

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

BURTON W. WIAND, as Receiver for  
OASIS INTERNATIONAL GROUP, LTD.;  
OASIS MANAGEMENT, LLC; AND  
SATELLITE HOLDINGS COMPANY,

Plaintiff,

v.

Case No: 8:20-cv-00862-VMC-TGW

CHRIS AND SHELLEY ARDUINI, et al.,

Defendants.

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**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT AGAINST  
DEFENDANT ROCCO GARBELLANO**

Plaintiff, BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY ("*Plaintiff*"), through undersigned counsel and pursuant to Fed. R. Civ. P. 55(a), moves the Clerk of Court to enter a default against Defendant, ROCCO GARBELLANO ("*Garbellano*"), for failure to plead or otherwise defend, and states:

1. On April 14, 2020, Plaintiff filed his Complaint against Garbellano (Doc. 1).
2. On May 4, 2020, Plaintiff notified Garbellano of this action and requested a waiver of the service of summons pursuant to Fed.R.Civ.P. Rule 4(d).
3. Garbellano served Plaintiff with the executed waiver, which required him to file a responsive pleading on or before July 6, 2020. See executed Waiver of Service filed on June 16, 2020 (Doc. 162), attached hereto as **Exhibit "A."**
4. As of the date of this filing, Garbellano has not filed a responsive pleading or

**ENGLANDER FISCHER**

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otherwise defended this action.

WHEREFORE, Plaintiff moves the Clerk of Court for entry of a Clerk's Default against Garbellano.

July 16, 2020.

Respectfully submitted,

ENGLANDER FISCHER

/s/ Beatriz McConnell

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this day I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and served a copy by U.S. Mail to Rocco Garbellano, 48 Clark Street, Poughkeepsie, NY 12601.

/s/ Beatriz McConnell

*Attorney for Plaintiff*

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WAIVER OF THE SERVICE OF SUMMONS

TO: Beatriz McConnell, Esquire  
Englander and Fischer LLP  
721 First Ave. North  
St. Petersburg, FL 33701

I acknowledge receipt of your request that I, or the entity I represent, waive service of summons in the above-captioned lawsuit, along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to avoid the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will retain all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from May 4, 2020, the date when this request was sent. If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 6/15/20

  
Rocco Garbellano

**Exhibit "A"**