

**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.

**RECEIVER'S MOTION FOR EXTENSION OF TIME TO FILE OMNIBUS RESPONSE
TO MOTIONS TO QUASH SUMMONS AND OBJECT TO JURISDICTION
(DOCS. 232-243, 258-261) AND REQUEST FOR STATUS CONFERENCE**

Plaintiff, BURTON W. WIAND, as receiver for OASIS INTERNATIONAL GROUP, LTD., OASIS MANAGEMENT, LLC, and SATELLITE HOLDINGS COMPANY (the “*Receiver*”), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 6, moves this Court for an enlargement of time of nine (9) days¹ to file an Omnibus Response in Opposition to nearly identical motions filed by *pro se* defendants in this case at Doc. Nos. 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 258, 259, 260, and 261 (collectively, the “*Pro Se Motions*”) no later than August 12, 2020. Additionally, the Receiver requests a brief status

¹ Doc. Nos. 232, 233, 234, 235, 236, and 237 were filed on July 20, 2020, therefore the Receiver's response is due August 3, 2020. Doc. Nos. 238, 239, 240, 241, 242, and 243 were filed on July 21, 2020 and require the Receiver's response by August 4, 2020. Doc. Nos. 258, 259, and 260 were filed on July 22, 2020 and require the Receiver's response by August 5, 2020. Doc. No. 261 was filed on July 23, 2020 and requires the Receiver's response by August 6, 2020.

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conference to address issues related to the *pro se* defendants and to ensure the parties can communicate and confer, as required by the Court's orders and the Local Rules.

Local Rule 3.01(g) Good Faith Certificate

Pursuant to M.D. Fla. Local Rule 3.01(g), the undersigned certifies that they attempted to confer with *pro se* defendants Life's Elements, Inc., Tim Hunte, Richard Hubbard, Courtney Hubbard, Chris Arduini, Shelley Arduini, Patrick Flander, Frank Nagel, David Paul Lipinczyk, Vince Petralis, Jr., Alan Johnston, Chad Hicks, Black Dragon Capital, LLC, Kevin Kerrigan, Kerrigan Management, Inc., Anna Fuksman, Henry Fuksman, and Vince Petralis, Sr., via telephone and email on July 29, 2020 and again on July 30, 2020, regarding the relief sought in this motion, and did not receive any communication in response. Counsel also contacted Brent Winters, an attorney who previously claimed that he is counsel to the aforementioned *pro se* defendants, but Mr. Winters did not respond. Counsel's previous attempts to contact the *pro se* defendants have gone unreturned, which is one of the bases for the status conference request set forth herein. Counsel for defendants, Joseph Martini and Joseph Martini, Jr., and counsel for defendants, Bradley & Carrie Kantor do not oppose the relief sought herein. Counsel will continue to attempt contact to confer with the *pro se* defendants regarding this motion and will supplement this motion accordingly.

Executive Summary

Between July 20, 2020 and July 23, 2020, eighteen (18) *pro se* defendants, residing in five (5) different states, filed nearly identical Pro Se Motions raising the same legal issue – a factually and legally baseless challenge to this Court's personal jurisdiction over them. Three (3) of the *pro se* defendants (Life's Elements, Inc., Black Dragon Capital, LLC, and Kerrigan Management, Inc.) are entities that may ***only*** appear and be heard through counsel pursuant to Local Rule 2.03(e). To resolve the Pro Se Motions in an efficient manner and to conserve judicial resources, the Receiver seeks to address the Defendants' argument in a single, omnibus opposition (as opposed to through

numerous separate but similar filings). In order to do so, he seeks a brief extension of the pertinent response deadlines through August 12, 2020.

In addition, prior to filing the Pro Se Motions, an attorney, Brent Winters, contacted undersigned counsel and claimed to represent all the *pro se* defendants that filed the Pro Se Motions. Undersigned counsel's correspondence with Mr. Winters is referenced in the Pro Se Motions and shown below.²

20. On 4 June 2020, Defendants requested clarification as to the statutory authority under which Plaintiff was intending to issue summons to Defendant. That same day, Attorney Beatriz McConnell cited authority to issue summons under 28 U.S.C. § 754 and 28 U.S.C. § 1692.

Since then, however, all attempts to contact and confer with the *pro se* Defendants have been unsuccessful. Importantly, Mr. Winters does not appear to be licensed to practice law in Florida or before the United States District Court for the Middle District of Florida. In a section on his website entitled, "Legal Services," Mr. Winters claims to provide "word-smithing" services along with "pleading & brief writing." This includes "[w]riting and re-writing of pleadings for *pro se* litigants."³ Although this case is in its early stages, the Receiver has serious concerns about the Defendants' and Mr. Winters' conduct.

As a practical example, the Court has already ordered the Receiver to meet and confer with the Defendants to submit a case management report, but that will not be possible if they refuse to communicate with the Receiver's counsel. More importantly, litigating motions that purport to have been submitted *pro se* but were actually ghostwritten by an out-of-state lawyer who is not

² See ¶ 20 of Doc. Nos. 232, 233, 234, 236, 238, 239, 241, 242, and 258. Doc. Nos. 235, 237, 240, 243, 259, 260, and 261 were "Motions to Joinder" that did not include reference to this communication.

³ See https://commonlawyer.com/?page=Legal_Services, accessed July 30, 2020.

admitted to practice in Florida or before this Court will immensely complicate this dispute and waste both Receivership and judicial resources. The Receiver has attempted to determine whether the foregoing is occurring here, but as noted above, neither the Defendants nor Mr. Winters have responded to counsels' communications. The Receiver wishes to bring this potential issue to Court's attention because it raises serious legal and ethical questions. Consequently, the Receiver believes a status conference could address these questions and streamline this case by avoiding future issues.

Memorandum of Law

This memorandum of law is submitted in support of the foregoing motion as required by Local Rule 3.01(a). This Court has jurisdiction to grant extensions of time pursuant to Fed. R. Civ. P. 6(b)(1)(A), which provides in pertinent part:

(b) Extending Time.

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires...

The Receiver requests that the Court grant an extension and allow him to file an omnibus response to the Pro Se Motions no later than August 12, 2020. The requested extension would in no way prejudice any party or inconvenience the Court.

Moreover, Mr. Winters' purported representation of and ghostwriting for the *pro se* Defendants warrants the Court's attention. *See, e.g., Florida Bar v. Schramek*, 616 So. 2d 979 (Fla. 1993) (recognizing that a non-lawyer who drafts legal documents for someone else is engaged in the unauthorized practice of law); Fla. Bar. R. 10-2.2(b)(2) ("It shall constitute the unlicensed

practice of law for a nonlawyer to give legal advice, to give advice on remedies or courses of action, or to draft a legal document for a particular self-represented person."); Fla. Stats. § 454.23 (categorizing the unlicensed practice of law as a third-degree felony and requiring disgorgement of fees); Comment, Fla. Bar R. 4-1.2 ("If the lawyer assists a *pro se* litigant by drafting any document to be submitted to a court, the lawyer ... must indicate 'Prepared with the assistance of counsel' on the document to avoid misleading the court, which otherwise might be under the impression that the person, who appears to be proceeding *pro se*, has received no assistance from a lawyer."). Thus, the Receiver requests a status conference to address these questions and facilitate communications between the *pro se* Defendants and the Receiver as required by this Court's Case Management Order and the Local Rules.

WHEREFORE, the Receiver respectfully requests that this Court grant the requested extension and schedule a status conference to address issues related to the *pro se* Defendants and to ensure the parties can communicate and confer as required under the Court's Orders and the Local Rules.

July 31, 2020.

Respectfully submitted,

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/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 will send copies by U.S mail and email as indicated to the following:

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