

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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**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT AGAINST  
DEFENDANT DAVID PAUL LIPINCZYK**

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, DAVID PAUL LIPINCZYK ("***Lipinczyk***"), for failure to plead or otherwise defend, and states:

1. On April 14, 2020, Plaintiff filed his Complaint against Lipinczyk (Doc. 1).
2. On July 2, 2020, Plaintiff served Lipinczyk with the summons and complaint. See Affidavit of Service filed on July 22, 2020 (Doc. 257), attached hereto as **Exhibit "A."**
3. Lipinczyk filed a Motion to Quash on July 21, 2020 (Doc. 239) which was denied by Oral Order on August 17, 2020 that directed Lipinczyk 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, Lipinczyk has not filed a responsive pleading or

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otherwise defended this action.

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

September 23, 2020.

Respectfully submitted,

ENGLANDER FISCHER

/s/ John W. Waechter

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 David Paul Lipinczyk, 6336 Redman Road, Brockport, NY 14420.

/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

Received by FRANK DISTASIO on the 25th day of June, 2020 at 1:18 pm to be served on **David Paul Lipinczyk, 6336 Redman Road, Brockport, NY 14420.**

I, FRANK DISTASIO, being duly sworn, depose and say that on the **2nd day of July, 2020 at 10:10 am, I:**

**INDIVIDUALLY/PERSONALLY served David Paul Lipinczyk** 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: **David Paul Lipinczyk** at the address of: **6336 Redman Road, Brockport, NY 14420**, and informed said person of the contents therein, in compliance with state statutes. I further certify that I placed the time, date of service, my initials, and my Server ID # (If applies) on the Summons and/or Subpoena when served.

**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, they refused to state whether or not the Defendant is married.

**Description of Person Served:** Age: 65, Sex: M, Race/Skin Color: White, Height: 6', Weight: 160, Hair: Gray, Glasses: N

**Exhibit "A"**




**AFFIDAVIT OF SERVICE For 8:20-CV-00862-VMC-TGW**

I certify that I am over the age of 18, have no interest in the above action. Under penalties of perjury, I declare I have read the foregoing document and the facts stated are true.

Subscribed and Sworn to before me on the 10  
day of July, 2020 by the affiant  
who is personally known to me.

  
NOTARY PUBLIC

ASHLEY M. NOVAK  
Notary Public, State of New York  
Qualified in Monroe County  
No. 01NO6267131  
Commission Expires August 13, 2020

  
FRANK DISTASIO

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Our Job Serial Number: RCG-2020005098  
Ref: 2450