

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
DEFENDANT CHARLES HUCKABEE

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 \$28,300.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$3,288.53 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against Defendant, CHARLES HUCKABEE ("**Huckabee**"), 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 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."**

ENGLANDER FISCHER

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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 Huckabee (Doc. 1). (Exhibit A ¶ 3).

3. On May 4, 2020, Plaintiff notified Huckabee 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. Huckabee served Plaintiff with the executed waiver, which required him to file a responsive pleading on or before July 6, 2020. (Doc. 10). (Exhibit A ¶ 5).

5. Huckabee failed to serve or file a responsive pleading or otherwise defend this action. (Exhibit A ¶ 6). On July 16, 2020, Plaintiff moved for entry of a clerk's default. (Doc. 218). On July 17, 2020, the Clerk entered a default against Huckabee. (Doc. 226). (Exhibit A ¶ 6).

6. Upon information and belief, Huckabee 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 \$28,300.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$3,288.53 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against Huckabee. *See* Compl. Ex. A at 41 (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 Huckabee failed to respond to the Complaint, Huckabee is neither a minor nor an incompetent person nor in the military, and Plaintiff has set forth the sum certain of \$28,300.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$3,288.53 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 \$28,300.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$3,288.53 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 \$28,300.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$3,288.53 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against Huckabee.

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: Charles Huckabee, 2241 Hawick Ln., Winter Park, FL 32792.

Dated: August 11, 2020.

/s/ Beatriz McConnell
Attorney for Plaintiff

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

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

5. Huckabee timely served me with the executed waiver, which required him to file a responsive pleading on or before July 6, 2020. (Doc. 10).

6. Huckabee 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. 218). On July 17, 2020, the Clerk entered a default against Huckabee. (Doc. 226).

7. Upon information and belief, Huckabee 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 \$28,300.00 plus prejudgment interest beginning from the date of each false profit distribution through July 31, 2020 in the amount of \$3,288.53 and continuing thereafter at a per diem rate as a decimal of 0.0001647540 against Huckabee. See Compl. Ex. A at 41 (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 10th day of August, 2020.



NOTARY PUBLIC

