

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

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

Case No. 8:19-cv-00886-VMC-SPF

OASIS INTERNATIONAL GROUP,
LIMITED, ET AL.,

Defendants.

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**CFTC’S OPPOSITION TO DEFENDANT
MICHAEL DACORTA’S MOTION TO DISMISS RECEIVER**

Plaintiff Commodity Futures Trading Commission (“Commission”) opposes the Motion to Dismiss Receiver (“Motion”) filed by Defendant Michael DaCorta (“DaCorta”) (Dkt. No. 447).

First, this Court properly appointed the Receiver after finding it was necessary and appropriate to marshal and preserve the assets of Defendants and Relief Defendants. Second, Defendant DaCorta himself consented to the Receiver’s appointment (Dkt. No. 35-3, Consent to Entry of Preliminary Injunction and Order Appointing Receiver and Staying Litigation by Michael DaCorta). Third, Defendant DaCorta then failed to object to additional motions for entry of consent orders with other defendants, which also appointed the Receiver (*see, e.g.* Dkt. No. 172), or to object to the Consolidated Receivership Order appointing the Receiver entered by this Court on July 11, 2019 (Dkt. No. 177). Fourth, the Receiver has filed numerous motions with this Court to exercise his authority as Receiver and to carry out the duties of the receivership, but until the Receiver’s Motion to Approve Determination of Claims, Pool

Receivership Assets and Liabilities, Approve Plan of Distribution, and Establish Objection Procedure (Dkt. No. 439), Defendant DaCorta failed to raise any objection to the Receiver's appointment.

In his Motion, Defendant DaCorta argues that there is no evidence showing that the Receiver was lawfully appointed, but as the movant DaCorta fails to meet his burden to point this Court to any evidence that the Receiver was not. For both this reason and because Defendant DaCorta consented to the appointment of the Receiver and failed to object to the appointment of the Receiver for two and a half years, the CFTC respectfully requests that the Court deny Defendant DaCorta's Motion to Dismiss Receiver.

Dated: December 16, 2021

Respectfully submitted,

**COMMODITY FUTURES TRADING
COMMISSION**

By: /s/ J. Alison Auxter

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COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021, I filed a copy of the foregoing with the Clerk of the Court via the CM/ECF system, which served all parties of record who are equipped to receive service of documents via the CM/ECF system.

I hereby certify that on December 16, 2021, I provided service of the foregoing via electronic mail to:

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