

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

CASE NO.: 8:19-CV-886-T-33SPF

OASIS INTERNATIONAL GROUP,
LIMITED; OASIS MANAGEMENT,
LLC; SATELLITE HOLDINGS
COMPANY; MICHAEL J DACORTA;
JOSEPH S. ANILE, II.; RAYMOND P
MONTIE III; FRANCISCO "FRANK"
L. DURAN; and JOHN J. HAAS,

Defendants,

FUNDADMINISTRATION, INC.;
BOWLING GREEN CAPITAL
MANAGEMENT LLC; LAGOON
INVESTMENTS, INC.; ROAR OF
THE LION FITNESS, LLC; 444
GULF OF MEXICO DRIVE, LLC;
4064 FOUNDERS CLUB DRIVE,
LLC; 6922 LACANTERA CIRCLE,
LLC; 13318 LOST KEY PLACE, LLC;
and 4 OAKS LLC,

Relief Defendants.

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**RECEIVER'S MOTION FOR LEAVE TO EXCEED THE PAGE
LIMITATION FOR THE CLAIMS DETERMINATION MOTION**

Burton W. Wiand, as receiver over the assets of the above-captioned defendants and relief defendants (the “**Receiver**” and the “**Receivership**”), moves the Court for an order pursuant to Local Rule 3.01(a) permitting him to file no more than 50 pages of argument and explanation (excluding items like captions, tables of contents or authorities, certifications or certificates, and exhibits) in support of his Motion to (1) Approve Determination and Priority of Claims, (2) Pool Receivership Assets and Liabilities, (3) Approve Plan of Distribution, and (4) Establish Objection Procedure (the “**Claims Determination Motion**”). *See* Docs. 230, 231 (establishing claims process). The Receiver requires the additional pages for several independent reasons.

First, the Receiver’s professionals have analyzed approximately 791 claims alleging losses of more than \$70 million. Each claim is identified and discussed in exhibits to the motion, but the Receiver must also explain the general factual and legal reasons underlying his determinations in the body of the motion. Claims will be allowed in full, allowed in part, or denied, but claims can fall into each of those categories for numerous reasons. The undersigned has attempted to explain those reasons in an economical fashion but, given the volume of claims and the prevalence of unique circumstances, it is not possible to do so in 25 pages or less.

Second, to begin distributions to claimants with approved claims, the Receiver is, of course, required to analyze the claims, but he also must

develop and justify a priority of claim payments, the factual and legal foundation for pooling assets and liabilities, a plan of distribution, and a procedure for claimants to object to the Receiver's determinations and to obtain redress from the Court consistent with the claimants' due process rights. This too necessitates additional pages.

Third, the objection procedure requires claimants who disagree with the Receiver's proposed determinations to submit an objection to the Receiver and to engage in – essentially – a more fulsome version of Local Rule 3.01(g) before presenting unresolved objections to the Court. In the Receiver's experience, most objections can be resolved without judicial intervention. Providing claimants with pertinent facts, authorities, and explanation will allow them to (1) determine whether to submit objections, (2) formulate cogent, documented objections that the Receiver's professionals can efficiently evaluate, and (3) narrow issues for judicial determination, if ultimately necessary. Again, this requires additional pages.

Fourth and finally, the requested relief is consistent with procedures that have proven effective before this Court in similar circumstances. *See, e.g., S.E.C. v. A. Nadel et. al.*, Case No. 8:09-cv-00087-RAL-TBM, Docs. 664, 665, 675, 776 (M.D. Fla. 2012) (Lazzara, J.; "Nadel Receivership"); *S.E.C. v. A. Nadel et. al.*, Case No. 8:09-cv-00087-RAL-TBM, Docs. 1383, 1384 (M.D. Fla. 2019) (Covington, J.; "Quest Receivership").

WHEREFORE, the Receiver respectfully requests leave to file a Claims Determination Motion not to exceed 50 pages of argument and explanation (excluding items like captions, tables of contents or authorities, certifications or certificates, and exhibits).

LOCAL RULE 3.01(G) CERTIFICATE OF COUNSEL

The undersigned counsel for the Receiver has conferred with counsel for the CFTC and is authorized to represent to the Court that the CFTC has no objection to the relief sought herein. The United States (as an intervening party) and defendants Anile, Montie, Haas, and Duran also do not object to the requested relief. Fundadministration, Inc. is no longer a party to this action. The Receiver's representatives sent copies of this motion to defendant DaCorta via email on July 14, 2021, and again on August 2, 2021. They have also attempted to contact defendant DaCorta by phone but have been unsuccessful.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 20, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

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