

**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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**RECEIVER'S RESPONSE IN OPPOSITION TO DEFENDANT KAYLA CROWLEY'S  
MOTION TO QUASH SERVICE OF PROCESS [DOC. 381] AND REQUEST FOR  
SUBSTITUTE SERVICE OF PROCESS**

Plaintiff, BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; and SATELLITE HOLDINGS COMPANY ("**Receiver**"); through undersigned counsel and pursuant to Fed. R. Civ. P. 4 and Local Rule 3.01(b), files this Response in Opposition to Defendant Kayla Crowley's Motion to Quash Service of Process (Doc. 381), and states:

***Factual Background***

1. On April 14, 2020, the Receiver initiated this action against ninety-four (94) defendants residing in multiple states throughout the country under the Florida Uniform Fraudulent Transfer Act, Fla. Stat. § 726.101 and, in the alternative, a claim for unjust enrichment. (Doc. 1).

2. Originally, the Receiver attempted to serve one of the defendants, Kayla Crowley, at the residential address: 1221 Goose Pond Road, Hamlin, PA, 18427 ("**Goose Pond**").

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3. The Receiver's process server attempted service on three (3) separate occasions and determined that no one had been on the property. A true and correct copy of email correspondence from the Receiver's process server outlining service attempts is attached hereto as **Exhibit "A."**

4. Further investigation revealed that the Goose Pond residence is owned by Raymond P. Montie, III, the chief salesperson of the Ponzi scheme that brought about this fraudulent transfer action.

5. Given that the Receiver's process server determined that no one had been at the Goose Pond residence and that the property was owned by Mr. Montie, the Receiver performed additional background searches on Ms. Crowley and discovered possible residential addresses.

6. Ms. Crowley's driver's license lists a Post Office box as her address and research revealed that she may have been residing with her parents in New Hampshire.

7. Accordingly, on July 30, 2020, the Receiver's process server served Ms. Crowley via substitute service by delivering original process to her parents at the New Hampshire address.

8. On August 19, 2020, Ms. Crowley filed her Motion to Quash stating that she did not reside in New Hampshire (Doc 381).

9. In her Motion, Ms. Crowley states that the correct service address is Goose Pond, but that she travels often.

10. Since filing her Motion to Quash, the Receiver's process servers have called and emailed Ms. Crowley in attempts to coordinate service with her around her travel schedule.

11. To date, Ms. Crowley has not coordinated service.

12. Accordingly, Receiver requests that the Court: (1) deny the Motion to Quash under RSA 510:8; (2) enter an order directing a substitute method of service under 231 Pa. Code Rule

430; or (3) require Ms. Crowley to coordinate service at the Goose Pond address within ten (10) days.

*Memorandum of Law*

**The Motion to Quash Should Be Denied Because Ms. Crowley Has Sufficient Notice**

To determine whether the Receiver properly served Defendant, the Court must look to the law of the state where the district court is located (Florida) or where service was made (New Hampshire). *See* Fed. R. Civ. P. 4(e)(1). New Hampshire law provides that service on an individual be made by giving copies to the defendant or leaving a copy at his or her abode. RSA 510:2. However, RSA 510:8 provides for other means of service upon non-residents:

When the defendant is not an inhabitant of the state, and no mode of serving the writ is prescribed, **or service thereof cannot be made in the mode prescribed**, the action may be entered in court and such notice ordered as the case requires, and notice of the pendency of the suit, given according to the order, shall be sufficient service. (Emphasis added).

Here, Defendant claims she is not a resident of New Hampshire and instead resides at Goose Pond. The Receiver's process server attempted service at the Good Pond address on three (3) occasions without success. Defendant's Motion states that she often travels and has not coordinated service of process with Receiver, despite the Receiver's multiple attempts. Given that Ms. Crowley has sufficient knowledge of the lawsuit filed against her, the Court should deny the Motion and enter an Order in accordance with RSA 510:8 constituting sufficient service on Ms. Crowley.

**The Court Should Direct Substitute Service Via Mail Pursuant to Penn. R. Civ. P. Rule 430**

To the extent the Court is inclined to grant the Motion to Quash, the Court should enter a special order permitting substitute service via mail. Ms. Crowley claims she resides at Goose Pond for purposes of service of process. Pursuant to Penn. R. Civ. P. Rule 430, if service cannot be made, Plaintiff may move the court for a special order directing the method of service. "The motion

shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.” Penn. R. Civ. P. Rule 430. An order permitting service mailed to the last known address requires a “good faith effort” to discover the correct address. *Adoption of Walker*, 360 A.2d 603 (Pa. 1976). In *Jurina v. GTS Transportation Corp.*, the plaintiff requested that the court permit service by mail. 2020 WL 2104752 at \*1 (W.D. Penn. 2020). In support of plaintiff’s request, plaintiff’s affidavit outlined the four (4) in-person service attempts made at the address believed to belong to the defendant. *Id.* at \*2. The court held that plaintiff met the conditions necessary for service by mail under Penn. R. Civ. P. Rule 430. *Id.* (holding that plaintiff engaged in good faith efforts to locate defendant’s address and made practical efforts to serve defendant by effectuating service on different days of the week at different times of the day).

Similarly here, as stated in the Affidavit of Alicia Gangi in Support of Plaintiff’s Response in Opposition to Defendant Kayla Crowley’s Motion to Quash Service of Process and Request for Substitute Service of Process attached hereto as **Exhibit “B,”** the Receiver has engaged in good faith efforts to properly locate and serve Ms. Crowley with no success. The Receiver’s process server attempted service at Goose Pond on three (3) different days of the week at different times:

1. Monday, July 6, 2020 at 9:05 am;
2. Wednesday, July 8, 2020 at 2:15 pm; and
3. Saturday, July 11, 2020 at 6:30 pm.

(See Ex. A).

Given the diligent attempts by the Receiver to serve Ms. Crowley, her knowledge of this litigation, and her failure to coordinate service, the Court should enter an order directing service by mail on Defendant, Kayla Crowley at the Goose Pond address she provided in her Motion to Quash. This

alternative method of service would conserve the Receivership's resources and allow the issues to be resolved on the merits.

Finally, in the alternative, the Receiver requests that the Court enter an Order compelling Ms. Crowley to coordinate service with the Receiver's counsel within ten (10) days.

Respectfully submitted,

ENGLANDER FISCHER

/s/Alicia Gangi

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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 a copy by

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Dated: September 2, 2020.

/s/Alicia Gangi  
*Attorney for Plaintiff*

**Tara Dillon**

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**From:** status <status@trgtlegal.com>  
**Sent:** Tuesday, July 28, 2020 4:27 PM  
**To:** Tara Dillon <tdillon@eflegal.com>  
**Subject:** RE: RCG Status on (Crowley, Kayla) -6005.004

Please see our server's attempts at the 1221 Goose Pond Road.  
Attempted service 1221 Goose Pond Road, Hamlin, Pa., on three separate occasions with no success. 7/6/2020 at 9:05AM there was no response at the door. It is a large, 2 story brown lake house with a 2 car garage away from the house and a black Honda Civic PA plate number KKT-4699 parked in the driveway. Left a business card in the door at this time. Returned to the property on 7/8/2020 at 2:15 PM. The car was still in the driveway and the card still in the door where it was left and no response at the door. On 7/11/2020 at 6:30PM once again returned. The black Honda was in the same position and the card was still in the door. No one has been at the property as far as I can tell

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**Exhibit "A"**





5. With Ms. Crowley's personal information, we determined that Ms. Crowley may reside at 1221 Goose Pond Road, Hamlin, PA, 18427 ("*Goose Pond*").

6. On July 6, 2020, TRGT Legal attempted service at Goose Pond and there was no response at the door. TRGT Legal left its business card at the property.

7. On July 8, 2020, TRGT Legal returned to the property and the business card was still in the door where it was originally left. Again, there was no response at the door.

8. On July 11, 2020, TRGT Legal returned for a third time and the business card was still in the door. At that time, TRGT Legal determined that no one had been to the property.

9. After the third failed attempt, our office and TRGT Legal used Ms. Crowley's personal information to uncover additional possible addresses.

10. We learned that Ms. Crowley listed her address on her driver's license as PO Box 190 Hamlin, PA 18427-0190. At that time, TRGT Legal confirmed that the address was in fact a PO Box and not residential.

11. On or about July 21, 2020, our office hired a second investigative process server, Perry Legal, to uncover additional addresses for Ms. Crowley.

12. It was then determined that Ms. Crowley may be living with her parents.

13. Accordingly, on July 30, 2020, Perry Legal served Ms. Crowley via substitute service at her parents' residential address.

14. On August 19, 2020, Ms. Crowley filed a Motion to Quash stating that she did not reside with her parents.

15. Since the filing of our Motion, I've directed Perry Legal to contact Ms. Crowley via telephone and email to coordinate service at Goose Pond.

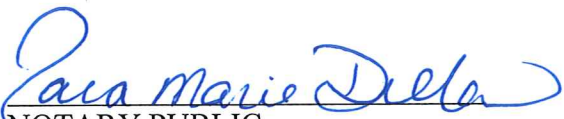
16. To date, we have received no response from Ms. Crowley, who stated she travels frequently in her Motion to Quash.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Alicia Gangi

SWORN TO AND SUBSCRIBED before me this 2nd day of September, 2020, by Alicia Gangi, who is personally known to me or who produced \_\_\_\_\_ as identification and who did take an oath and states that the foregoing is true and correct.

**TARA MARIE DILLON**  
Notary Public, State of Florida  
My Comm. Expires Jan. 01, 2024  
No. GG 943316

  
\_\_\_\_\_  
NOTARY PUBLIC  
Print name: Tara Marie Dillon  
My commission expires: 01/01/24