

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.

**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT AGAINST
DEFENDANT ESTATE OF MARY MCCLARE**

Plaintiff, BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY ("***Plaintiff***"), through undersigned counsel and pursuant to Fed. R. Civ. P. 55(a), moves the Clerk of Court to enter a default against Defendant, the ESTATE OF MARY MCCLARE ("***McClare Estate***"), for failure to plead or otherwise defend, and states:

1. On April 14, 2020, Plaintiff filed his Complaint against the McClare Estate (Doc. 1).
2. On September 29, 2020, Plaintiff served William G. McClare, as Co-Personal Representative of the Estate of Mary McClare, with the Summons and Complaint. See Affidavit of Service filed on October 2, 2020 (Doc. 497), attached hereto as **Exhibit "A."**
3. On September 29, 2020, Plaintiff served Brian A. McClare, as Co-Personal Representative of the Estate of Mary McClare, with the Summons and Complaint. See Affidavit of Service filed on October 2, 2020 (Doc. 498), attached hereto as **Exhibit "B."**

ENGLANDER FISCHER

A T T O R N E Y S

721 First Avenue North • St. Petersburg, Florida 33701
Phone (727) 898-7210 • Fax (727) 898-7218
eflegal.com

4. As of the date of this filing, the McClare Estate has not filed a responsive pleading or otherwise defended this action.

WHEREFORE, Plaintiff moves the Clerk of Court for entry of a Clerk's Default against the McClare Estate.

November 3, 2020.

Respectfully submitted,
ENGLANDER FISCHER

/s/ John W. Waechter
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St. Petersburg, Florida 33731-1954
(727) 898-7210 / Fax (727) 898-7218
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and served a copy by U.S. Mail to the Estate of Mary McClare, c/o Mary E. Magee, Esq., Perotto Magee LLP, 105 Canal Landing Blvd., #7, Rochester, New York 14626, Email: mary@perottomagee.com.

/s/ John W. Waechter
Attorney for Plaintiff

RETURN OF SERVICE

UNITED STATES DISTRICT COURT
Middle District of Florida

Case Number: 8:20-CV-862-VMC-TGW

Plaintiff:

**BURTON W. WIAND, OASIS INTERNATIONAL GROUP, LTD., OASIS
MANAGEMENT, LLC. and SATELLITE HOLDINGS COMPANY**

vs.

Defendant:

CHRIS and SHELLY ARDUINI, et al.,

For:

Beatriz McConnell

Received by PARALAW SERVICES on the 29th day of September, 2020 at 9:59 am to be served on **WILLIAM G. McClARE
As Co-Personal Representative of the Estate of Mary H. McClare, 3405 Dewberry Lane, Macedon, NY 14502.**

I, Scott Campanella, do hereby affirm that on the **29th day of September, 2020** at **5:51 pm, I:**

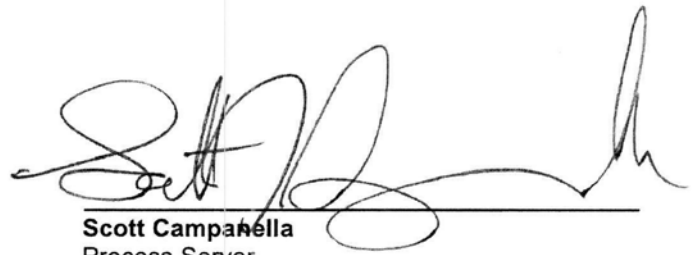
INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **SUMMONS, COMPLAINT with Exhibits A-D, MOTION FOR SUBSTITUTION and ORDER SUBSTITUTING PARTIES** with the date and hour of service endorsed thereon by me, to: **WILLIAM G. McClARE As Co-Personal Representative of the Estate of Mary H. McClare** at the address of: **3405 Dewberry Lane, Macedon, NY 14502**, and informed said person of the contents therein, in compliance with state statutes.

Military Status: Based upon observation and/or Inquiry, Defendant is not in the military service of The United States Of America.

Description of Person Served: Age: 55, Sex: M, Race/Skin Color: Caucasian, Height: 5'11", Weight: 200, Hair: Bald/Gray, Glasses: N

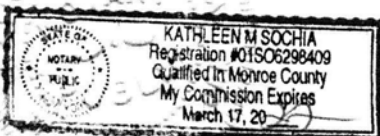
I certify that I have no interest in the above action, and am a Certified Process Server in good standing. Under penalties of perjury, I declare I have read the foregoing document and the facts stated herein are true. **NO NOTARY REQUIRED** pursuant to Florida Statute 92.525(2). If there is no description of person served, servee may have signed receipt on server field sheet.

State of New York
County of Monroe
Subscribed and
affirmed to me on
this 2nd day of October 2020
Kathleen M Sochia


Scott Campanella
Process Server

PARALAW SERVICES
Post Office Box 13434
Tampa, FL 33681-3434
(813) 846-5869

Our Job Serial Number: JMS-2020002998



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Exhibit "A"

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

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

Plaintiff(s)

v.

CHRIS AND SHELLEY ARDUINI, et al.,

Defendant(s)

Civil Action No. 8:20-cv-00862-VMC-TGW

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Estate of Mary H. McClare
c/o co-personal representative,
WILLIAM G. McCLARE
3405 Dewberry Lane
Macedon, NY 14502

Personally
9-29-2020 @ 5:51 pm
Scott Campanella

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Beatriz McConnell
Englander Fischer
721 First Avenue North
St. Petersburg, FL 33701

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: **Sep 29, 2020**

CLERK OF COURT



Sign. *Barbara Sohn* Clerk or Clerk

RETURN OF SERVICE

**UNITED STATES DISTRICT COURT
Middle District of Florida**

Case Number: 8:20-CV-862-VMC-TGW

Plaintiff:

**BURTON W. WIAND, OASIS INTERNATIONAL GROUP, LTD., OASIS
MANAGEMENT, LLC. and SATELLITE HOLDINGS COMPANY**

vs.

Defendant:

CHRIS and SHELLY ARDUINI, et al.,

For:

Beatriz McConnell

Received by PARALAW SERVICES on the 29th day of September, 2020 at 9:59 am to be served on **BRIAN A. McClARE
As Co-Personal Representative of The Estate of Mary H. McClare, 10 Whippletree Road, Fairpoint, NY 14450.**

I, Scott Campanella, do hereby affirm that on the **29th day of September, 2020 at 6:44 pm, I:**

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **SUMMONS, COMPLAINT with Exhibits A-D,
MOTION FOR SUBSTITUTION and ORDER SUBSTITUTING PARTIES** with the date and hour of service endorsed
thereon by me, to: **BRIAN A. McClARE As Co-Personal Representative of The Estate of Mary H. McClare** at the
alternate address of: **178 Selborne Chase, Fairpoint, NY 14450**, and informed said person of the contents therein, in
compliance with state statutes.

Military Status: Based upon observation and/or Inquiry, Defendant is not in the military service of The United States Of
America.

Additional Information pertaining to this Service:

Attempted service at given address. Current resident, Claire stated there was nobody living there by that name. A locate
revealed his current address where documents were served.

Description of Person Served: Age: 51, Sex: M, Race/Skin Color: Caucasian, Height: 6', Weight: 200, Hair: Gray, Glasses:
N

I certify that I have no interest in the above action, and am a Certified Process Server in good standing. Under penalties of
perjury, I declare I have read the foregoing document and the facts stated herein are true. **NO NOTARY REQUIRED**
pursuant to Florida Statute 92.525(2). If there is no description of person served, servee may have signed receipt on server
field sheet.

*State of New York
County of Monroe
Subscribed and
affirmed to me on
this 2nd day of October 2020
Kathleen M Sochia*


Scott Campanella
Process Server

**PARALAW SERVICES
Post Office Box 13434
Tampa, FL 33681-3434
(813) 846-5869**

Our Job Serial Number: JMS-2020002999

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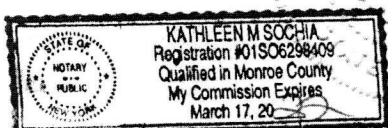


Exhibit "B"



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

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

Plaintiff(s)

v.

CHRIS AND SHELLEY ARDUINI, et al.,

Defendant(s)

Civil Action No. 8:20-cv-00862-VMC-TGW

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* The Estate of Mary H. McClare
c/o co-personal representative,
BRIAN A. McCLARE
10 Whippetree Road
Fairpoint, NY 14450

Personally
9-29-2020 @ 6:44pm
Scott Campanella

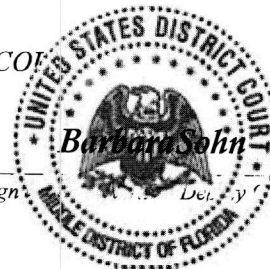
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Beatriz McConnell
Englander Fischer
721 First Avenue North
St. Petersburg, FL 33701

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: **Sep 29, 2020**

CLERK OF COURT



Sign *Barbara Sohn* Deputy Clerk