

**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 DEFAULT JUDGMENT AGAINST
DEFENDANTS JOSEPH CHARLES & CUSHAUN CHARLES**

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 joint and several default judgment in the amount of \$27,211.26 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$7,573.57 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against Defendants, JOSEPH CHARLES (“*J. Charles*”) and CUSHAUN CHARLES (“*C. Charles*”), 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
ATTORNEYS**

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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.”**

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 J. Charles and C. Charles (Doc. 1). (Exhibit A ¶ 3).

3. On June 30, 2020, Plaintiff served J. Charles and C. Charles with the summons and complaint. *See* Affidavits of Service filed on July 16, 2020. (Docs. 201 and 202). (Exhibit A ¶ 4).

4. J. Charles and C. Charles failed to serve or file responsive pleadings or otherwise defend this action. (Exhibit A ¶ 6). On July 23, 2020, Plaintiff moved for entry of a clerk’s default against J. Charles and C. Charles. (Docs. 262 and 263). On July 28, 2020, the Clerk entered a default against J. Charles and C. Charles. (Doc. 278 and 279). (Exhibit A ¶ 5).

5. Upon information and belief, J. Charles and C. Charles are not infants or incompetent persons or active duty members of the U.S. Military. (Exhibit A ¶ 6).

6. As set forth in the Complaint, Plaintiff seeks recovery of a sum certain in the amount of \$27,211.26 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$7,573.57 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against J. Charles and C. Charles—joint and severally. *See* Compl. Ex. A at 12 (Doc. 1); (Exhibit A ¶ 7).

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 J. Charles and C. Charles failed to respond to the Complaint, J. Charles and C. Charles are neither a minor nor an incompetent person, and Plaintiff has set forth the sum certain of \$27,211.26 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$7,573.57, and continuing thereafter at a per diem rate as a decimal of 0.0001647540 with an affidavit showing same, the Clerk must enter a default judgment in the amount of \$27,211.26 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$7,573.57 and continuing thereafter at a per diem rate as a decimal of 0.0001647540.

WHEREFORE, Plaintiff moves for entry of a Default Judgment in the amount of \$27,211.26 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$7,573.57 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against J. Charles and C. Charles—joint and several.

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 by U.S. mail: Joseph Charles, 471 Cary Ave., Staten Island, NY 10310 and Cushaun Charles, 471 Cary Ave., Staten Island, NY 10310.

Dated: August 11, 2020.

/s/ Beatriz McConnell
Attorney for Plaintiff

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

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Defendants.

**AFFIDAVIT OF PLAINTIFF BURTON W. WIAND IN SUPPORT
OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST
DEFENDANTS JOSEPH CHARLES AND CUSHAUN CHARLES**

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 Entry of Default and Default Judgment Against
Defendants, JOSEPH CHARLES ("*J. Charles*") and CUSHAUN CHARLES ("*C. Charles*"). 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 "¹A"

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

4. On June 30, 2020, I served J. Charles and C. Charles with the summons and complaint. See Affidavits of Service filed on July 16, 2020. (Docs. 201 and 202).

5. J. Charles and C. Charles failed to serve or file responsive pleadings or otherwise defend this action. On July 23, 2020, Plaintiff moved for entry of a clerk's default against J. Charles and C. Charles. (Docs. 262 and 263). On July 28, 2020, the Clerk entered a default against J. Charles and C. Charles. (Doc. 278 and 279).

6. Upon information and belief, J. Charles and C. Charles are not infants, incompetent persons or an active duty members of the U.S. Military.

7. As set forth in the Complaint, I seek recovery of a sum certain in the amount of \$27,211.26 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$7,573.57 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against J. Charles and C. Charles—joint and severally. See Compl. Ex. A at 12 (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 16th day of August, 2020.



NOTARY PUBLIC

