

**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.

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**RECEIVER’S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND TO DEFENDANT ATC  
BROKERS LTD.’S MOTION 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 an extension of time to respond to the Motion to Dismiss the Receiver’s Amended Complaint, filed by Defendant ATC Brokers Ltd. (“ATC”) through and including January 28, 2022, and states:

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

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).

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

5. The current response deadline for all three Motions to Dismiss is December 13, 2021, based on the recent extension graciously granted by the Court (DE 44-45).

6. The Receiver will be responding to the Manoukian and Spotex Motions on the upcoming December 13<sup>th</sup> deadline.

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<sup>1</sup> 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.

7. However, an extension is necessary for responding to ATC's Motion to Dismiss (DE 43), which solely involves the issue of jurisdiction, because the Receiver is still in the process of taking and receiving jurisdictional discovery from ATC.

8. For example, the Receiver has served jurisdictional requests for production on ATC and Manoukian and subpoenas on nonparties Jack Manoukian and Jennifer Claudio, who signed Declarations (DE 43-1 and -2) in support of ATC's Motion.

9. ATC and the nonparties originally committed to responding and producing by November 29, 2021. However, they subsequently requested from the Receiver and obtained an extension of time through December 6, 2021, to respond and produce documents, which occurred on the evening of December 6<sup>th</sup>. ATC is also in the process of producing additional documents, but has not done such as of this filing.

10. The Receiver has begun his review of the responses and documents. The Receiver has also requested a deposition of ATC's corporate representative on the jurisdictional issues raised in ATC's Motion, the two Declarations, and the jurisdictional discovery served and produced. The Receiver is currently working with ATC's counsel regarding the scheduling and parameters of that deposition.

11. The Receiver obviously needs to schedule and take that deposition, get the transcript, and then respond to ATC's Motion. Given the holidays this month and assuming the Receiver can take the deposition by early January 2022 and wait to get

the transcript thereafter, the Receiver believes he will need until the end of January 2022 to respond to ATC's Motion.

12. Based on the above, the Receiver respectfully requests an extension of time through and including January 28, 2022, to file an Opposition Memorandum to ATC's Motion to Dismiss.

13. Counsel for ATC has graciously 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 January 28, 2022, to file an Opposition Memorandum to ATC's Motion to Dismiss.

December 9, 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 ATC's counsel, who does not oppose the requested relief.

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

**CERTIFICATE OF SERVICE**

I certify that on December 9, 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.**