

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,

Case No.: 8:20-cv-863-T-60SPF

Plaintiff,

v.

RAYMOND P. MONTIE, III,

Defendant.

**DEFENDANT RAYMOND MONTIE'S
UNOPPOSED MOTION AND MEMORANDUM OF
LAW TO FILE REPLY TO PLAINTIFF'S OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT**

Defendant Raymond Montie, pursuant to Rule 3.01(c) and (d), Local Rules of the Middle District of Florida, respectfully requests that the court permit him to file a reply to Plaintiff's response in opposition to his motion to dismiss.

In ruling on a motion to dismiss, courts must limit their consideration to the well-pleaded allegations, documents central to or referred to in the complaint, and matters judicially noticed. *McArdle v. City of Ocala*, 418 F.Supp.3d 1004 (M.D.Fla. 2019). While courts must accept all factual allegations as true and view the facts in a light most favorable to the plaintiff, legal conclusions are not entitled to the assumption of truth. *Id.* Conclusory allegations, unwarranted factual deductions, or legal conclusions masquerading as facts will not prevent dismissal. *Id.* Mr. Wiand's opposition to Mr. Montie's motion to dismiss

relies almost entirely on legal conclusions, unwarranted factual deductions, and legal conclusions masquerading as facts. Mr. Montie's reply will identify such statements in order to demonstrate that what remains is insufficient to support Mr. Wiand's legal argument.

Mr. Montie anticipates that the reply will be 10 pages long.

CERTIFICATE OF CONSULTATION

Undersigned counsel has conferred with plaintiff's counsel, Larry Dougherty, who advised that the receiver does not object to Mr. Montie seeking leave to reply to the Receiver's opposition to Mr. Montie's motion to dismiss the amended complaint.

Respectfully submitted on August 25, 2020.

LAW OFFICES OF
HORWITZ & CITRO, P.A.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 25, 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 at jperez@wiandlaw.com, Lawrence Dougherty at

ldougherty@wiandlaw.com, John W. Waechter at jwaechter@efleagl.com, Courtney Fernald at cferald@eflegal.com, Beatriz McConnell at bmccConnell@eflegal.com, and Alicia Gangi at agangi@eflegal.com.

s/ Mark L. Horwitz
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