

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE No: 20-00862-VMC-TGW

BURTON W. WIAND, AS RECEIVER FOR)
OASIS INTERNATIONAL GROUP, LTD.,)
OASIS MANAGEMENT, LLC; AND)
SATELLITE HOLDING COMPANY,)
PLAINTIFF.)
)
V.)
)
CHRIS AND SHELLEY ARDUINI, ET. AL.,)
DEFENDANTS.)
_____)

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CLERK, US DISTRICT COURT
MIDDLE DISTRICT FLORIDA
TAMPA, FLORIDA

FILED

NOTICE OF JOINDER

To

**“BY SPECIAL APPEARANCE:
DEFENDANT’S NOTICE OF FILING SUPPLEMENTAL EVIDENCE IN
SUPPORT OF MOTION BY SPECIAL APPEARANCE TO QUASH SUMMONS
AND OBJECT TO JURISDICTION”**

1. Kevin Kerrigan, Defendant pro per, joins Alan Johnston’s “NOTICE OF FILING SUPPLEMENTAL EVIDENCE IN SUPPORT OF MOTION BY SPECIAL APPEARANCE TO QUASH SUMMONS AND OBJECT TO JURISDICTION” (“Notice”) for the same reasons to which Mr. Johnston’s Notice refers:
2. Defendant is pro per and is not represented by Mr. Winters. *See* Exhibit B, Mr. Johnston’s Notice.
3. Defendant isn’t raising a new argument but is filing evidence that was not available to him at the time he filed his Motion to Quash Summons and Objection to Jurisdiction.

However, this Court has held that where a party's notice of filing supplemental authority does not raise a new argument, but "merely provides a recent case in support of the arguments already raised [in a] motion[,]" then it does not fall within the requirements of Rule 3.01(c). *Wuenstel v. Liberty Mut. Fire Ins. Co.*, Case No: 5:12-CV-422-Oc-10PRL, at *1 (M.D. Fla. Feb. 5, 2013)


[Such] supplemental filings should direct the Court's attention to legal authority or evidence that was not available to the filing party at the time that that party filed the original brief to which the subsequent supplemental filing pertains. (emphasis added).

Girard v. Aztec RV Resort, Inc., No. 10-62298-CIV-ZLOCH/ROSENBAUM, at *4 (S.D. Fla. Sep. 16, 2011).

4. Englander-Fischer has known since at least Friday, July 31, 2020 NOT to contact Mr. Winters on behalf of Defendant because Mr. Winters does not represent Defendant in this case.
5. In two filings: (1) Motion for Extension of Time to Respond and (2) Omnibus Response to Motion to Quash Summons, Englander-Fischer refers to Defendant as pro se over 90 times admitting that Defendant is not represented by an attorney.
6. Englander-Fischer did not inform the Court that they knew Mr. Winters does not represent Defendant.

WHEREFORE, Defendant respectfully requests that this Court to consider the Supplemental Evidence provided when taking Defendant's *Motion by Special Appearance to Quash Summons and Object to Jurisdiction* into consideration.

Respectfully Submitted,


Kevin Kerrigan
14 Fieldstone Road
Putnam Valley, New York 10579

Date: 8/30/2020

CERTIFICATE OF SERVICE

I certify that I filed a copy of the foregoing document with the Clerk of the Federal District Court of Middle Florida, Tampa Division, and sent a copy to:

Englander Fischer
Att: Beatriz McConnell bmccConnell@eflegal.com
721 First Avenue North
St. Petersburg, Florida 33701
P: 727.898.7210 | F: 727.898.7218


Kevin Kerrigan

Date: 8/30/2020

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