

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

CASE NO. 8:21-cv-01317-MSS-ASS

BURTON W. WIAND, not individually
but solely in his capacity as Receiver
for OASIS INTERNATIONAL
GROUP, LIMITED, *et al.*,

Plaintiff,

v.

ATC BROKERS LTD., DAVID
MANOUKIAN, and SPOTEX LLC,

Defendants.

**RECEIVER'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO RESPOND
TO DEFENDANTS' MOTIONS TO DISMISS**

Plaintiff Burton W. Wiand, not individually but solely in his capacity as the Court-appointed receiver (the "Receiver") over Oasis International Group, Limited ("OIG"), Oasis Management, LLC ("OM"), Satellite Holdings Company ("Satellite Holdings"), and their affiliates and subsidiaries, hereby moves, on an unopposed basis, for an extension of time to respond to the three Motions to Dismiss filed by each Defendant through and including Friday, September 24, 2021, and states:

1. On May 28, 2021, the Receiver filed this ancillary receivership lawsuit and sued Defendants ATC Brokers Ltd. (“ATC”), David Manoukian (“Manoukian”) and Spotex LLC (“Spotex”) (collectively, “Defendants”).¹

2. On August 9, 2021, Defendants ATC and Manoukian filed their respective Motions to Dismiss (DE 24-25, respectively). The 21-day response deadline is August 30, 2021.

3. On August 20, 2021, Defendant Spotex filed its Motion to Dismiss (DE 32). The 21-day response deadline for that Motion is September 10, 2021.

4. Before filing their Motions to Dismiss, Defendants obtained extensions of time (see e.g., DE 16-17).

5. The three Motions to Dismiss include certain similar and overlapping issues. Responding to them at the same time will streamline the issues, and thus is the most efficient course of action. Because the Spotex

¹ Regarding the underlying enforcement/receivership action, on April 15, 2019, the Commodity Futures Trading Commission (the “CFTC”) sued Michael J. DaCorta, Joseph S. Anile, II, Francisco (“Frank”) L. Duran, John J. Haas and Raymond P. Montie, III, as well as three (3) entities they controlled – OIG, OM and Satellite Holdings – in the action styled as *Commodity Futures Trading Commission v. Oasis International Group, Limited, et al.*, Case No. 8:19-cv-00886-VMC-SPF (Apr. 15, 2019 M.D. Fla.). In that action, the CFTC alleged that the individual defendants had operated OIG, OM, Satellite Holdings, and two Oasis pools (Oasis Global FX, Limited and Oasis Global FX, S.A.) as a Ponzi scheme, victimizing the Oasis entities and hundreds of their innocent investors, who are owed more than \$50 million.

Motion to Dismiss was more than 10 days after the ATC and Manoukian Motions to Dismiss, an extension of time is necessary.

6. In addition, an extension through September 24, 2021 is necessary for other reasons. First, a key member of the undersigned's team was just diagnosed with COVID-19 and will be unable for some time to carry out his normal professional obligations. Second, an extension through September 24, 2021 is necessary because of the upcoming Jewish holidays. Third, an extension through September 24, 2021 is necessary because of other significant pending obligations and deadlines in several matters.

7. Based on the above, the Receiver respectfully requests an extension of time through and including September 24, 2021, to do one of two things: either (1) file an Opposition Memorandum to each Motion to Dismiss; or (2) alternatively, file an Amended Complaint. Assuming the Court grants this Motion, the Receiver requests that these two alternatives (*i.e.*, filing Opposition Memoranda or an Amended Complaint) be expressly included in the issued Order.

8. Counsel for Defendants have consented to the requested extension.

MEMORANDUM OF LAW

“Rule 6(b)(1) allows a court (‘for cause shown’ and ‘in its discretion’) to grant a ‘request’ for an extension of time.” *Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 110 S. Ct. 3177, 3202 & n.5 (1990). Thus, under Rule 6(b), a District

Court has “broad discretion to enlarge the time for any action.” *Jarrett v. Toxic Action Wash*, 103 F.3d 129 (6th Cir. 1996). Discretionary extensions “should be liberally granted absent a showing of bad faith . . . or undue prejudice.” *Lizarazo v. Miami-Dade Corr. & Rehab. Dep’t*, 878 F.3d 1008, 1012 (11th Cir. 2017) (quoting *United States v. Miller Bros. Const. Co.*, 505 F.2d 1031, 1035 (10th Cir. 1974)). Based on the above, the Receiver has established good cause for the requested extension of time. As such, the Receiver respectfully requests that the Court grant this Motion and provide the Receiver with an extension of time through and including September 24, 2021, to either (1) file an Opposition Memorandum to each Motion to Dismiss, or (2) alternatively, file an Amended Complaint.

August 25, 2021

Respectfully submitted,

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RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), the Receiver hereby certifies that he has conferred with Defendants' counsel, who do not oppose the requested relief.

/s/Patrick J. Rengstl
Patrick J. Rengstl, Esq.

CERTIFICATE OF SERVICE

I certify that on August 25, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/Patrick J. Rengstl
Patrick J. Rengstl, Esq.