

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  
DEFENDANTS RON CLARK & KIM CLARK

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 \$5,374.40 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,040.17 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against Defendants, RON CLARK ("**R. Clark**") and KIM CLARK ("**K. Clark**"), 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  
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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 R. Clark and K. Clark (Doc. 1). (Exhibit A ¶ 3).

3. On July 7, 2020, Plaintiff served R. Clark and K. Clark with the summons and complaint. *See* Affidavits of Service filed on July 10, 2020. (Docs. 189 and 190). (Exhibit A ¶ 4).

4. R. Clark and K. Clark failed to serve or file responsive pleadings or otherwise defend this action. (Exhibit A ¶ 6). On August 4, 2020, Plaintiff moved for entry of a clerk’s default against R. Clark and K. Clark. (Docs. 298 and 299). On August 5, 2020, the Clerk entered a default against R. Clark and K. Clark. (Doc. 303 and 304). (Exhibit A ¶ 5).

5. Upon information and belief, R. Clark and K. Clark 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 \$5,374.40 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,040.17 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against R. Clark and K. Clark—joint and severally. *See* Compl. Ex. A at 14 (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 R. Clark and K. Clark failed to respond to the Complaint, R. Clark and K. Clark are neither a minor nor an incompetent person, and Plaintiff has set forth the sum certain of \$5,374.40 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,040.17 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 \$5,374.40 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,040.17 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 \$5,374.40 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,040.17 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against R. Clark and K. Clark—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 to Ron Clark, 6016 Hardrock Circle, Orlando, FL 32819 and Kim Clark, 6016 Hardrock Circle, Orlando, FL 32819.

Dated: August 11, 2020.

/s/ Beatriz McConnell  
*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT  
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v.

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

CHRIS AND SHELLEY ARDUINI, et al.,

Defendants.

**AFFIDAVIT OF PLAINTIFF BURTON W. WIAND IN SUPPORT OF PLAINTIFF'S  
MOTION FOR DEFAULT JUDGMENT AGAINST  
DEFENDANTS RON CLARK AND KIM CLARK**

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, RON CLARK ("*R. Clark*") and KIM CLARK ("*K. Clark*"). 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.

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

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6. Upon information and belief, R. Clark and K. Clark 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 \$5,374.40 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$2,040.17 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against R. Clark and K. Clark—joint and severally. See Compl. Ex. A at 14 (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 10<sup>th</sup> day of August, 2020.

  
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NOTARY PUBLIC

