

**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 EXTENSIONS OF TIME TO RESPOND TO
DEFENDANTS' MOTIONS TO DISMISS AMENDED COMPLAINT**

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 extensions of time to respond to the three Motions to Dismiss the Receiver's Amended Complaint, filed by each Defendant through and including the dates identified below, 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 September 24, 2021, the Receiver filed his Amended Complaint (DE 36).

3. On October 22, 2021, all three Defendants filed their respective Motions to Dismiss (DE 41-43). The 21-day response deadline for all three Motions to Dismiss is November 12, 2021.

4. Before filing their Motions to Dismiss, Defendants obtained extensions of time (DE 39-40).

5. The Receiver respectfully requests a 3-week extension of time through and including December 3, 2021, for responding to Manoukian’s Motion to Dismiss (DE 42).

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.

6. The Receiver respectfully requests a 4-week extension of time through and including December 10, 2021, for responding to Spotex's Motion to Dismiss (DE 41).

7. Finally, the Receiver respectfully requests a 4-week plus extension of time through and including December 13, 2021, for responding to ATC's Motion to Dismiss (DE 43).

8. An extension of time is necessary because of other significant pending obligations and deadlines in several matters, including a multi-day arbitration trial scheduled for later this month.

9. In addition, regarding ATC's Motion to Dismiss involving jurisdiction, the Receiver has served jurisdictional requests for production and subpoenas. The undersigned and ATC's counsel have recently discussed the issue of timing for discovery responses and productions, which is anticipated by November 29, 2021. ATC's counsel proposed the deadline for the Receiver's response to ATC's Motion to Dismiss for two weeks later – *i.e.*, on December 13, 2021.

10. The undersigned has informed ATC's counsel that the Receiver may decide to request at least one (or more) jurisdictional deposition(s), but will not be in position to request any deposition(s) until receipt of the jurisdictional discovery responses and productions.

11. If the Receiver, indeed, requests any jurisdictional deposition(s), it would be impossible to schedule and take the deposition(s), obtain the transcript(s) and file the ATC Response by December 13, 2021. Therefore, the Receiver reserves his rights to move for an additional extension of time to respond to ATC's Motion to Dismiss.²

12. Based on the above, the Receiver respectfully requests extensions of time (i) through and including December 3, 2021, to file an Opposition Memorandum to Manoukian's Motion to Dismiss; (ii) through and including December 10, 2021, to file an Opposition Memorandum to Spotex's Motion to Dismiss; and (iii) through and including December 13, 2021, to file an Opposition Memorandum to ATC's Motion to Dismiss.

13. Counsel for Defendants have consented to the requested extensions.

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

² The undersigned has shared these thoughts with ATC's counsel in recent discussions.

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 extensions of time. As such, the Receiver respectfully requests that the Court grant this Motion and provide the Receiver with extensions of time (i) through and including December 3, 2021, to file an Opposition Memorandum to Manoukian’s Motion to Dismiss; (ii) through and including December 10, 2021, to file an Opposition Memorandum to Spotex’s Motion to Dismiss; and (iii) through and including December 13, 2021, to file an Opposition Memorandum to ATC’s Motion to Dismiss.

November 10, 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 November 10, 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.