

**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 AND DEFENDANTS' JOINT MOTION FOR
EXTENSIONS OF TIME FOR DISCLOSURE OF EXPERT REPORTS**

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, and Defendants ATC Brokers Ltd. ("ATC"), David Manoukian ("Manoukian") and Spotex LLC ("Spotex") (collectively, "Defendants") hereby move, on a joint basis, for extensions of time for disclosure of their expert reports, and state:

1. On May 28, 2021, the Receiver filed this ancillary receivership lawsuit against Defendants.¹

2. The Receiver filed his Amended Complaint (DE 36) on September 24, 2021. On October 22, 2021, Defendants filed their Motions to Dismiss. ATC's Motion (DE 43) sought dismissal solely on the issue of personal jurisdiction – namely, that any lawsuit against ATC purportedly belongs in the United Kingdom, not in this District. Manoukian's Motion (DE 42) argued for dismissal based on lack of standing and for failure to state claims, while Spotex's Motion (DE 41) also argued for dismissal based on failure to state claims.

3. On December 13, 2021, the Receiver filed his Memoranda in Opposition to Spotex's and Manoukian's Motions to Dismiss (DE 50 and 51, respectively).

4. On January 28, 2022, after a period of taking jurisdictional discovery with ATC that was necessitated by ATC's motion contesting jurisdiction, the Receiver filed his Memorandum in Opposition (DE 55). On February 9, 2022, ATC filed its Reply (DE 58).

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.

5. On April 14, 2022, Defendants filed their Joint Motion to Stay Discovery (DE 60). On April 25, 2022, the Receiver filed his Memorandum in Opposition (DE 61). On April 27, 2022, the Court denied Defendants' stay request and found:

Here, the court cannot conclude at this time that the motions to dismiss will be granted and, even if so, whether such dismissal would be of the entire amended complaint, against each defendant, and with prejudice. The defendants have not demonstrated good cause and reasonableness for entering a discovery stay. Nor is the court persuaded that the defendants would be prejudiced or highly burdened by engaging in discovery before the motions to dismiss are resolved.

(DE 62 at 5-6.)

6. Pursuant to the Court's Case Management and Scheduling Order (DE 35), the Receiver's disclosure of his expert report is currently due on June 2, 2022. Defendants' disclosure of their expert reports is currently due on June 23, 2022. Any rebuttal report is currently due on July 25, 2022.

7. However, the Receiver's and Defendants' respective experts cannot do their respective reports until fact discovery concludes.

8. The current discovery deadline is September 30, 2022. The parties anticipate – barring any discovery extension of time – concluding discovery at or near the September 30th deadline.

9. The Receiver anticipates that his expert will need approximately 45 days after discovery concludes to finalize and disclose his expert report to Defendants.

10. Based on the above, the Receiver respectfully requests an extension of time through and including November 15, 2022, for the disclosure of his expert report. Defendants have no objection to this requested extension.

11. For the disclosure of their expert reports, Defendants respectfully request an extension of time through and including December 6, 2022, for the disclosure of their expert reports, which tracks the same 3-week responsive period of time from the Case Management and Scheduling Order. The Receiver has no objection to this requested extension.

12. The parties also agree that the deadline for any rebuttal report should be extended through and including January 6, 2023, which tracks the same 1-month responsive period of time from the Case Management and Scheduling Order.

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 parties jointly have established good cause for the requested extensions of time. As such, the parties jointly and respectfully request that

the Court grant this Motion and provide extensions of time for the disclosure of expert reports as follows: (i) the Receiver's expert report on November 15, 2022; (ii) Defendants' expert reports on December 6, 2022; and (iii) any rebuttal expert report on January 6, 2023.

May 31, 2022

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that on May 31, 2022, 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.