

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

2020 SEP 23 PM

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,)

Case No. 8:20-cv-00862

Plaintiff,)

v.)

CHRIS & SHELLEY ARDUINI)

Defendants.)

BY SPECIAL APPEARANCE

NOTICE OF JOINDER TO

MOTION TO DISMISS BY DEFENDANT ALAN JOHNSTON (DKT. 416)

COMES NOW by Special Appearance, Chris & Shelley Arduini, as Defendants pro per in the instant case and notices this honorable Court that they Join Defendant Alan Johnston's Motion to Dismiss (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 adhere to the 10-day filing requirements in the respective district court pertaining to the Arduinis.

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, 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.


Chris Arduini, Defendant

Date: 9/22/2020

Shelley Arduini Date: 9/22/2020
Shelley Arduini, Defendant
169 Allen Height Road St
Johnsville, NY 13452
Email: carduini@frontiernet.net

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

Chris Arduini Date: 9-22-2020
Chris Arduini

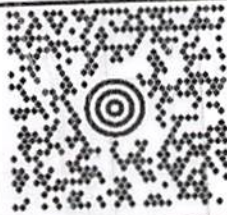
CHRIS & SHELLEY ARDUINI
5183326537
169 ALLEN HEIGHTS RD
SAINT JOHNSVILLE NY 13452

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