

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 8:19-cv-00908-WFJ-AEP

13318 LOST KEY PLACE, LAKEWOOD
RANCH, FLORIDA, *et al.*

Defendants.

**NOTICE OF APPEARANCE OF COUNSEL
AND ACCEPTANCE OF SERVICE OF PROCESS**

JARED J. PEREZ of Wiand Guerra King P.A., 5505 West Gray Street, Tampa, Florida 33609, email address: JPerez@wiandlaw.com, telephone number (813) 347-5100 and fax number (813) 347-5198, hereby gives notice of his appearance as counsel for Burton W. Wiand, the Court-appointed Receiver over, among other things, the properties listed as defendants in this matter (*see* related Case No. 8:19-cv-886-T-33SPF (M.D. Fla.) and the now-unsealed order attached hereto as **Exhibit A**), and requests that copies of all pleadings, orders, and other filings be served upon him in accordance with Rule 5(b) of the Federal Rules of Civil Procedure.

Furthermore, the undersigned, as counsel for the Court-appointed Receiver, hereby acknowledges receipt of a copy of the Amended Complaint (Doc. 12) filed in this matter and accepts service of process as if properly served upon defendants under applicable law.

Respectfully submitted,

/s/ Jared J. Perez

Jared J. Perez (Trial Counsel)

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Attorney for Burton W. Wiand, Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 24, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will provide electronic notice to all parties and counsel of record.

/s/ Jared J. Perez

Attorney

EXHIBIT A

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

<p>COMMODITY FUTURES TRADING COMMISSION,</p> <p>Plaintiff,</p> <p>v.</p> <p>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,</p> <p>Defendants;</p> <p>and</p> <p>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,</p> <p>Relief Defendants</p>	<p>Case No. <i>8:19CV886T33SPF</i></p> <p>Judge:</p>
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~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S MOTION FOR AN EX PARTE STATUTORY RESTRAINING ORDER, APPOINTMENT OF A TEMPORARY RECEIVER, AND OTHER EQUITABLE RELIEF

Plaintiff Commodity Futures Trading Commission ("CFTC" or "Commission") has filed a Complaint for Injunctive Relief, Civil Monetary Penalties, Restitution, Disgorgement and Other Equitable Relief ("Complaint") and moved, pursuant to Section 6c(a) of the

Commodity Exchange Act (“Act”), 7 U.S.C. § 13a-1(a) (2012), and in accordance with Rule 65 of the Federal Rules of Civil Procedure (“Rule 65”), for an ex parte statutory restraining order freezing assets, allowing inspection of records, and appointing a Temporary Receiver. The Court has considered the pleadings, declarations, exhibits, and memorandum filed in support of the Commission’s motion, and finds that:

1. This Court has jurisdiction over this action under 28 U.S.C. § 1331 (2012) (federal question jurisdiction) and 28 U.S.C. § 1345 (2012) (district courts have original jurisdiction over civil actions commenced by the United States or by any agency expressly authorized to sue by Act of Congress). 7 U.S.C. § 13a-1(a) authorizes the Commission to seek injunctive relief against any person whenever it shall appear that such person has engaged, is engaging, or is about to engage in any act or practice that violates any provision of the Act or any rule, regulation, or order promulgated thereunder.

2. Venue lies properly within this District pursuant to 7 U.S.C. § 13a-1(e).

3. The Commission has made a proper prima facie showing that since 2011, Defendants Oasis International Group, Limited (“OIG”), Oasis Management, LLC (“OM”), Satellite Holdings Company (“Satellite Holdings”), Michael J. DaCorta (“DaCorta”), Joseph S. Anile, II (“Anile”), Raymond P. Montie, III (“Montie”), Francisco “Frank” L. Duran (“Duran”), and John J. Haas (“Haas”), (collectively, “Defendants”) have engaged, are engaging, or are about to engage in a fraudulent scheme to solicit and misappropriate money from over 700 U.S. residents for pooled investments in retail foreign currency contracts (“forex”). Between mid-April 2014 and the present (the “Relevant Period”), Defendants have fraudulently solicited hundreds of members of the public (“pool participants”) to invest

approximately \$75 million in two commodity pools—Oasis Global FX, Limited (“Oasis Pool 1”) and Oasis Global FX, SA (“Oasis Pool 2”) (collectively, the “Oasis Pools”)—that purportedly would trade in forex. Rather than use pool participants’ funds for forex trading as promised, however, Defendants have traded only a small portion of pool funds in forex—which trading incurred losses—and instead misappropriated the majority of pool participants’ funds and issued false account statements to pool participants to conceal their trading losses and misappropriation. In the course of their fraudulent scheme and during the Relevant Period, Defendants made material misrepresentations to pool participants, including that: (1) all pool funds would be used to trade forex; (2) pool participants would receive a minimum 12% guaranteed annual return from this forex trading; (3) the Oasis Pools were profitable and returned 22% in 2017 and 21% in 2018; (4) the Oasis Pools had never had a losing month; (5) money being returned to pool participants was from profitable trading; (6) there was no risk of loss with the Oasis Pools; and (7) pool participants earned extra returns by referring other pool participants to the Oasis Pools. Defendants also omitted to tell pool participants, among other things, that DaCorta—the CEO of OIG and the Oasis Pools’ head trader—had been permanently banned from registering with the Commission in 2010 and was prohibited from soliciting U.S. residents to trade forex and from trading forex for U.S. residents in any capacity. Defendants’ representations were false. The Defendants have misappropriated the majority of pool funds. Of the approximate \$75 million Defendants received from pool participants during the Relevant Period, Defendants deposited only \$21 million into forex trading accounts in the names of the Oasis Pools, all of which has been lost trading forex. Defendants misappropriated over \$29 million of pool funds to make Ponzi-like payments to

other pool participants. Defendants misappropriated over \$18 million of pool funds—at least \$7 million of which was transferred to Relief Defendants—for unauthorized personal or business expenses such as real estate purchases in Florida, exotic vacations, sports tickets, pet supplies, loans to family members, and college and study abroad tuition. To conceal their trading losses and misappropriation, Defendants created and issued false account statements to pool participants that inflated and misrepresented the value of the pool participants' investments in the Oasis Pools and the Oasis Pools' trading returns.

4. Therefore, there is good cause to believe that Defendants—either directly or as controlling persons—have engaged, are engaging, or are about to engage in acts and practices in violation of Sections 4b(a)(2)(A)-(C), 4k(2), 4m(1), 4o(1)(A)-(B), and 2(c)(2)(iii)(I)(cc) of the Commodity Exchange Act (the “Act”), 7 U.S.C. §§ 6b(a)(2)(A)-(C), 6(k)(2), 6m(1), 6o(1)(A)-(B), 2(c)(2)(iii)(I)(cc) (2012), and Commission Regulations (“Regulations”) 4.20(b)-(c), 4.21, 5.2(b)(1)-(3), and 5.3(a)(2), 17 C.F.R. § 4.20(b)-(c), 4.21, 5.2(b)(1)-(3), 5.3(a)(2) (2018).

5. There is also good cause to believe that Relief Defendants: 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 (the “Related Relief Defendants”) have received, are receiving, or are about to receive funds, assets, or other property (“assets”) as a result of Defendants' violative acts and practices and have been unjustifiably enriched thereby. These Related Relief Defendants do not have any legitimate interest or entitlement to these assets received as a result of Defendants' violative conduct.

6. There is also good cause to belief that Relief Defendant Mainstream Fund Services, Inc. ("Mainstream") has received, is receiving, or is about to receive, directly or indirectly, assets into three Citibank, N.A. bank accounts (-1174, -5606 and -0764) it holds for the benefit of Defendants Oasis International Group, Limited and/or Oasis Management, LLC (hereinafter the "Mainstream f/b/o Oasis Citibank Accounts") as a result of Defendants' violative acts and practices and has been unjustifiably enriched thereby. Relief Defendant Mainstream does not have any legitimate interest or entitlement to these assets received into the Mainstream f/b/o Oasis Citibank Accounts as a result of Defendants' violative conduct.

7. There is also good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for pool participants in the form of monetary or other redress will occur from the withdrawal, transfer, removal, dissipation or other disposition of assets, and/or the destruction, alteration or disposition of books and records and other documents ("records") by Defendants, Related Relief Defendants, and Relief Defendant Mainstream unless they are immediately restrained and enjoined by Order of the Court.

8. Therefore, there is good cause for the Court to freeze assets owned, controlled, managed or held by Defendants and Related Relief Defendants or in which they have any beneficial interest. There is also good cause for the Court to freeze the assets owned, controlled, managed or held by Relief Defendant Mainstream in the Mainstream f/b/o Oasis Citibank Accounts.

9. There is also good cause for the Court to prohibit Defendants, Related Relief Defendants and Relief Defendant Mainstream from destroying, altering or disposing of

records, and/or denying representatives of the Commission access to inspect records, when and as requested, to ensure that Commission representatives have immediate and complete access to those records.

10. There is also good cause for the appointment of a Temporary Receiver to take control of all assets owned, controlled, managed, or held by Defendants and Related Relief Defendants, or in which they have any beneficial interest (“Defendants’ Assets” and “Relief Defendants’ Assets”), as well as the three Mainstream f/b/o Oasis Citibank Accounts, so that the Temporary Receiver may preserve assets, investigate and determine customer claims, determine unlawful proceeds retained by Defendants, Related Relief Defendants, and Relief Defendant Mainstream, and amounts due to pool participants as a result of Defendants’ alleged violations, and distribute remaining funds under the Court’s supervision.

11. There is also good cause to require an accounting by Defendants, Related Relief Defendants, and Relief Defendant Mainstream to the Temporary Receiver to determine the location and disposition of pool participant funds and ill-gotten gains.

12. There is also good cause to order repatriation of assets controlled by Defendants, Related Relief Defendants, and Relief Defendant Mainstream so that such assets can be controlled by the Temporary Receiver and to assure payment of restitution and disgorgement as authorized by the Court.

13. In summary, this is a proper case for granting a restraining order ex parte freezing assets, allowing inspection of records and appointing a temporary receiver because the Commission is likely to succeed on the merits. Moreover, there is also a reasonable

likelihood that Defendants will transfer or dissipate assets or destroy or alter records.

Therefore, the Court orders the following.

DEFINITIONS

14. For the purposes of this Order, the following definitions apply:

15. The term “assets” encompasses any legal or equitable interest in, right to, or claim to, any real or personal property, whether individually or jointly, directly or indirectly controlled, and wherever located, including but not limited to: chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds mail or other deliveries, inventory, checks, notes, accounts (including, but not limited to, bank accounts and accounts at other financial institutions), credits, receivables, lines of credit, contracts (including spot, futures, options, or swaps contracts), insurance policies, retainers held by agents for the provision of professional or other services, and all funds, wherever located, whether in the United States or outside the United States.

16. The term “record” encompasses the terms “document” and “electronically stored information” as those terms are used in Fed. R. Civ. P. 34(a), and includes, but is not limited to, all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or other data compilations—stored in any medium from which information can be obtained or translated, if necessary, into reasonable usable form. The term “record” also refers to each and every such item in Defendants’ and Relief Defendants’ actual or constructive possession, including but not limited to: (i) all such items within the custody or control of any agents, employers, employees, or partners of the Defendants and Relief Defendants; and (ii) all items which Defendants and Relief Defendants have a legal or

equitable right to obtain from another person. A draft or non-identical copy is a separate item within the meaning of the term. A record also includes the file and folder tabs associated with each original and copy.

17. **“Defendants”** means and refers to 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.

18. **“Related Relief Defendants”** means and refers to Bowling Green Capital Management LLC (“Bowling Green”), Lagoon Investments, Inc. (“Lagoon”), Roar of the Lion Fitness, LLC (“Roar of the Lion”), 444 Gulf of Mexico Drive, LLC (“444”), 4064 Founders Club Drive, LLC (“4064 Founders Club”), 6922 Lacertera Circle, LLC (“6922 Lacertera”), 13318 Lost Key Place, LLC (“13318 Lost Key”), and 4Oaks LLC (“4Oaks”).

19. **“Mainstream”** means and refers specifically to one Relief Defendant, Mainstream Fund Services, Inc., which, during the Relevant Period, held three (3) accounts at Citibank, N.A. (accounts -1174, -5606, and -0764, the “Mainstream f/b/o Oasis Citibank Accounts”), which received, directly or indirectly, funds from pool participants for investment in the Oasis Pools. Mainstream Fund Services, Inc. was formerly named Fundadministration, Inc., but changed its name to Mainstream Fund Services, Inc. in 2017.

RELIEF GRANTED

IT IS HEREBY ORDERED THAT:

I. Asset Freeze Order Prohibiting the Withdrawal, Transfer, Removal, Dissipation, and Disposal of Assets

20. Defendants and Related Relief Defendants are immediately restrained and enjoined, except as otherwise ordered by this Court, from directly or indirectly withdrawing,

transferring, removing, dissipating or otherwise disposing of any assets, wherever located, including Defendants' and Relief Defendants' assets held outside the United States, except as provided otherwise in Sections IV, V, and VI of this Order, or as otherwise ordered by the Court;

21. Relief Defendant Mainstream is immediately restrained and enjoined, except as otherwise ordered by this Court, from directly or indirectly withdrawing, transferring, removing, dissipating or otherwise disposing of the assets held by it in the Mainstream f/b/o Oasis Citibank Accounts and any other assets that Relief Defendant Mainstream might hold for the Defendants or the Related Relief Defendants;

22. Notwithstanding the provisions of this Section I, at the request of the Temporary Receiver, Defendants, Related Relief Defendants, Relief Defendant Mainstream, and any other person who has possession, custody, or control of any of Defendants' and Related Relief Defendants' funds, assets, or other property shall transfer possession of all assets subject to this Order to the Temporary Receiver in accordance with Section IV, V, and VI of this Order.

23. The assets affected by this Order shall include existing assets and assets acquired after the effective date of this Order.

II. Maintenance of and Access to All Records Relating to the Business Activities and Business and Personal Finances

24. Defendants, Related Relief Defendants, and Relief Defendant Mainstream, are restrained from directly or indirectly destroying, altering, or disposing of, in any manner any records that relate or refer to the business activities or business or personal finances of any

Defendants or Related Relief Defendants, specifically including, but not limited to, the three Mainstream f/b/o Oasis Citibank Accounts.

25. Representatives of the Commission shall be immediately allowed to inspect any records relating or referring to the business activities or business or personal finances of the Defendants and Related Relief Defendants, including, but not limited to, both hard-copy documents and electronically stored information, wherever they may be situated and whether they are in the possession of the Defendants, Related Relief Defendants, Relief Defendant Mainstream, or others. To ensure preservation and facilitate meaningful inspection and review of records, Defendants and Relief Defendants shall allow representatives of the Commission to make copies of said documents and electronically stored information, and if on-site copying of documents and electronically stored information is not practicable, representatives may make such copies off-site. After any such off-site copying, Plaintiff shall promptly return the original documents and devices upon which electronic information is stored.

26. To further facilitate meaningful inspection and review, Defendants, Related Relief Defendants, and Relief Defendant Mainstream shall, absent a valid assertion of their respective rights against self-incrimination under the Fifth Amendment, promptly provide Commission staff with:

- a. the location of all records relating or referring to the business activities and business and personal finances of the Defendants and Related Relief Defendants;

- b. all identification numbers and other identifying information for websites, cloud storage services, email and smartphone accounts, and all accounts at any bank, financial institution, or brokerage firm (including any introducing broker or futures commission merchant) owned, controlled or operated by Defendants and Related Relief Defendants, or to which the Defendants and Related Relief Defendants have access; and
- c. all passwords to, and the location, make and model of, all computers and/or mobile electronic devices owned and/or used by Defendants or Related Relief Defendants in connection with their business activities and business and personal finances.

27. When inspecting records that are subject to this Order, including those contained on computers and/or other electronic devices, the Commission should undertake reasonable measures to prevent review of the Defendants' or Related Relief Defendants' privileged communications and/or other nonbusiness, nonfinancial materials by the Commission's attorneys and other staff who are part of the litigation team in this matter. Moreover, Defendants and Related Relief Defendants (or their counsel) shall promptly contact Plaintiff's counsel to assert any claims of privilege (or other legal objections) relating to the contents of any records that are subject to this Order and promptly cooperate with Plaintiff's counsel to develop reasonable protocols to isolate and prevent disclosure of claimed privileged and/or other nonbusiness, nonfinancial materials to the Commission's attorneys and other staff who are part of the litigation team in this matter. However, nothing herein shall excuse Defendants, Related Relief Defendants, or Relief Defendant Mainstream

from full and immediate compliance with this Court's Order permitting Plaintiff to inspect the books and records which relate to Defendants' or Related Relief Defendants business activities and their business and personal finances.

III. Notice to Financial Institutions and Others that Hold or Control Assets or Records

28. To ensure the effectiveness of the asset freeze and pending further Order of this Court, any financial or brokerage institution, business entity, or person that receives actual notice of this Order and holds, controls, or maintains custody of any account or asset or other property of Defendants or Related Relief Defendants, including, but not limited to the Mainstream f/b/o Oasis Citibank Accounts, shall not, in active concert or participation with Defendants or Relief Defendants, permit Defendants or Related Relief Defendants or other persons to withdraw, transfer, remove, dissipate, or otherwise dispose of any of Defendants' or Related Relief Defendants' assets, except as directed by further order of the Court.

29. Any financial or brokerage institution, business entity, or person that receives notice of this Order by personal service or otherwise shall not, in active concert or participation with any Defendant or Related Relief Defendant, directly or indirectly destroy, alter, or dispose of, in any manner, any records relating to the business activities and business and personal finances of any Defendant or Related Relief Defendant.

30. Furthermore, any such financial or brokerage institution, business entity, or person that receives actual notice of this Order and holds, controls, or maintains custody of any account or asset titled in the name of, held for the benefit of, or otherwise under the control of any Defendants and Related Relief Defendants, or has held, controlled, or

maintained custody of any such account or asset of any Defendants and Related Relief Defendants at any time since **January 2011** shall not, in active concert or participation with Defendants and Related Relief Defendants, deny a request by the Commission to inspect all records pertaining to every account or asset owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendants and Related Relief Defendants, including, but not limited to, originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs. As an alternative to allowing inspection of records, a financial or brokerage institution, business entity or other person may provide copies of records requested by the Commission.

31. Furthermore, any such financial or brokerage institution, business entity, or person that receives actual notice of this Order shall:

- a. Within five business days of a request by the Temporary Receiver, or such longer period specified by the Temporary Receiver, provide the Temporary Receiver with copies of all records pertaining to any account or asset owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendants and Related Relief Defendants, either individually or jointly, including, but not limited to, originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs; and

- b. Cooperate with all reasonable requests of the Temporary Receiver relating to implementation of this Order, including transferring Defendants' and Related Relief Defendants' funds at the Temporary Receiver's direction, and producing records related to business activities or business or personal finances of Defendants and Related Relief Defendants to the Temporary Receiver.

IV. Order Appointing Temporary Receiver

32. **Burton W. Wiand of Wiand Guerra King PL** is appointed Temporary Receiver, with the full powers of an equity receiver for Defendants and Related Relief Defendants and their affiliates and subsidiaries owned or controlled by Defendants and Related Relief Defendants (hereinafter referred to as the "Receivership Defendants"), and of all the funds, properties, premises, accounts, income, now or hereafter due or owing to the Receivership Defendants, and other assets directly or indirectly owned, beneficially or otherwise, by the Receivership Defendants (hereinafter, the "Receivership Estate"). The Temporary Receiver shall be the agent of this Court in acting as Temporary Receiver under this Order.

30. The Temporary Receiver is directed and authorized to accomplish the following:
 - a. Assume full control of the Receivership Defendants by removing Defendants Michael J. DaCorta, Joseph S. Anile, II, Raymond P. Montie, III, Francisco "Frank" L. Duran, and John J. Haas, and any officer, independent contractor, employee, or agent of the Receivership Defendants, from control and

management of the affairs of the Receivership Defendants as the Temporary Receiver deems appropriate;

- b. Take exclusive custody, control, and possession of the Receivership Estate, which includes but is not limited to complete authority to sue for, collect, receive, and take possession of all goods, chattels, rights, credits, money, effects, land, leases, books, records, work papers, and records of accounts, including electronically-stored information, contracts, financial records, funds on hand in banks and other financial institutions, and other papers and records of the Receivership Defendants and pool participants or clients of any of Receivership Defendants' business activities whose interests are now held by, or under the direction, possession, custody, or control of, the Receivership Defendants;
- c. Take all steps necessary to secure the business and other premises under the control of the Receivership Defendants, including but not limited to premises located at:

Premises Address	Description
444 Gulf of Mexico Drive Longboat Key, FL	Defendant OIG's main office Owned by Relief Defendant 444 Gulf of Mexico Drive
4064 Founders Club Drive Sarasota, FL	Defendant Anile's residence Owned by Relief Defendant 4064 Founders Club Drive, LLC
6922 Lacantera Circle Lakewood Ranch, FL	Defendant DaCorta's residence

Premises Address	Description
	Owned by Relief Defendant 6922 Lacertera Circle, LLC
13318 Lost Key Place Lakewood Ranch, FL	Defendant DaCorta's residence Owned by Relief Defendant 13318 Lost Key Place, LLC

- d. Perform all acts necessary, including the suspension of operations, to conserve, hold, manage, and preserve the value of the Receivership Estate in order to prevent an irreparable loss, damage, or injury to any pool participants or other investors in any investment opportunity operated by any Receivership Defendant;
- e. Prevent the withdrawal or misapplication of assets entrusted to the Receivership Defendants, and otherwise protect the interests of any pool participants or other investors of any of the Receivership Defendants;
- f. Manage and administer the Receivership Defendants and the Receivership Estate by performing all acts incidental thereto that the Temporary Receiver deems appropriate, including hiring or dismissing any and all personnel, suspending operations, and/or entering into agreements, including but not limited to: (1) the retention and employment of investigators, attorneys or accountants, appraisers, and other independent contractors and technical specialists of the Temporary Receiver's choice, including without limitation members and employees of the Temporary Receiver's firm, to assist, advise,

and represent the Temporary Receiver; and (2) the movement and storage of any equipment, furniture, records, files or other physical property of the Receivership Defendants;

- g. Collect all funds owed to the Receivership Defendants;
- h. Initiate, defend, compromise, adjust, intervene in, dispose of, or become a party to, any actions or proceedings in state, federal, or foreign court that the Temporary Receiver deems necessary and advisable to preserve or increase the value of the Receivership Estate or that the Temporary Receiver deems necessary and advisable to carry out the Temporary Receiver's mandate under this Order;
- i. Issue subpoenas or letters rogatory to obtain records pertaining to the Receivership and conduct discovery in this action on behalf of the Receivership Estate;
- j. Divert mail and take control of all post office boxes, private or commercial mail boxes, or storage units rented or owned by the Receivership Defendants;
- k. Open all mail directed to or received by or at the premises, or post office, or private or commercial mail boxes of the Receivership Defendants, and to inspect all mail opened prior to the entry of this Order, to determine whether items or information therein fall within the mandates of this Order. In connection therewith, the Receiver is authorized to instruct the United States Postmaster and anyone in possession or control of a private or commercial mailbox to hold and/or reroute mail directed to any of the Receivership

Defendants. In connection therewith, the Receivership Defendants are directed not to open a new mailbox or take any steps or make any arrangements to receive mail in contravention of this Order, whether through the U.S. mail, a private mail depository, or courier service;

- l. Open one or more bank accounts and deposit all funds of the Receivership Estate in such designated accounts and make all payments and disbursements from the Receivership Estate from such accounts;
- m. Make payments and disbursements from the Receivership Estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order, provided that the Temporary Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the Receivership Defendants prior to the date of entry of this Order, except for payments that the Temporary Receiver deems necessary or advisable to secure the Receivership Estate from immediate and irreparable loss. The Receiver shall not be responsible for payment or performance of any obligations of the Receivership Defendants that were incurred, by, or for the benefit of, the Receivership Defendants prior to the date of this Order, including but not limited to any agreements with third party vendors, landlords, brokers, purchasers or other contracting parties; Maintain written accounts itemizing receipts and expenditures, describing properties held or managed, and naming the depositories holding funds or other assets of the Receivership Estate; make such written accounts and supporting

documentation available to the Commission for inspection; and, within sixty days of being appointed and periodically thereafter, as directed by the Court, file with the Court and serve on the parties a report summarizing efforts to marshal and collect assets, administer the Receivership Estate, and otherwise perform the duties mandated by this Order; and

- n. To cooperate with reasonable requests for information or assistance from any state or federal law enforcement agency.

V. Accounting and Transfer of Funds and Records To The Temporary Receiver

31. Absent a valid assertion by Defendants or Related Relief Defendants of their respective rights against self-incrimination under the Fifth Amendment, each Defendant and Related Relief Defendant shall, within five business days following the service of this Order:

- a. Provide the Temporary Receiver with a full detailed accounting of all assets of the Receivership Estate, including the assets inside and outside of the United States, and the location of all records of the Receivership Estate, that are held by each and every Defendant or Related Relief Defendant, for their benefit, or under their direct or indirect control, whether jointly or singly, and the location of all records of the Receivership Estate.
- b. Transfer to the territory of the United States and deliver to possession, custody, and control of the Temporary Receiver, all assets of the Receivership Estate (other than real property) and books and records of the Receivership Estate, located outside of the United States that are held by each and every

Defendant and Related Relief Defendant, for their benefit, or under their direct or indirect control, whether jointly or singly.

- c. Provide the Temporary Receiver access to all records of the Receivership Estate and all assets of the Receivership Estate held by any financial or brokerage institution, business entity, or other person that receives actual notice of this Order, by personal service or otherwise, located within or outside the territorial United States by signing any necessary consent forms.
32. Absent a valid assertion by Relief Defendant Mainstream of its right against self-incrimination under the Fifth Amendment, Mainstream shall, within five business days following the service of this Order:
- a. Provide the Temporary Receiver with a full detailed accounting of all assets, including the assets inside and outside of the United States that it holds for each and every Defendant and Related Relief Defendant, for their benefit, or under its direct or indirect control, whether jointly or singly, and the location of all records of the Receivership Estate, including, but not limited to the Mainstream f/b/o Oasis Citibank Accounts.
 - b. Transfer to the territory of the United States and deliver to possession, custody, and control of the Temporary Receiver, all records and assets (other than real property) located outside of the United States that it holds for each and every Defendant and Related Relief Defendant, for their benefit, or under its direct or indirect control, whether jointly or singly including, but not limited to the Mainstream f/b/o Oasis Citibank Accounts.

33. Provide the Temporary Receiver access to all records of accounts or assets of the Defendants and Related Relief Defendants held by financial or brokerage institutions located within or outside the territorial United States by signing any necessary consent forms
34. Absent a valid assertion by Defendants or Related Relief Defendants of their respective rights against self-incrimination under the Fifth Amendment, Defendants or Related Relief Defendants shall, within twenty-four hours of the issuance of this Order, cause to be prepared and delivered to the Temporary Receiver, a detailed and complete schedule of all passwords and identification (ID) numbers for all websites, cloud storage services, email and smartphone accounts, and all accounts at any bank, financial institution, or brokerage firm (including any introducing broker or futures commission merchant) controlled or operated by or to which any of the Defendants or Related Relief Defendants have access in connection with their business activities and business and personal finances.
35. Absent a valid assertion by Defendants or Related Relief Defendants of their respective rights against self-incrimination under the Fifth Amendment, Defendants or Related Relief Defendants shall, within twenty-four hours of the issuance of this Order, cause to be prepared and delivered to the Temporary Receiver, a detailed and complete schedule of all passwords to, and the location, make and model of, all computers and mobile electronic devices owned and/or used by Defendants or Related Relief Defendants in connection with their business activities and business and personal finances. The schedules required by this section shall include at a

minimum the make, model and description of each, along with the location, the name of the person primarily assigned to use the computer and/or mobile device, and all passwords necessary to access and use the software contained on the computer and/or mobile device.

VI. Turning Over Assets and Records to the Temporary Receiver

36. Upon service of this Order, and absent a valid assertion by Defendants or Related Relief Defendants of their respective rights against self-incrimination under the Fifth Amendment, Defendants and Related Relief Defendants and any other person or entity served with a copy of this Order, shall immediately or within such time as permitted by the Temporary Receiver in writing, deliver over to the Temporary Receiver:

- a. Possession and custody of all assets of the Receivership Defendants, wherever situated, including those owned beneficially or otherwise;
- b. Possession and custody of records of the Receivership Defendants in connection with their business activities and business and personal finances, including but not limited to, all records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), client lists, title documents and other records of the Receivership Defendants;
- c. Possession and custody of all assets belonging to members of the public now held by the Receivership Defendants;

- d. All keys, passwords, entry codes, and combinations to locks necessary to gain or to secure access to any of the assets or records of the Receivership Defendants related to their business activities and business and personal finances, including, but not limited to, access to the Receivership Defendants' business premises, means of communication, accounts, computer systems, mobile electronic devices, or other property; and
 - e. Information identifying the accounts, employees, properties or other assets or obligations of the Receivership Defendants.
37. Upon service of this Order, and absent a valid assertion by Relief Defendant Mainstream of its right against self-incrimination under the Fifth Amendment, Relief Defendant Mainstream and any other person or entity served with a copy of this Order, shall immediately or within such time as permitted by the Temporary Receiver in writing, deliver over to the Temporary Receiver:
- a. Possession and custody of all assets of the Receivership Defendants, wherever situated, including those owned beneficially or otherwise;
 - b. Possession and custody of records of the Receivership Defendants in connection with their business activities and business and personal finances, including but not limited to, all records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), client lists, title documents and other records of the Receivership Defendants;

- c. Possession and custody of all assets belonging to members of the public now held by the Receivership Defendants;
- d. All keys, passwords, entry codes, and combinations to locks necessary to gain or to secure access to any of the assets or records of the Receivership Defendants related to their business activities and business and personal finances, including, but not limited to, access to the Receivership Defendants' business premises, means of communication, accounts, computer systems, mobile electronic devices, or other property; and
- e. Information identifying the accounts, employees, properties or other assets or obligations of the Receivership Defendants.

VII. Directive To Cooperate with Temporary Receiver

38. Absent a valid assertion of their respective rights against self-incrimination under the Fifth Amendment, Defendants, Related Relief Defendants, Relief Defendant Mainstream, and all other persons or entities served with a copy of this order shall cooperate fully with and assist the Temporary Receiver. This cooperation and assistance shall include, but not be limited to, providing any information to the Temporary Receiver that the Temporary Receiver deems necessary to exercising the authority as provided in this Order; providing any password required to access any computer or electronic files in any medium; and discharging the responsibilities of the Temporary Receiver under this Order, and advising all persons who owe debts to the Receivership Defendants that all debts should be paid directly to the Temporary Receiver.

VIII. Stay on Actions Against the Receivership Defendants

IT IS FURTHER ORDERED THAT:

39. Except by leave of the Court, during the pendency of the receivership ordered herein, the Defendants, Related Relief Defendants, Relief Defendant Mainstream, and all other persons and entities shall be and hereby are stayed from taking any action (other than the present action by the Commission) to establish or enforce any claim, right or interest for, against, on behalf of, in, or in the name of, the Receivership Defendants, the Temporary Receiver, the Receivership Estate, or the Temporary Receiver's duly authorized agents acting in their capacities as such, including but not limited to, the following actions:

- a. Petitioning, or assisting in the filing of a petition, that would cause the Receivership Defendants to be placed in bankruptcy;
- b. Commencing, prosecuting, litigating, or enforcing any suit or proceeding against any of the Receivership Defendants, or any of their subsidiaries or affiliates, except that such actions may be filed to toll any applicable statute of limitations;
- c. Commencing, prosecuting, continuing, or entering any suit or proceeding in the name or on behalf of any of the Receivership Defendants, or any of their subsidiaries or affiliates;
- d. Accelerating the due date of any obligation or claimed obligation, enforcing any lien upon, or taking or attempting to take possession of, or retaining possession of, property of the Receivership Defendants, or any of their subsidiaries or affiliates, or any property claimed by any of them, or

attempting to foreclose, forfeit, alter, or terminate any of the Receivership Defendants' interests in property, including without limitation, the establishment, granting, or perfection of any security interest, whether such acts are part of a judicial proceeding or otherwise;

- e. Using self-help or executing or issuing, or causing the execution or issuance of, any court attachment, subpoena, replevin, execution, or other process for the purpose of impounding or taking possession of or interfering with, or creating or enforcing a lien upon any property, wherever located, owned by or in the possession of the Receivership Defendants, or any of their subsidiaries or affiliates, or the Temporary Receiver, or any agent of the Temporary Receiver; and
- f. Doing any act or thing whatsoever to interfere with the Temporary Receiver taking control, possession, or management of the property subject to the receivership, or to in any way interfere with the Temporary Receiver or to harass or interfere with the duties of the Temporary Receiver; or to interfere in any manner with the exclusive jurisdiction of this Court over the property and assets of the Receivership Defendants, or their subsidiaries or affiliates.

Provided, however, that nothing in this section shall prohibit any federal or state law enforcement or regulatory authority from commencing or prosecuting an action against the Receivership Defendants.

IX. Compensation for Temporary Receiver and Personnel Hired by the Temporary Receiver

40. The Temporary Receiver and all personnel hired by the Temporary Receiver as herein authorized, including counsel to the Temporary Receiver, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them for those services authorized by this Order that when rendered were: (1) reasonably likely to benefit the receivership estate, or (2) necessary to the administration of the estate. However, the Temporary Receiver and any personnel hired by the Temporary Receiver shall not be compensated or reimbursed by, or otherwise be entitled to, any funds from the Court or the Commission. The Temporary Receiver shall file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than 60 days after the date of this Order and subsequent requests filed quarterly thereafter. The requests for compensation shall itemize the time and nature of services rendered by the Temporary Receiver and all personnel hired by the Temporary Receiver.

X. Persons Bound By this Order

41. This Order is binding on any person who receives actual notice of this Order by personal service or otherwise and is acting in the capacity of an officer, agent, servant, employee, or attorney of the Defendants or Related Relief Defendants, or is in active concert or participation with the Defendants or Related Relief Defendants.

XI. Bond Not Required of Plaintiff or the Temporary Receiver

42. As Plaintiff Commission has made a proper showing under Section 6c(b) of the Act, 7 U.S.C. § 13a-1(b) (2012), it is not required to post any bond in connection with this Order. The Temporary Receiver similarly is not required to post bond.

XII. Service of Order and Assistance of United States Marshals Service and/or Other Law Enforcement Personnel

43. Copies of this Order may be served by any means, including via email or facsimile transmission, upon any financial institution or other entity or person that may have possession, custody, or control of any records or assets of any Defendant or Related Relief Defendant, or that may be subject to any provision of this Order.

44. Margaret Aisenbrey, J. Alison Auxter, Jennifer Chapin, Lauren Fulks, Rachel Hayes, James Humphrey, Rebecca Jelinek, Jeff Le Riche, Charles Marvine, Jo Mettenburg, Christopher Reed, Peter Riggs, Elsie Robinson, Thomas Simek, Allison Sizemore, Nicholas Sloey, Tiffany Stanphill, and Stephen Turley, and representatives of the United States Marshals Service and the Federal Bureau of Investigation ("FBI") are specially appointed by the Court to effect service.

45. The United States Marshals Service and the FBI are authorized to: a) accompany and assist the Commission representatives in the service and execution of the Summons, Complaint and this Order on the Defendants, Related Relief Defendants, and Relief Defendant Mainstream, and b) help maintain lawful order while Commission representatives inspect records as provided in this Order.¹

¹ Nothing in this Order shall limit in any way any other lawful activities undertaken by the FBI with respect to Defendants or Relief Defendants in connection with any other proceeding.

XIII. Service on the Commission

46. Defendants, Related Relief Defendants, and Relief Defendant Mainstream shall comply with all electronic filing rules and requirements of the U.S. District Court, Middle District of Florida, Tampa Division, and shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to **Jo E. Mettenburg, Chief Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 4900 Main Street, Suite 500, Kansas City, Missouri 64112**, by electronic filing, e-mail, personal delivery or courier service (such as Federal Express or United Parcel Service) and not by regular mail due to potential delay resulting from heightened security and decontamination procedures applicable to the Commission's regular mail.

XIV. Hearing on Preliminary Injunction and Expedited Discovery

47. Plaintiff's Motion for a Preliminary Injunction is set for hearing on the _____ day of _____, 2019, at _____ m., before the Honorable _____, Courtroom _____ at the United States Courthouse for the Middle District of Florida at 801 North Florida Avenue, Tampa, Florida, 33602. Should any party wish to file a memorandum of law or other papers concerning the issuance of a preliminary injunction against the Defendants, Related Relief Defendants, or Relief Defendant Mainstream, such materials shall be filed, served and received by all parties at least two days before the hearing ordered above.

To be scheduled by assigned magistrate judge.

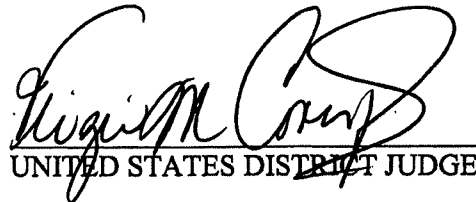
48. The CFTC's additional request for expedited discovery is granted and in advance of this preliminary injunction hearing, the parties may conduct expedited discovery,

and the prohibition upon discovery before the early meeting of counsel pursuant to Rule 26(f), in accordance with Rule 26(d), is removed. The CFTC may take depositions of Defendants Michael J. DaCorta, Joseph S. Anile, II, Raymond P. Montie, III, John J. Haas, and Francisco "Frank" L. Duran subject to two calendar days' notice pursuant to Rule 30(a), that notice may be given personally, by facsimile, or by electronic mail, and, if necessary, any deposition may last more than seven hours.

XV. Force and Effect

49. This Order shall remain in full force and effect until April 29, 2019 unless extended further by order of this Court pursuant to Rule 65(b)(2), and this Court retains jurisdiction of this matter for all purposes.

IT SO ORDERED, at Tampa, Florida on this 15th day of April, 2019, at 2:30 p.m.


UNITED STATES DISTRICT JUDGE