

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 ENTRY OF CLERK'S DEFAULT AGAINST
DEFENDANT LIFE'S ELEMENTS, INC.**

Plaintiff, BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY ("***Plaintiff***"), through undersigned counsel and pursuant to Fed. R. Civ. P. 55(a), moves the Clerk of Court to enter a default against Defendant, LIFE'S ELEMENTS, INC. ("***Life's Elements***"), for failure to plead or otherwise defend, and states:

1. On April 14, 2020, Plaintiff filed his Complaint against Life's Elements (Doc. 1).
2. On July 10, 2020, Plaintiff served Life's Elements with the summons and complaint. See Affidavit of Service filed on July 22, 2020 (Doc. 247), attached hereto as **Exhibit "A."**
3. By Endorsed Order entered on August 14, 2020, the Court granted Life's Elements thirty (30) days to respond to the Complaint or pursue other remedies (Doc. 333).
4. As of the date of this filing, Life's Elements has not filed a responsive pleading

ENGLANDER FISCHER

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or otherwise defended this action.

WHEREFORE, Plaintiff moves the Clerk of Court for entry of a Clerk's Default against Life's Elements.

September 17, 2020.

Respectfully submitted,

ENGLANDER FISCHER

/s/ John W. Waechter

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Attorneys for Plaintiff

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 U.S. Mail to Life's Elements, Inc., c/o Kevin Johnson, 205 Appletree Lane, South Abington Township, PA 18411-1333.

/s/ John W. Waechter

Attorney for Plaintiff

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
District of Florida**

Case Number: 8:20-CV-00862-VMC-TGW

Plaintiff:

BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY,

vs.

Defendant:

CHRIS AND SHELLEY ARDUINI, et al.,

For:

Beatriz McConell
ENGLANDER FISCHER
721 1ST AVE NO
ST PETERSBURG, FL 33701



RCG2020005092

Received by Brian Duffy on the 10th day of July, 2020 at 7:44 am to be served on Life's Elements, Inc. c/o Kevin Johnson and Larry Waldman, 810 Long Island Avenue, Medford, NY 11763

I, Brian Duffy, being duly sworn, depose and say that on the 10th day of July, 2020 at 1:55 pm, I:

SUBSTITUTE served by delivering a true copy of the SUMMONS IN A CIVIL ACTION, COMPLAINT, CIVIL COVER SHEET and EXHIBITS A-D (SERVED EXHIBITS VIA CD) with the date and hour of service endorsed thereon by me, to: Kristy Johnson as Wife Of Kevin Johnson at the address of: 205 Appletree Ln, South Abington Township, PA 18411-1333, the within named person's usual place of Abode, who resides therein, who is fifteen (15) years of age or older and informed said person of the contents therein, in compliance with state statutes.

Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

Marital Status: Based upon inquiry of party served, Defendant is married.

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: Asian, Height: 5'3, Weight: 145, Hair: Brown, Glasses: -

If a description of the party served is provided, please note all information provided is approximate. F.S. 48.021(1)(Services of Summons and Criminal Subpoenas) I certify that I am over the age of 18, have no interest in the above action, and am a Certified/Special/Appointed Process Server or authorized to serve process in the judicial circuit, county, or state where service was effectuated. F.S. 92.525 Under penalties of perjury, I declare that I have read the foregoing affidavit/proof of service and that the facts stated in it are true. (No Notary Required) (Services of subpoenas F.S. 48.021(1) (Rule 1.410) I am over the age of 18, and am not a party to nor interested in the outcome of the above styled case. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct. (Out of State/Foreign Process in accordance with F.S. 48.194 by any person authorized to server process in the state where the person or entity is served) Notary Required.

Subscribed and Sworn to before me on the 16 day of July, 2020 by the individual effectuating/ attempted service, who is personally known to me, by means of X physical presence or online notarization.

NOTARY PUBLIC
COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
THOMAS J MILLER SR
Notary Public

DUNMORE BORO, LACKAWANNA COUNTY
My Commission Expires Mar 18, 2021

Brian Duffy

TRGT Legal
PO Box 1066
Pinellas Park, FL 33781
(888) 642-0130

Our Job Serial Number: RCG-2020005092
Ref: 2450

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Exhibit "A"



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Middle District of Florida

Date: 10 Feb 2020
Time: 1:55 PM
Initials: ROA
ID#: ROA

BURTON W. WIAND, as Receiver for
OASIS INTERNATIONAL GROUP, LTD.;
OASIS MANAGEMENT, LLC; AND
SATELLITE HOLDINGS COMPANY,

Plaintiff(s)

v.

CHRIS AND SHELLEY ARDUINI, et al.,

Defendant(s)

Civil Action No. 8:20-cv-00862-VMC-TGW

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Life's Elements, Inc.
c/o Kevin Johnson and Larry Waldman
810 Long Island Avenue
Medford, NY 11763

A lawsuit has been filed against you.

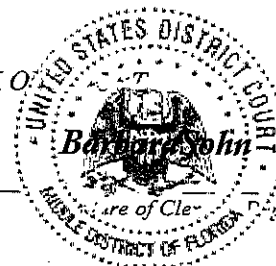
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Beatriz McConnell
Englander Fischer
721 First Avenue North
St. Petersburg, FL 33701

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: Jun 11, 2020

CLERK OF



Deputy Clerk