

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 DEFAULT JUDGMENT AGAINST  
DEFENDANT JOHN BACON

Plaintiff, BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY ("**Plaintiff**"), pursuant to Fed. R. Civ. P. 55(b)(1) and Local Rule 1.07(b), moves the Clerk of Court to enter a default judgment in the amount of \$7,500.00 against Defendant, JOHN BACON ("**Bacon**"), plus prejudgment interest beginning from the date of the each false profit distribution through July 31, 2020 in the amount of \$2,553.66 and continuing thereafter at a per diem rate as a decimal of .000164754, and states as follows:

1. On April 15, 2019, Plaintiff was appointed by the Court presiding over *C.F.T.C. v. Oasis International Group, Ltd.*, Case No. 8:19-CV-886-T-33SPF (M.D. Fla.) (the "**Receivership**")

ENGLANDER FISCHER

A T T O R N E Y S

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*Case*”), as the Receiver and directed Plaintiff to take custody, control and possession of the Receivership Estate. *See* Wiand Affidavit attached hereto as **Exhibit “A.”** (Exhibit A ¶ 2).

2. In connection with Plaintiff’s appointment in the Receivership Case, Plaintiff initiated this action and on April 14, 2020, Plaintiff filed his Complaint against Bacon (Doc. 1). (Exhibit A ¶ 3).

3. On May 4, 2020, Plaintiff notified Bacon of this action and requested a waiver of the service of summons pursuant to Fed.R.Civ.P. Rule 4(d). (Exhibit A ¶ 4).

4. Bacon served Plaintiff with the executed waiver, which required him to file a responsive pleading on or before July 6, 2020. (Doc. 161). (Exhibit A ¶ 5).

5. Bacon failed to serve or file a responsive pleading or otherwise defend this action. On July 16, 2020, Plaintiff moved for entry of a clerk’s default. (Doc. 221). On July 17, 2020, the Clerk entered a default against Bacon. (Doc. 229). (Exhibit A ¶ 6).

6. Upon information and belief, Bacon is not an infant, an incompetent person or an active duty member of the U.S. Military. (Exhibit A ¶ 7).

7. As set forth in the Complaint, Plaintiff seeks recovery of a sum certain in the amount of \$7,500.00 against Bacon plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,553.66 and continuing thereafter at a per diem rate as a decimal of .000164754. *See* Compl. Ex. A at 4 (Doc. 1); (Exhibit A ¶ 8).

### ***Legal Memorandum***

Fed.R.Civ.P. 55(a) provides that, “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Additionally, Rule 55(b)(1) provides that if the plaintiff’s claim is for an amount certain or can be made by certain

computation (on plaintiff's request and with an affidavit showing the amount due), the clerk must enter judgment for that amount against a defaulted defendant. In this case, because Bacon failed to respond to the Complaint, Bacon is neither a minor nor an incompetent person, and Plaintiff has set forth the sum certain of \$7,500.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,553.66, and continuing thereafter at a per diem rate as a decimal of .000164754 with an affidavit showing same, the Clerk must enter a default judgment in the amount of \$7,500.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,553.66 and continuing thereafter at a per diem rate as a decimal of .000164754.

WHEREFORE, Plaintiff moves for entry of a Default Judgment in the amount of \$7,500.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,553.66 and continuing thereafter at a per diem rate as a decimal of 0.000164754 against Bacon.

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 by U.S. mail: Gregory Bacon, 35 McCloud Road, Lafayette, NJ 07848.

Dated: August 11, 2020

/s/ Beatriz McConnell  
*Attorney for Plaintiff*

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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**AFFIDAVIT OF PLAINTIFF BURTON W. WIAND IN SUPPORT  
OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST  
DEFENDANT JOHN BACON**

STATE OF FLORIDA                     )  
  )  
COUNTY OF HILLSBOROUGH        )

BEFORE ME, the undersigned authority, appeared Burton W. Wiand, who, first being  
duly sworn, deposes and says:

1. I am an attorney with Wiand Guerra King P.L. in Tampa, Florida. I make this  
affidavit in support of the Plaintiff's Motion for Default Judgment Against Defendant John Bacon  
("**Bacon**"). I make this affidavit based on information personally known to me or gathered by me  
or by others at my request.

2. On April 15, 2019, I was appointed by the Court presiding over *C.F.T.C. v. Oasis  
International Group, Ltd.*, Case No. 8:19-CV-886-T-33SPF (M.D. Fla.) (the "**Receivership  
Case**"), as the Receiver and directed to take custody, control and possession of the Receivership  
Estate.

**Exhibit "A"**

3. In connection with my appointment in the Receivership Case, I initiated this action and on April 14, 2020, I filed the Complaint against Bacon (Doc. 1).

4. On May 4, 2020, I notified Bacon of this action and requested a waiver of the service of summons pursuant to Fed.R.Civ.P. Rule 4(d).

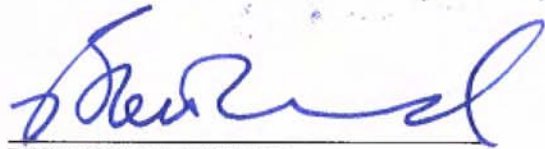
5. Bacon served me with the executed waiver, which required him to file a responsive pleading on or before July 6, 2020. (Doc. 161).

6. Bacon failed to serve or file a responsive pleading or otherwise defend this action. On July 16, 2020, Plaintiff moved for entry of a clerk's default. (Doc. 221). On July 17, 2020, the Clerk entered a default against Bacon. (Doc. 229).

7. Upon information and belief, Bacon is not an infant, an incompetent person or an active duty member of the U.S. Military.

8. As set forth in the Complaint, I seek recovery of a sum certain in the amount of \$7,500.00 against Bacon plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,553.66 and continuing thereafter at a per diem rate as a decimal of .000164754. See Compl. Ex. A at 4 (Doc. 1).

FURTHER AFFIANT SAYETH NAUGHT.



BURTON W. WIAND

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgements in the state aforesaid and in the county aforesaid, BURTON W. WIAND personally appeared to me, who is personally known to me to be the person described herein and executed the foregoing and acknowledged before me that he executed the same.

SWORN TO AND SUBSCRIBED before the undersigned this 18<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
NOTARY PUBLIC

