

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,

and

MAINSTREAM FUND SERVICES,
INC., ET AL.,

Relief Defendants.

**PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S
UNOPPOSED MOTION TO CONTINUE TRIAL DATE**

Plaintiff Commodity Futures Trading Commission ("CFTC") moves the Court, under Local Rule 3.08, to continue the trial currently set to begin on December 4, 2023, due to the trial schedule of CFTC counsel of record.

1. On August 8, 2022, the parties filed a Case Management Report with the Court. Dkt. 656. In this Case Management Report, the parties requested a trial term beginning in February 2024.

2. On August 11, 2022, the Court issued its Case Management and Scheduling Order (the “Scheduling Order”) setting this matter for an estimated six-week trial beginning on December 4, 2023 and ending on or about January 12, 2024. Dkt. 657. Less than a month after the Scheduling Order was issued, on September 9, 2022, counsel for both Defendant Montie and Defendant Haas filed respective motions to withdraw as counsel of record. Dkts. 672, 673. The motions to withdraw were granted by the Court on September 22, 2022. Dkts. 677, 678.

3. Before the trial date was set by this Court, on June 21, 2022, CFTC attorneys of record Jeff Le Riche and Clem Ashley were set for trial in another matter in the Central District of California (the “California matter”) that conflicts with the trial setting in the present matter. Based on this June 21, 2022 order, Mr. Le Riche and Mr. Ashley are set to begin the trial in the California matter on November 28, 2023. The California matter involves fifty-six counts brought by thirty-one plaintiffs (the CFTC and thirty states), as well as a related United States Securities and Exchange Commission matter. The majority of these claims center on alleged violations of the Commodity Exchange Act and Mr. Le Riche has been designated lead counsel in the matter. That trial is currently set for two weeks, although the parties requested a four-week setting.

4. Therefore, the trial in the California matter will run from November 28, 2023 until at least December 11, 2023.

5. The trial in this matter begins during the trial in the California matter and would result in two attorneys of record being unavailable for trial. The CFTC therefore respectfully moves this Court for an order continuing the trial.

6. There are additional trial settings of CFTC counsel that impact the trial team's availability. Before this court's August 11 Scheduling Order, on August 1, 2022, counsel of record Alison Auxter received a Docket Control Order in the Southern District of Texas (the "first Texas matter") setting a trial for two weeks to begin on February 26, 2024 and ending on March 8, 2024. Initially, counsel for all parties reasonably believed this matter would settle. *See CFTC v. Miller*, No. 4:21-cv-4023, Dkt. 41 (S.D. Tex. Oct. 7, 2022). On November 10, 2022, the parties in the first Texas matter had a status conference where they informed that Court that they no longer believed settlement was possible. *See id.*, Dkt. 45 (Notice of Setting of Status Conference for Nov. 10, 2022).

7. In addition, after this Scheduling Order in the first Texas matter was entered, on August 24, 2022, Ms. Auxter received a Docket Control Order in the Southern District of Texas for a second matter (the "second Texas matter"), setting a trial for two weeks subject to be called on short notice in February or March 2024.

8. For the above reasons, the CFTC respectfully requests that the trial in this matter be continued to a date on or after May 2024.

9. Counsel certifies that its client CFTC consents to this request for continuance.

CONCLUSION

The CFTC therefore requests that this Court continue the trial currently set to begin on December 4, 2023, to sometime in or after May 2024.

LOCAL RULE 3.01(G) CERTIFICATION

The undersigned counsel for the CFTC has conferred with Defendants and represents to the Court that the Defendants do not oppose this motion.

Dated: December 16, 2022

Respectfully submitted,

**COMMODITY FUTURES TRADING
COMMISSION**

By: /s/ Jeffery C. Le Riche

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COMMODITY FUTURES TRADING

COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2022, I electronically filed a true and correct 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, 2022, I provided service of a true and correct copy of the foregoing via electronic mail to:

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COUNSEL FOR DEFENDANT JOSEPH S. ANILE, II

/s/ Jeffery C. Le Riche
Jeffery C. Le Riche