

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; 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 4OAKS LLC,

Relief Defendants.

**DEFENDANT MICHAEL J. DACORTA'S REPLY IN OPPOSITION TO
PLAINTIFF CFTC'S RESPONSE TO DEFENDANT MICHAEL J. DACORTA'S
MOTION FOR SUMMARY JUDGMENT (Dkt. 756)**

***DEFENDANT MICHAEL J. DACORTA'S REPLY IN OPPOSITION TO
PLAINTIFF CFTC'S RESPONSE TO DEFENDANT DACORTA'S MOTION FOR
SUMMARY JUDGMENT (DKT. 756)***

COMES NOW, Defendant, **Michael J. DaCorta** (hereinafter "DaCorta") by and through his undersigned Attorney Ronald J. Kurpiers, II of Kurpiers Law Firm, P.A. and who hereby files his Reply in Opposition to Plaintiff CFTC's (hereinafter "CFTC") Response (Dkt. 756) to DaCorta's Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and pursuant to local Rule 3.01(d).

INTRODUCTION

DaCorta states his "Relevant Procedural History" recitation within his Motion for Summary Judgment (Dkt. 750) outlined the relevant facts and procedural history of the case. As similarly pled by the CFTC, DaCorta outlined the relevant testimony and specific citations to the record of each material fact/witness through the testimony of witnesses. (*See specific Trial Transcript citations*). DaCorta outlined the procedural history from this Honorable Court's docket. CFTC duly responded to each paragraph of the relevant procedural history as though it was the Defendant's Statement of Material Facts.

**REPLY TO CFTC'S RESPONSE TO DACORTA'S STATEMENT OF MATERIAL
FACTS**

CFTC objects in ¶ 1, page 1 of their response that the statement “OIG and OM were never solvent is a ‘legal conclusion’”, and therefore denied. This statement must be taken in the same context as the CFTC stating the “legal conclusion” that DaCorta made “Ponzi” or “Ponzi-like” payments. There is no legal basis of support for their conclusion and this conclusion, should be treated as DaCorta alleging OIG and OM were solvent. DaCorta provided sworn testimony from Harold McFarland that Oasis was “solvent” considering all of their assets and investments into gold, silver, real estate and other businesses. (McFarland T.T., Doc. 223, T.T. Page 30, lines 8-25 and Page 31, lines 1-12 and Page 32, lines 1-25 and Page 33, lines 1-7). (DaCorta’s Response to Mtn. S.J. (Dkt. 757)).

CFTC added additional Material Facts to their Response to DaCorta’s Motion for Summary Judgment (Dkt. 756) that were not included in their original filing for Summary Judgment (Dkt. 749) so consequently, DaCorta was unable to reply to those additional set of Material Facts until now.

DaCorta argues the various denials and disputes throughout both parties’ pleadings (Dkt. 749 and Dkt. 750), including their respective responses (Dkt. 756 and Dkt. 757), which serve to support the argument that there are numerous disputes of material facts that are contrary to the law dictating the grant or denial of Summary Judgment. Therefore Summary Judgment should be denied.

**DEFENDANT DACORTA’S REPLY IN OPPOSITION TO PLAINTIFF CFTC’S
STATEMENT OF ADDITIONAL MATERIAL FACTS**

1. DaCorta admits the additional material facts in ¶ 1 of Plaintiff CFTC Response to DaCorta's Mtn for S.J. (Dkt. 756)

2. DaCorta admits the additional material facts in ¶ 2 of Plaintiff CFTC's Response to DaCorta's Mtn for S.J. (Dkt. 756) (DaCorta T.T. (Day 11) Doc. 221, page 46:12-20).

3. DaCorta disputes the additional material facts in ¶ 3 of CFTC's Response to DaCorta's Mtn for S.J. (Dkt. 756). Nothing in CFTC's citation to the record in their Mtn for S.J. (Doc. No. 749) supports this allegation of "funds from pool participants", except a self-serving declaration from a CFTC analyst. (Elise Robinson Declaration, Dkt. 4-1 at ¶¶ 45, 48, 50, 53, 57, 60). Elise Robinson never outlined within her sworn declaration referenced throughout the CFTC's Mtn for S.J. (Dkt. 749) or Response to DaCorta's Mtn. for S.J. (Dkt. 756) regarding a factual determination of Oasis using "Pool Funds" or having "Pool Participants." There are no facts supported by this allegation. Yet, this declaration and claim of "Pool Participants" and "Oasis Pools" is used throughout the CFTC's Motion for Summary Judgment (Dkt. 749) and Response to DaCorta's Mtn for S.J. (Dkt. 756).

4. DaCorta admits the additional material facts in ¶ 4 of CFTC's Response to DaCorta's Mtn for S.J. (Dkt. 756)

5. DaCorta admits the additional material facts in ¶ 5 of CFTC's Response to DaCorta's Mtn for S.J. (Dkt. 756)

6. DaCorta disputes the additional material facts in ¶ 6 of CFTC's Response to DaCorta's Mtn for S.J. (Dkt. 756) There were no pool participants as alleged. (DaCorta's Second Motion to Dismiss, Dkt. 663 at ¶¶ 29-40).

7. DaCorta disputes the additional material facts in ¶ 7 of CFTC's Response to DaCorta's Mtn for S.J. Nothing in the CFTC's additional material facts and citations to the record of DaCorta's trial testimony (in either Day 10 - (Doc. 221, Page 179-259) or Day 11 - Doc. 222, Pages 8-266) in their Response to DaCorta's Mtn for S.J. (Dkt. 750) supports this allegation of "funds from pool participants."

8. DaCorta disputes the additional material facts in ¶ 8 of CFTC's Response to DaCorta's Mtn for S.J. DaCorta never testified that any money was received from pool participants. (DaCorta T.T. (Day 11) Doc. 221, page 233:15-18).

9. DaCorta disputes the stated material facts in ¶ 9 of CFTC's Response to DaCorta's Mtn for S.J. Nothing in the CFTC's additional material facts and citation to the record of DaCorta's trial testimony (*in either Day 10 - Doc. 221, Page 179-259 or Day 11 Doc. 222, Pages 8-266*) supports this allegation alleging "funds from pool participants" for foreign exchange trading.

10. DaCorta admits the stated material facts in ¶ 10 of CFTC's Response to DaCorta's Mtn for S.J.

11. DaCorta admits the additional material facts in ¶ 11 of CFTC's Response to DaCorta's Mtn for S.J., but DaCorta disputes ever telling "potential pool

participants” that any of their promissory notes with the “Oasis Pools” would guarantee....” (DaCorta’s Second Motion to Dismiss, Dkt. 663 at ¶¶ 21–40).

12. DaCorta disputes the additional material facts in ¶ 12 of CFTC’s Response to DaCorta’s Mtn. for S.J. There were no pool participants and the allegation of owing pool participants approximately \$120 million is false. (DaCorta’s Second Motion to Dismiss, Dkt. 663 at ¶¶ 21–40). DaCorta’s Response to Mtn. S.J. (Dkt. 757).

13. DaCorta admits the additional material facts in ¶ 13 of CFTC’s Response to DaCorta’s Mtn for S.J.

14. DaCorta admits the additional material facts in ¶ 14 of CFTC’s Response to DaCorta’s Mtn for S.J regarding the testimony of Patti Katter, but denies Ms. Katter referencing “Oasis Pools.” Ms. Katter did not testify regarding “Oasis Pools.” (Katter T.T. Day 2, Doc. 213, page 13:24-19:6). (Case 8:19-cr-00605, Doc. 213, Page 13-19 of 245).

15. DaCorta disputes the additional material facts in ¶ 15 of CFTC’s Response to DaCorta’s Mtn. for S.J. Ms. Katter did not testify she invested \$100,000 in the “Oasis Pools.” (Katter T.T. Day 2, Doc. 213, page 19:7-23). (Case 8:19-cr-00605, Doc. 213, Page 19 of 245).

16. DaCorta disputes the additional material facts in ¶ 16 of CFTC’s Response to DaCorta’s Mtn for S.J. Ms. Katter did not testify she invested \$100,000

in “Oasis Pools.” (Katter T.T. Day 2, Doc. 213, page 41:5-25). (Case 8:19-cr-00605, Doc. 213, Page 41 of 245).

17. DaCorta admits the additional material facts in ¶ 17 of CFTC’s Response to DaCorta’s Mtn for S.J. but denies testimony of Mr. Charles alleging: “\$100,000 investment in the Oasis Pools.” Mr. Charles did not testify there were “Oasis Pools.” (Charles T.T. Day 7, Doc. 218, page 136:21-137:12). (Case 8:19-cr-00605, Doc. 218, Page 137 of 217).

18. DaCorta disputes the additional material facts in ¶ 18 of CFTC’s Response to DaCorta’s Mtn. for S.J. Mr. Charles did not testify that there were losses from “Oasis Pools.” (Charles T.T. Day 7, Doc. 218, page 138:14-23). (Case 8:19-cr-00605, Doc. 218, Page 138 of 217).

19. DaCorta admits the additional material facts in ¶ 20 of CFTC’s Response to DaCorta’s Mtn for S.J.

20. DaCorta admits the additional material facts in ¶ 20 of CFTC’s Response to DaCorta’s Mtn for S.J. (Dkt. 756)

21. DaCorta admits the additional material facts in ¶ 21 of CFTC’s Response to DaCorta’s Mtn for S.J. (Dkt. 756)

22. DaCorta admits the additional material facts in ¶ 22 of CFTC’s Response to DaCorta’s Mtn for S.J. (Dkt. 756)

CONCLUSION

Based on the disputed issues of material facts outlined herein, DaCorta respectfully requests this Court enter an order denying CFTC's Motion for Summary Judgment.

/s/ Ronald J. Kurpiers, II,
Florida Bar No.: 0567140
Kurpiers Law Firm, PA
803 W. Azeele Street
Tampa, FL 33606
Tel: 813-892-8501
Email: kurpierslaw@gmail.com
Attorney for Michael J. DaCorta

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 21, 2023, I electronically filed the foregoing with the Clerk of Court for the Middle District of Florida using their CM/ECF system, which is obligated to send notice of electronic filing to:

J. Alison Auxter (CFTC) - jauxter@cftc.gov
Jeffrey C. LeRiche (CFTC) - jleriche@cftc.gov
Christopher Walker (for Mainstream Fund Services, Inc.) - cwalker@lippes.com
Dennis C. Vacco (for Mainstream Fund Services, Inc.) - dvacco@lippes.com
Scott S. Allen, Jr. (for Mainstream Fund Services, Inc.) - sallen@lippes.com
Jared J. Perez (for Burton W. Wiand) - jperez@guerraking.com
Lawrence J. Dougherty (for Burton W. Wiand) - ldougherty@guerraking.com
Ailen Cruz, (for Burton W. Wiand) - acruz@guerraking.com
David W. A. Chee (Movant-United States of America) - david.chee@usdoj.gov

/s/ Ronald J. Kurpiers, II,
Florida Bar No.: 0567140
Kurpiers Law Firm, PA
803 W. Azeele Street
Tampa, FL 33606
Tel: 813-892-8501
Email: kurpierslaw@gmail.com