

FILED

2020 SEP 23 PM 1:00

CLERK US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA FLORIDA

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. )  
HENRY & ANNA FUKSMAN )  
Defendants. )

Case No. 8:20-cv-00862

**BY SPECIAL APPEARANCE**

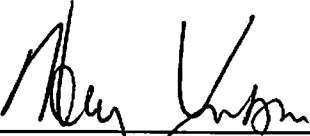
**NOTICE OF JOINDER TO MOTION TO DISMISS**

**FILED BY DEFENDANT ALAN JOHNSTON (DKT. 416)**

COMES NOW by Special Appearance, Henry & Anna Fuksman, as Defendants pro per in the instant case moving this honorable Court to take note of this Joinder to Motion to Dismiss by Defendant Alan Johnston (Dkt. 416), which is hereby incorporated in its entirety by reference) for one or more of the following reasons (1) Insufficient Process; (2) Lack of Personal Jurisdiction; (3) Failure to Join an Indispensable Party, and; (4) Failure to State a Claim Upon Which Relief May Be Granted.

1. The Plaintiff was statutorily divested of his conditional authority to issue summons to Defendants by failing to adhere to the requirements of 28 U.S.C. § 754.
2. The Summons issued to Defendants constituted insufficient process because Plaintiff failed to file a copy of the Complaint and his Appointment as Receiver within the 10-day filing requirements in the respective district court wherein Defendant resides.

3. The statutory time limit began at the Receiver's permanent appointment on April 30, 2019 (Dkt. 44). (Fed. R. Civ. Pro. Rule 12(b)(4)).
4. The Court may gain jurisdiction over Defendants through sufficient process or, in the alternative, voluntary appearance by Defendants.
5. Defendants have not voluntarily appeared nor has Plaintiff provided sufficient process according to the law and, therefore, this Court lacks personal jurisdiction over Defendants.
6. Plaintiff failed to state the elements of his Claim as required under Florida's Uniform Transfer Act or its alternative, unjust enrichment, with citations to legal authority to provide a well-pleaded complaint against Defendants.
7. Plaintiff's claims fail to identify which parts of §726 of the cited Florida law pertain to Defendants and there is no material evidence in the record to substantiate claims against Defendants. (FRCP Rule 12(b)(6)).
8. Judgment against Defendants may prejudice the interests of insiders not joined in violation of Rule 19. Absent joinder of certain indispensable parties, judgment against Defendants may result in exposure to risk of a double or otherwise inconsistent liability.
9. DefendantS, therefore, move the Court to Dismiss the Complaint for one or more of the following reasons (1) Insufficient Process; (2) Lack of Personal Jurisdiction; (3) Failure to Join an Indispensable Party, and; (4) Failure to State a Claim Upon Which Relief May Be Granted.

  
\_\_\_\_\_  
Henry Fuchsman, Defendant

Date: 09/22/20

Anna Fuksman Date: 9/22/20  
Anna Fuksman, Defendant  
862 Fassett Road  
Elmira, NY 14905  
Email: hfuksman@yahoo.com

**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

Henry Fuksman Date: 09/22/20  
Henry Fuksman



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**MR. HENRY FUKSMAN**  
**862 FASSETT RD**  
**ELMIRA, NY 14905-1411**

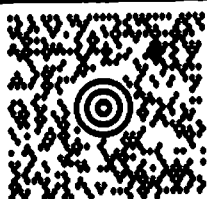
Sam M. Gibbons United States Courthouse  
Att: Clerk of the Court  
801 North Florida Avenue  
Tampa, Florida 33602

HENRY FUKSMAN  
(585) 370-2875  
862 FASSETT RD  
ELMIRA NY 14905

0.2 LBS LTR 1 OF 1  
SHP WT: LTR  
DATE: 22 SEP 2020

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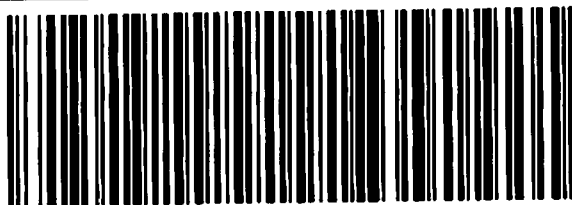
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