (doc. 9). It would be inappropriate to encourage the plaintiff to disregard the Court's rules. Accordingly, the Court should strike the plaintiff's notice.

**I. STATEMENT OF FACTS**

1. The court appointed the plaintiff as Receiver for Oasis International Group, LTD, Oasis Management LLC, and Satellite Holdings Company in case number 8:19-cv-886-T-33SPF, Commodity Future Trading Commission v. Oasis International Group, Ltd., et al. (CFTC Suit, Doc. 7).

2. The plaintiff filed the complaint in this case on April 14, 2020, but has failed to serve Mr. Montie and has not requested counsel for Mr. Montie to accept service of the complaint. If plaintiff had made such a request, Mr. Montie, through counsel would have accepted service.

3. Mr. Montie filed a motion to dismiss on June 16, 2020. Doc. 9.

4. M.D. Fla. L.R. 3.01(b) required a response in opposition to Mr. Montie's motion to dismiss or motion to enlarge the time to respond to be filed no later than July 30, 2020.<sup>1</sup>

## **II. MEMORANDUM OF LAW**

M.D. Fla. L.R. 3.01(b) states, “[e]ach party opposing a motion or application shall file within 14 days after service of the motion or application a response that includes a memorandum of legal authority in opposition to the request, all of which the respondent shall include in a document not more than 20 pages.” The notice fails to satisfy the rule's requirement.

In lieu of making a legally sufficient response or motion, the plaintiff decided to circumvent M.D. Fla. Rule 3.01(g) and file a notice, essentially imploring the Court to not grant Mr. Montie's motion. In the notice, the plaintiff concedes, after reviewing Mr. Montie's motion to dismiss, that it is necessary to file an amended complaint. The notice neither

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<sup>1</sup> This Court has found that “[t]here has been no opposition memorandum filed, and, in light of the requirements of Local Rule 3.01(b), it will be assumed that the parties have no objection to the requested relief.” See CFTC Suit, Doc. 186 (granting the receiver fees it generated before the Court created the receivership because no opposition memorandum had been filed).

qualifies as a motion for extension of time to respond to the motion to dismiss nor a response in opposition to the motion to dismiss.

**III. 3.01(G) CERTIFICATION**

On July 1, 2020, counsel for the plaintiff authorized the undersigned to represent to this Court that the plaintiff does oppose the relief requested herein.

**IV. CONCLUSION**

WHEREFORE, Mr. Montie requests that the court strike the plaintiff's notice and dismiss this suit with prejudice.

Respectfully submitted on July 2, 2020.

**LAW OFFICES OF  
HORWITZ & CITRO, P.A.**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 2, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to Jared J. Perez ([jperez@wialdlaw.com](mailto:jperez@wialdlaw.com)), Lawrence Dougherty

([ldougherty@wiandlaw.com](mailto:ldougherty@wiandlaw.com)), John W. Waechter ([jwaechter@efleagl.com](mailto:jwaechter@efleagl.com)), Courtney Fernald ([cfernalld@eflegal.com](mailto:cfernalld@eflegal.com)), Beatriz McConnell ([bmccconnell@eflegal.com](mailto:bmccconnell@eflegal.com)), and Alicia Gangi ([agangi@eflegal.com](mailto:agangi@eflegal.com)).

*s/ Vincent A. Citro*

**Vincent A. Citro**

Florida Bar Number 0468657