

FILED

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

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

Plaintiff,

v.

FRANK NAGEL

Defendant.

Case No. 8:20-cv-00862

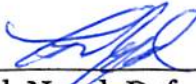
**BY SPECIAL APPEARANCE
NOTICE OF JOINDER TO MOTION TO DISMISS
FILED BY DEFENDANT ALAN JOHNSTON (DKT. 416)**

COMES NOW by Special Appearance, Frank Nagel, as Defendant pro per in the instant case moving this honorable Court to take note of his 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 Defendant by failing to adhere to the requirements of 28 U.S.C. § 754.
2. The Summons issued to Defendant constituted insufficient process because Plaintiff failed to file the Complaint and his appointment as Receiver within the 10-day filing

requirement in the respective district court in which 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 Defendant through sufficient process or, in the alternative, voluntary appearance by Defendant.
5. Defendant has not voluntarily appeared nor has Plaintiff provided sufficient process according to the law and, therefore, this Court lacks personal jurisdiction over Defendant.
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 Defendant.
7. Plaintiff's claims fail to identify which parts of §726 of the cited Florida law pertain to Defendant and there is no material evidence in the record to substantiate claims against Defendant. (FRCP Rule 12(b)(6)).
8. Judgment against Defendant may prejudice the interests of insiders not joined in violation of Rule 19. Absent joinder of certain indispensable parties, judgment against Defendant may result in exposure to risk of a double or otherwise inconsistent liability.
9. Defendant, therefore, moves 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.



Date: 9-22-2020
Frank Nagel, Defendant
10 Kyle Court
Carmel, NY 10512
Email: francisnkaren@aol.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



Date: 9-22-2020
Frank Nagel

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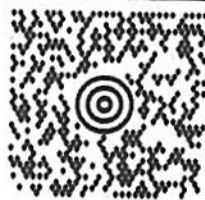
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