

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.

ALAN JOHNSTON

Defendant.

Case No. 8:20-cv-00862

2020 OCT -2 PM 2:53  
CLERK US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

FILED

**DEFENDANT'S MOTION FOR LEAVE TO FILE A REPLY BRIEF IN FURTHER SUPPORT  
OF HIS MOTION TO DISMISS (DKT. 416)**

COMES NOW by Special Appearance, Alan Johnston, as Defendant pro per in the instant case moving this honorable Court to grant this Motion for Leave to Reply to Plaintiff's Motion in Opposition to Dismiss (Dkt. 480).

**I. INTRODUCTION**

1. Alan Johnston is before this Court by special appearance in propria persona.
2. On April 15, 2019, a complaint was filed opening Case No. 8:19-cv-00886 (Dkt. 1), and an Order granting appointment of a temporary receiver was filed. (Dkt. 7).
3. On April 30, 2019, an Order Appointing Plaintiff as Receiver was issued. (Dkt. 44).
4. On April 14, 2020, by authority of the Court, Plaintiff filed a Complaint against Defendants CHRIS AND SHELLEY ARDUINI, et. al., opening Case 8:20-cv-00862, in which Defendant is named. (Dkt.1).

5. On July 21, 2020, Defendant Alan Johnston filed a Motion to Quash Summons and Object to Jurisdiction. (Doc. 241).
6. On July 31, Plaintiff filed Receiver's Motion for Extension of Time to File Omnibus Response to Motions to Quash Summons and Object to Jurisdiction (Dkts. 232-243, 258-262) and Request for Status Conference. (Dkt 293).
7. On August 3, 2020, the Court issued an Endorsed Order granting #293 "based on the representations of the Receiver's Motion".
8. On August 12, 2020, Receiver filed an Omnibus Response in Opposition to Defendant's Motion to Quash and Object to Jurisdiction. (Dkt. 326).
9. On August 14, 2020, Defendant filed a Motion Requesting Judicial Notice and Response to Receiver's Motion for Extension of Time to File. (Dkt. 336).
10. On August 16, 2020, without the Court's leave, in violation Local Rule 3.01(c), Receiver filed a Notice of Filing Supplement to Receiver's Motion for Extension of Time (Dkt. 341).
11. On August 17, 2020 a status conference was held and on the same day an oral Order denying several Motions to Quash Summons and Joinders to them, including one from Defendant, was filed "for reasons explained in the August 17, 2020, status conference". (Dkt. 344).
12. On August 24, 2020, United States Magistrate Judge Thomas G. Wilson entered an order denying Receiver's Motion for Default Judgment against 26 defendants. (Dkt. 383).
13. On August 24, 2020, Defendant Alan Johnston filed Supplemental Evidence (Dkt. 388), the absence of which is believed to have resulted in misunderstandings during the August 17, 2020 Status Conference.

14. On September 11, 2020, Defendant filed a Motion to Dismiss. (Dkt. 416).
15. On September 25, 2020, Plaintiff filed a Response in Opposition to Defendant's Motion for Dismissal. (Dkt. 480).

## **II. PRECISE RELIEF REQUESTED**

Pursuant to Local Rule 3.01(d), Defendant respectfully moves the Court for leave to file a reply brief not to exceed twelve pages in further support of his motion(s) for Dismissal.

## **III. BASIS FOR THE REQUEST**

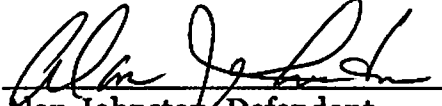
Plaintiff's Response in Opposition (Dkt. 480) includes facts unsupported in law or by rule, overlooks or is otherwise non-responsive to essential elements of Defendant's Motion (Dkt. 416), cites inapposite cases in support of its opposition, argues against positions not claimed by Defendant, and misstates or misrepresents some of the applicable law. Therefore, Defendant seeks leave of the Court to file a reply brief to rebut the allegations in Plaintiff's brief, to correct misstatements of and elaborate upon pertinent law and rules cited by Plaintiff, and to restate essential elements of his Motion for Dismissal to which no effective opposition was directed by Plaintiff.

## **MEMORANDUM OF LEGAL AUTHORITY**

Local Rule 3.01(c) states that "No party shall file any reply or further memorandum directed to the motion or response allowed in (a) and (b) unless the Court grants leave." Local Rule 3.01(d) provides the means by which Defendant may seek leave.

## **CONCLUSION**


For good cause shown, Defendant moves this Court for leave to file a reply brief not to exceed twelve pages in further support of his Motion to Dismiss (Dkt. 416).

 Date: 9-29-20  
Alan Johnston, Defendant  
2020 Holly Leaf Drive  
Tyler, Texas 75703  
Email: coachbigal@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

 Date: 9-29-20  
Alan Johnston

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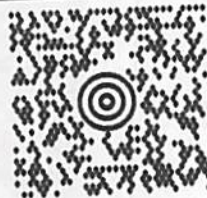
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