

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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DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES

Defendant Elizabeth McMahon (“**McMahon**” or “**Defendant**”) answers the Complaint filed by Plaintiff Burton W. Wiand, as Receiver for Oasis International Group, Ltd.; Oasis Management, LLC; and Satellite Holdings Company (“**Plaintiff**” or the “**Receiver**”), and asserts the following affirmative defenses to Plaintiff’s Complaint.

1. Without knowledge, therefore denied.
2. Without knowledge, therefore denied.
3. Without knowledge, therefore denied.
4. Without knowledge, therefore denied.
5. Without knowledge, therefore denied.
6. Without knowledge, therefore denied.
7. Denied that McMahon received any false profits and that the Receiver is entitled to recover any transfers allegedly made to McMahon. Otherwise, without knowledge, therefore denied.

JURISDICTION AND VENUE

8. Admitted for jurisdictional purposes only. Otherwise, without knowledge, therefore denied.

9. Denied that the funds transferred to McMahon as shown in Exhibit A constitute false profits. Admitted that McMahon received those funds. Otherwise, without knowledge, therefore denied.

10. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

11. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

12. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

13. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

14. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

15. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

16. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

17. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

18. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

19. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

20. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

21. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

22. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

23. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

24. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

25. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

26. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

27. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

28. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

29. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

30. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

31. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

32. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

33. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

34. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

35. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

36. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

37. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

38. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

39. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

40. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

41. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

42. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

43. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

44. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

45. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

46. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

47. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

48. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

49. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

50. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

51. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

52. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

53. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

54. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

55. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

56. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

57. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

58. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

59. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

60. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

61. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

62. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

63. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

64. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

65. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

66. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

67. Denied that McMahon is a resident of Alameda County, California. Denied that the Receiver is entitled to recover from McMahon the transfers set forth in Exhibit A.

68. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

69. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

70. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

71. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

72. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

73. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

74. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

75. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

76. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

77. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

78. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

79. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

80. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

81. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

82. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

83. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

84. This paragraph of the Complaint does not contain any allegations McMahon is required to admit or deny. To the extent a response is required, without knowledge, therefore denied.

85. Admitted for jurisdictional purposes only. Otherwise, without knowledge, therefore denied.

86. Admitted for venue purposes only.

OTHER PARTIES AND RELATED INDIVIDUALS AND ENTITIES

87. Without knowledge, therefore denied.

88. Without knowledge, therefore denied.

89. Without knowledge, therefore denied.

90. Denied that any funds transferred to McMahon reflected in Exhibit A constitute fraudulent transfers. Denied that the Receiver is entitled to recover the funds reflected in Exhibit A from McMahon. Otherwise, without knowledge, therefore denied.

91. Without knowledge, therefore denied.

92. Without knowledge, therefore denied.

93. Without knowledge, therefore denied.

94. Without knowledge, therefore denied.

95. Without knowledge, therefore denied.

96. Without knowledge, therefore denied.

97. Without knowledge, therefore denied.

98. Without knowledge, therefore denied.

99. Without knowledge, therefore denied.

100. Without knowledge, therefore denied.

101. McMahon admits that she was defrauded and suffered a net loss. Otherwise, without knowledge, therefore denied.

102. Denied that McMahon is a recipient of any false profits. Otherwise, without knowledge, therefore denied.

103. Denied that McMahon received any false profits or transfers that exceeded the amount McMahon invested. Otherwise, without knowledge, therefore denied.

A. Insiders Operated The Oasis Entities As A Common Enterprise

104. Without knowledge, therefore denied.

105. Without knowledge, therefore denied.

106. Without knowledge, therefore denied.

107. Without knowledge, therefore denied.

108. Without knowledge, therefore denied.

B. The Insiders Operated The Oasis Entities As A Ponzi Scheme

109. Without knowledge, therefore denied.

110. Without knowledge, therefore denied.

111. Without knowledge, therefore denied.

112. Without knowledge, therefore denied.

113. Without knowledge, therefore denied.

114. Without knowledge, therefore denied.

115. Without knowledge, therefore denied.

116. Without knowledge, therefore denied.

117. Without knowledge, therefore denied.

118. Without knowledge, therefore denied.

119. Without knowledge, therefore denied.

120. Without knowledge, therefore denied.

121. Without knowledge, therefore denied.

122. Without knowledge, therefore denied.

123. McMahon admits that the principal investment money from investors should have been used for the stated purpose. Otherwise, without knowledge, therefore denied.

124. Without knowledge, therefore denied.

125. Without knowledge, therefore denied.

C. Insider Anile's Guilty Plea and Insider DaCorta's Indictment

126. Exhibit C speaks for itself. Otherwise, without knowledge, therefore denied.

127. Exhibit D speaks for itself. Otherwise, without knowledge, therefore denied.

D. Transfers To The Defendants

128. Denied that McMahon invested in any of the Oasis Entities or received any gains or principal redemptions in an amount which exceeded her principal investment. Otherwise, without knowledge, therefore denied.

129. Admitted that McMahon received the funds listed in Exhibit A. Otherwise, without knowledge, therefore denied.

130. Denied that McMahon invested in any of the Oasis Entities. Otherwise, without knowledge, therefore denied.

131. Denied that any of the funds McMahon received were in excess of any deposits. Denied that McMahon received any false profits or that the transfers to her are avoidable. Otherwise, without knowledge, therefore denied.

132. Denied that McMahon received any false profits, and therefore denies that it would be inequitable and unjust for her to keep the funds listed in Exhibit A.

133. Without knowledge, therefore denied.

COUNT I

**Florida Statutes § 726: Uniform Fraudulent Transfer Act
False Profits**

134. McMahon realleges and incorporates by reference the responses in paragraphs 1 through 133 above as if fully set forth herein.

135. Denied that McMahon received any false profits. Otherwise, without knowledge, therefore denied.

136. Without knowledge, therefore denied.

137. Denied that McMahon received any false profits. Otherwise, without knowledge, therefore denied.

138. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

139. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

140. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

141. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

142. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

COUNT II

Unjust Enrichment False Profits

143. McMahon realleges and incorporates by reference the responses in paragraphs 1 through 133 above as if fully set forth herein.

144. Without knowledge, therefore denied.

145. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

146. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

147. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

148. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

149. Denied with respect to McMahon. Otherwise, without knowledge, therefore denied.

Affirmative Defenses

McMahon asserts the following defenses to the claims alleged in the Complaint.

First Affirmative Defense

Counts I and II of the Complaint are partially barred by the applicable statutes of limitation. Claims of unjust enrichment and causes of action brought under § 726.105 and § 726.106, Florida Statutes are extinguished after four years. One of the allegedly inappropriate transfers occurred in 2012, eight years before this action was filed. Accordingly, the claims to recover this transfer are barred by the statutes of limitations.

Second Affirmative Defense

McMahon received no false profits from the Oasis Entities. McMahon invested \$300,000.00 in one entity connected to Insider Michael J. DaCorta (“DaCorta”). McMahon then received what she believed were returns on her investment from Oasis. Accordingly, the \$140,000.00 reflected in Exhibit A to the Complaint does not reflect any false profits, as McMahon lost \$160,000.00 due to the fraudulent scheme detailed in the Complaint.

Third Affirmative Defense

If the funds received by McMahon constitute a voidable transfer, then McMahon took the transfer of those funds in good faith and for reasonably equivalent value. McMahon invested \$300,000.00 in an entity connected to DaCorta. Any transfers from Oasis to McMahon were in return for reasonably equivalent value, including McMahon's initial investment.

Fourth Affirmative Defense

If the funds received by McMahon constitute a voidable transfer, then any judgment must be limited to the value of the amount transferred or the amount necessary to satisfy the creditor's claim, whichever is less.

Fifth Affirmative Defense

If the funds received by McMahon constitute a voidable transfer, then McMahon is entitled to an offset of the amounts she paid to the entity connected to DaCorta.

Reservation of Right to Supplement Defenses and Raise Claims

McMahon reserves the right to supplement this Answer with additional defenses learned in the course of discovery or further investigation.

Dated: October 1, 2020.

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