

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

Case No. 8:19-cv-886-VMC-SPF

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;

and

MAINSTREAM FUND SERVICES, 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.

_____ /

ORDER

This cause comes before the Court for consideration of the Receiver's Motion to Approve Retention of Special Foreign Counsel to Facilitate Return of Trading License Deposit and Papers (Doc. 478). With the exception of *pro se* Defendant Michael DaCorta,

none of the parties oppose the granting of the relief sought. DaCorta opposes the motion because: 1) the Commodity Futures Trading Commission (“CFTC”) does not have statutory authority in the instant case; 2) absent jurisdiction sufficient to authorize the filing of the Complaint, without which the allegations and charged Counts are insupportable, and failing to establish the three prongs necessary to support standing, the CFTC failed to make a sufficient facial, much less factual case adequate to sustain this Court’s jurisdiction; 3) the Complaint failed to present sufficiently factual allegations necessary to support a case or controversy “arising under the Constitution, laws, or treaties of the United States” and thus factually denied this Court jurisdiction under the requirements of 28 U.S.C. §1331; 4) the Complaint contains misrepresentations and false recitals of statutory definitions upon which all Counts against Defendants rest; 5) there is presently a pending motion to dismiss filed by DaCorta;¹ 6) the CFTC’s allegations being wholly insufficient to support its claimed statutory violations, the Court may properly review the motion to dismiss as a “factual attack,” irrespective of the pleadings; 7) the continued employment of any expansion of authority for the Receiver depends upon the adjudication of the motion to dismiss; 8) the Plaintiff did not fulfill applicable statutory requirements pertaining to prejudgment appointment of receivers; 9) the Receiver’s Behavioral Fact Pattern betrays unprincipled personal pecuniary motivations that are inconsistent with a receiver’s fiduciary obligations pursuant to *Leedhom Mgmt. Grp., Inc. v. Perlmutter*; 10) the cited authority upon which the Complaint is explicitly based is without foundation in law; 11) the Receiver’s temporary

¹ On March 7, 2022, the district judge entered an order finding that DaCorta’s motion to dismiss violated the stay currently in place, and as a result, denied this motion without prejudice (Order, Doc. 481).

authority did not lawfully extend into a permanent receivership; 12) all five counts in the Complaint fail to state a claim upon which relief can be granted; and 13) a grant of Receiver's motion would endorse Plaintiff's violation of FRCP Rules 11(b)(2) and 11(b)(3). (Doc. 478 at 1-2).

The Court previously approved Wiand as Receiver over the assets of the above-captioned Defendants and Relief Defendants. *See* Order (Doc. 7). The Receiver now seeks the Court's approval of the engagement of the Piper firm to obtain return of a \$500,000 license deposit held by a bank for Oasis Global FX, S.A. (organized in Belize) to the Receivership, as well as Receivership records currently in custody of another lawyer in Belize. The Receiver asserts that despite repeated attempts, the Receiver has been unable to complete these tasks from the United States. Thus, the Receiver posits that the engagement of the Piper Firm is necessary to return assets and records to the Receivership.

Having considered the motion, DaCorta's arguments in opposition, and being otherwise fully advised, it is **ORDERED AND ADJUDGED** that the Receiver' Motion to Approve Retention of Special Foreign Counsel to Facilitate Return of Trading License Deposit and Papers (Doc. 478) is **GRANTED**. The Receiver's engagement of the Piper Firm for the purposes described in the motion (Doc. 478) is hereby **APPROVED**.

ORDERED in Tampa, Florida, this 24th day of March 2022.


SEAN P. FLYNN
UNITED STATES MAGISTRATE JUDGE