

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.

**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT AGAINST
DEFENDANT SHERRY BARRY AKA MORGAN ALBRIGHT**

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, SHERRY BARRY AKA MORGAN ALBRIGHT ("**Barry**"), for failure to plead or otherwise defend, and states:

1. On April 14, 2020, Plaintiff filed his Complaint against Barry (Doc. 1).
2. On May 4, 2020, Plaintiff notified Barry of this action and requested a waiver of the service of summons pursuant to Fed.R.Civ.P. Rule 4(d).
3. Barry served Plaintiff with the executed waiver, which required her to file a responsive pleading on or before July 6, 2020. See executed Waiver of Service filed on June 9, 2020 (Doc. 18), attached hereto as **Exhibit "A."**

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4. As of the date of this filing, Barry has not filed a responsive pleading or otherwise defended this action.

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

July 16, 2020.

Respectfully submitted,

ENGLANDER FISCHER

/s/ Beatriz McConnell

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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 Sherry Barry AKA Morgan Albright, 2 Sweetbriar Lane, Queensbury, NY 12804.

/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: 1 June 2020

Morgan Albright
Sherry Barry (name change 6/2013)

Exhibit "A"