

**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 CHRIS AND SHELLEY ARDUINI**

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 Defendants, CHRIS ARDUINI and SHELLEY ARDUINI (collectively, the "*Arduinis*"), for failure to plead or otherwise defend, and states:

1. On April 14, 2020, Plaintiff filed his Complaint against Arduini (Doc. 1).
2. On July 7, 2020, Plaintiff served the Arduinis with the summons and complaint. See Affidavit of Service filed on July 16, 2020 (Doc. 211 and 212), attached hereto as **Composite Exhibit "A."**
3. The Arduinis filed a joint Motion to Quash on July 21, 2020 (Doc. 236), which was denied by Oral Order on August 17, 2020 that directed the Arduinis to file an answer to the Complaint by September 16, 2020 or be subject to entry of default (Doc. 344).
4. As of the date of this filing, the Arduinis have not filed a responsive pleading or

ENGLANDER FISCHER
ATTORNEYS

721 First Avenue North • St. Petersburg, Florida 33701
Phone (727) 898-7210 • Fax (727) 898-7218
eflegal.com

otherwise defended this action.

WHEREFORE, Plaintiff moves the Clerk of Court for entry of a Clerk's Default against
Chris Arduini and Shelley Arduini.

September 21, 2020.

Respectfully submitted,

ENGLANDER FISCHER

/s/ John W. Waechter

JOHN W. WAECHTER

Florida Bar No. 47151

Primary: jwaechter@eflegal.com

Secondary: dturner@eflegal.com

COURTNEY L. FERNALD

Florida Bar No. 52669

Florida Bar Certified, Appellate Practice

Primary: cfernald@eflegal.com

Secondary: tdillon@eflegal.com

BEATRIZ MCCONNELL

Florida Bar No. 42119

Primary: bmccconnell@eflegal.com

Secondary: tdillon@eflegal.com

ALICIA GANGI

Florida Bar No. 1002753

Primary: agangi@eflegal.com

Secondary: tdillon@eflegal.com

ENGLANDER and FISCHER LLP

721 First Avenue North

St. Petersburg, Florida 33731-1954

(727) 898-7210 / Fax (727) 898-7218

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 Chris Arduini and
Shelley Arduini, 169 Allen Height Road, St. Johnsville, NY 13452.

/s/ John W. Waechter

Attorney for Plaintiff

20000392

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.,



RCG2020005024

For: Beatriz McConell
ENGLANDER FISCHER

Received by Montgomery County Sheriff's Office on the 25th of June 2020 at 12:02 to be served on **Chris Arduini, 169 Allen HTS, Saint Johnsville, NY 13452-3917**. I, DEP. NICK PRUSKY, being duly sworn, depose and say that on the 7th day of July, 2020 at 7:40 AM, executed service by delivering a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, CIVIL COVER SHEET and EXHIBITS A-D** in accordance with state statutes in the manner marked below:

Received by (Process Server Name): _____ on _____ at _____ am/ pm.

☒ INDIVIDUAL SERVICE: Served the within-named person.

() SUBSTITUTE SERVICE: By serving _____ as _____.

() POSTED SERVICE: After attempting service on ___/___ at ___ and on ___/___ at ___ to a conspicuous place on the property described herein.

() NON SERVICE: For the reason detailed in the Comments below.

Military Status: () Yes or ☒ No If yes, what branch? _____

Marital Status: ☒ Married or () Single Name of Spouse _____

COMMENTS: _____

Age 47 Sex ☒ M ☐ F Race WHITE Height 5'10" Weight 190 Hair BLACK Glasses ☒ Y ☐ N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified/Special Process Server, in good standing, in the judicial circuit in which the process was served. F.S. 92.525 Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Subscribed and Sworn to before me on the 7th day of July, 2020 by the affiant who is personally known to me.

Beverly Fadoir
NOTARY PUBLIC

Beverly Fadoir
Notary Public New York State
Commission Expires 04-21-2034
Qualified Montgomery County
#01FA6185800

[Signature] #392

PROCESS SERVER # _____
Appointed in accordance with State Statutes

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

Our Job Serial Number: 2020005024
Ref: 2450

Copyright © 1992-2020 Database Services, Inc. - Process Server's Toolbox V8.1r

Composite Exhibit "A"



Received Time Jul. 2. 2020 9:30AM No. 3928

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

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

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)

Date: 7-7-2020

Time: 7:40 a.m.

Initials: W.R.

ID#: 392

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

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Chris Arduini
169 Allen HTS
Saint Johnsville, NY 13452-3917

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 COURT



Barbara Sohn

S. Clerk

20000392

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.,



RCG2020005025

For: Beatriz McConell
ENGLANDER FISCHER

Received by Montgomery County Sheriff's Office on the 25th of JUNE 2020 at 12:00 to be served on **Shelley Arduini, 169 Allen HTS, Saint Johnsville, NY 13452-3917. Dep. Alice Trusky**, being duly sworn, depose and say that on the 2nd day of July, 2020 at 7:30A am., executed service by delivering a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, CIVIL COVER SHEET and EXHIBITS A-D** in accordance with state statutes in the manner marked below:

Received by (Process Server Name): _____ on _____ at _____ am/ pm.

☒ INDIVIDUAL SERVICE: Served the within-named person.

() SUBSTITUTE SERVICE: By serving _____ as _____.

() POSTED SERVICE: After attempting service on ____/____ at ____ and on ____/____ at ____ to a conspicuous place on the property described herein.

() NON SERVICE: For the reason detailed in the Comments below.

Military Status: () Yes or ☒ No If yes, what branch? _____

Marital Status: ☒ Married or () Single Name of Spouse _____

COMMENTS: _____

Age 46 Sex M ☒ F Race WHITE Height 5'7" Weight 210 Hair BROWN Glasses ☒ N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified/Special Process Server, in good standing, in the judicial circuit in which the process was served. F.S. 92.525 Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Subscribed and Sworn to before me on the 7th day of July, 2020 by the affiant who is personally known to me.

Beverly Fadoir
NOTARY PUBLIC

Beverly Fadoir
Notary Public New York State
Commission Expires 04-21-2024
Qualified Montgomery County
#01FA6185800

[Signature] #392

PROCESS SERVER # _____
Appointed in accordance with State Statutes

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

Our Job Serial Number: 2020005025
Ref: 2450



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

20000392

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

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)

Date: 7-7-2020

Time: 7:34 a.m.

Initials: N.P.

ID#: 392

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

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Shelley Arduini
169 Allen HTS
Saint Johnsville, NY 13452-3917

A lawsuit has been filed against you.

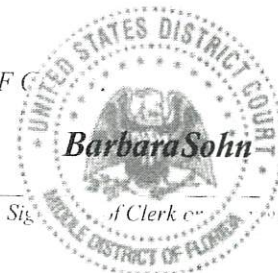
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the 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 COURT



Sig

if Clerk or

Clerk