

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BURTON W. WIAND, as Receiver for
Oasis International Group, Ltd., *etc.*
Plaintiff,

v.

CASE NO. 8:20-cv-862-T-33TGW

CHRIS AND SHELLEY ARDUINI,
et al.,
Defendants.

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ORDER

THIS CAUSE came on for consideration upon the Plaintiff's Motions for Default Judgment Against Defendants John Bacon; Morgan Albright, f/k/a Sherry Barry; Joseph Charles and Cushaun Charles; Ron Clark and Kim Clark; Gregory Corcoran; Thomas Daidone and Anne Daidone; Mariana Duenas; Rocco Garbellano; Charles Huckabee; Impulse Ventures, Inc.; Wayne Lynch; James Jackson; Shawn Marshall; Kathryn McClare; Jean Monahan and Stephen Monahan; Jerry Puccio; Michael Rubel; Jay Renner; Joseph Lavecchia and Lynne Lavecchia; Matthew Leach; Maria Charuk; Ford Sumner; Carmine Vona; Stefania Wood and Zhuo Xu (Docs. 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 364, 365, 366, 367, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380). The motions, which

were referred to me, are deficient.

It is axiomatic that the plaintiff is not entitled to entry of a default judgment merely because a default has been entered against a defendant. See Nishimatsu Const. Co., Ltd. v. Houston Nat. Bank, 515 F.2d 1200, 1206 (5th Cir.1975). Thus, “[t]he defendant is not held to admit facts that are not well-pleaded or to admit conclusions of law.” Id. Therefore, the plaintiff must state the elements of his claim (under Florida’s Uniform Fraudulent Transfer Act or its alternative unjust enrichment count) with citations to legal authority and show how the well-pleaded allegations of the complaint establish each of those elements. See Local Rule 3.01(a) (requiring that all motions or other applications for an order shall include a memorandum of authority in support of the request). Furthermore, the plaintiff must set forth the factual basis for the requested damages from each defendant. Conclusory evidence from which the calculations and factual underpinnings cannot be discerned are insufficient (see, e.g., Doc. 313, ¶7).

It is therefore, upon consideration,

ORDERED:

That the Plaintiff’s Motions for Default Judgment Against Defendants John Bacon; Morgan Albright, f/k/a Sherry Barry; Joseph Charles and Cushaun Charles; Ron Clark and Kim Clark; Gregory Corcoran;

Thomas Daidone and Anne Daidone; Mariana Duenas; Rocco Garbellano; Charles Huckabee; Impulse Ventures, Inc.; Wayne Lynch; James Jackson; Shawn Marshall; Kathryn McClare; Jean Monahan and Stephen Monahan; Jerry Puccio; Michael Rubel; Jay Renner; Joseph Lavecchia and Lynne Lavecchia; Matthew Leach; Maria Charuk; Ford Sumner; Carmine Vona; Stefania Wood and Zhuo Xu (Docs. 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 364, 365, 366, 367, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380) are **DENIED without prejudice**.

DONE and ORDERED at Tampa, Florida, this 24th day of August, 2020.



THOMAS G. WILSON
UNITED STATES MAGISTRATE JUDGE