

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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RECEIVER'S OMNIBUS MOTION TO TAX COSTS AGAINST  
DEFAULTED DEFENDANTS

Plaintiff, BURTON W. WIAND, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY (“*Receiver*”), pursuant to Fed. R. Civ. P. 54(d)(1) and Local Rule 4.18(a), moves the Court to tax costs against Defendants, Chris and Shelly Arduini (the “*Arduinis*”), Ann Barton (“*Barton*”), Todd Berry (“*Berry*”), Black Dragon Capital, LLC (“*Black Dragon*”), Joseph Charles and Cushaun Charles (the “*Charleses*”), Ron and Kim Clark (the “*Clarks*”), Commonwealth Network Marketing Corp. (“*Commonwealth Networking*”), Crichlow Computer Concepts (“*Crichlow*”), Thomas and Anne Daidone (the “*Daidones*”), Michael DeYoung (“*DeYoung*”), Patrick Flander (“*Flander*”), Henry and Anna Fuksman (the “*Fuksmans*”), Jason Gladman (“*Gladman*”), Chad Hicks (“*Hicks*”), Richard and Courtney Hubbard (the “*Hubbards*”), Impulse Ventures, Inc.

ENGLANDER FISCHER

A T T O R N E Y S

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(*“Impulse Ventures”*), Kerrigan Management, Inc. (*“Kerrigan Mgt.”*), Joseph and Lynne LaVecchia (the *“LaVecchias”*), Matthew Leach (*“Leach”*), Life’s Elements, Inc. (*“Life’s Elements”*), Piotr Luda (*“Luda”*), Wayne Lynch (*“Lynch”*), Shawn Marshall (*“Marshall”*), Kathryn McClare (*“McClare”*), Vince Petralis, Jr. ( *“Petralis, Jr.”*), Jay Renner (*“Renner”*), Michael Rubel (*“Rubel”*), Carmine Vona (*“Vona”*), and Stefania Wood (*“Wood”*) (collectively, *“Defaulted Defendants”*) and states as follows:

1. On April 14, 2020, the Receiver filed the Complaint against the Defaulted Defendants to recover false profits paid to the Defaulted Defendants in furtherance of a Ponzi scheme. (Doc. 1).

2. On November 3, 2020, the Court entered an Order Granting in Part and Denying in Part the Receiver’s Omnibus Motion for Default Judgment Against Defaulted Defendants (*“Order”*). (Doc. 592) The Order directed the Clerk to enter default judgments against the Defaulted Defendants as set forth therein.

3. On November 4, 2020, pursuant to the Order, the Clerk entered default judgments against the Defaulted Defendants and in favor of the Receiver. (Docs. 598, 601609, 611, 612, 614-616, 618-631).

4. The Receiver incurred costs and out of pocket expenses in connection with obtaining its judgments against the Defaulted Defendants as set forth in the Affidavit of Costs attached hereto as **Exhibit “1”** and summarized on the following page:

Defaulted Defendant(s)	Cost	Cost Type	Final Judgment Doc. No.
The Arduinis	\$391.55	Service of Process	Doc. 598
Barton	\$205.25	Service of Process	Doc. 601
Berry	\$740.55	Service of Process	Doc. 602
Black Dragon	\$173.85	Service of Process	Doc. 603
The Charleses	\$337.70	Service of Process	Doc. 604
The Clarks	\$247.70	Service of Process	Doc. 605
	\$15.50	Priority Mail	
Commonwealth Networking	\$315.00	Service of Process	Doc. 606
Crichlow	\$140.00	Service of Process	Doc. 607
The Daidones	\$237.70	Service of Process	Doc. 608
DeYoung	\$489.15	Service of Process	Doc. 609
Flander	\$153.85	Service of Process	Doc. 611
The Fuksmans	\$337.68	Service of Process	Doc. 612
Gladman	\$1,085.70	Service of Process	Doc. 614
Hicks	\$163.85	Service of Process	Doc. 615
The Hubbards	\$237.70	Service of Process	Doc. 616
Impulse Ventures	\$113.85	Service of Process	Doc. 618
Kerrigan Mgt.	\$228.85	Service of Process	Doc. 619
The LaVecchias	\$347.70	Service of Process	Doc. 620
Leach	\$173.85	Service of Process	Doc. 621
Life's Elements	\$369.10	Service of Process	Doc. 622
Luda	\$790.70	Service of Process	Doc. 623
Lynch	\$173.85	Service of Process	Doc. 624
Marshall	\$163.85	Service of Process	Doc. 625
McClare	\$173.85	Service of Process	Doc. 626
Petralis, Jr.	\$173.85	Service of Process	Doc. 627
Renner	\$173.85	Service of Process	Doc. 628
Rubel	\$173.85	Service of Process	Doc. 629
Vona	\$173.85	Service of Process	Doc. 630
Wood	\$173.85	Service of Process	Doc. 631

### ***Memorandum of Law***

Rule 54(d) “creates a presumption in favor of awarding costs to the prevailing party” which the non-prevailing party must overcome. *Manor Healthcare Corp. v. Lomelo*, 929 F.2d 633, 639 (11th Cir.1991). 28 U.S.C.A. § 1920 provides for taxable costs in the form of clerk and marshal fees, transcript fees, printing and witness fees, copying and exemplification fees, docket fees, and court appointed expert and interpreter fees. Similarly, Fla. Stat. § 57.071 provides for the following taxable costs: reasonable premiums or expenses paid on all bonds, court reporter fees, any sales or

use tax due on legal services, and expert witness fees when such expert's written report is furnished to the opposing party. Furthermore, Fed. R. Civ. P. 4(d)(2) provides that,

If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must on the defendant:

- (A) the expenses later incurred in making service; and
- (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

In this case, the Receiver is the prevailing party with regard to the Defaulted Defendants and is entitled to recover costs set forth in **Exhibit "1."** These costs related to service of process and postage. Prior to incurring the service of process fees, the Receiver requested that the Defaulted Defendants waive service of summons pursuant to Fed. R. Civ. P. 4(d); however, the Defaulted Defendants did not execute the waivers or provide good cause for failing to do so. Accordingly, the Receiver seeks the taxation of costs against the Defaulted Defendants as set forth herein.

WHEREFORE, the Receiver respectfully requests that the Court tax costs against the Defaulted Defendants in accordance with Exhibit "1."

Respectfully submitted,

ENGLANDER FISCHER

/s/ Beatriz McConnell

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*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

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Rockleigh, NJ 07647  
PRO SE

Dated: November 11, 2020.

/s/ Beatriz McConnell  
*Attorney for Plaintiff*

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

BURTON W. WIAND, as Receiver for  
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Defendants.

\_\_\_\_\_ /

**AFFIDAVIT AS TO COSTS**

BEFORE ME, the undersigned authority, appeared ALICIA GANGI, who upon being duly sworn, deposes and says as follows:

1. I am an attorney for the Plaintiff, Burton W. Wiand PA, as Receiver for OASIS INTERNATIONAL GROUP, LTD.; OASIS MANAGEMENT, LLC; AND SATELLITE HOLDINGS COMPANY ("**Receiver**") in the above styled action.

2. I make this affidavit in support of the Receiver's Omnibus Motion to Tax Costs Against Defaulted Defendants and based on information personally known to me or gathered by me or by others at my request.

3. Attached hereto as **Exhibit "A"** is a detailed transaction list ("**Report**") of the costs expended by the firm on behalf of the Receiver in connection with the Defaulted Defendants in the above-styled. With respect to the Report:

- A. The Report is generated from the Firm's computer billing system known as Action Step.
- B. Entries are made contemporaneous with the costs incurred.
- C. The information in the report is identical to the information contained in the actual billings.

**Exhibit "1"**



- D. The system is regularly maintained and updated, and is reliable for providing accurate reporting based on the information inputted.
- E. The Report is the type of report which is maintained in the ordinary course of, and as part of the ordinary business practice of the firm.
- F. I am familiar with, and one of the custodians of the Report and other similar type records.

4. That the Report reflects costs incurred in connection with service of process and priority

mail as set forth below:

<b>Defaulted Defendant(s)</b>	<b>Cost</b>	<b>Cost Type</b>
The Arduinis	\$391.55	Service of Process
Barton	\$205.25	Service of Process
Berry	\$740.55	Service of Process
Black Dragon	\$173.85	Service of Process
The Charleses	\$337.70	Service of Process
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Marshall	\$163.85	Service of Process
McClare	\$173.85	Service of Process
Petralis, Jr.	\$173.85	Service of Process
Renner	\$173.85	Service of Process
Rubel	\$173.85	Service of Process
Vona	\$173.85	Service of Process
Wood	\$173.85	Service of Process

5. Prior to attempting service of process on the Defaulted Defendants included in the table,

my office mailed notices of the lawsuit, copies of the Complaint, and waivers of service of summons to the Defaulted Defendants. The Defaulted Defendants included in the table failed to sign and return the waivers, which resulted in service of process expenses.

6. That said costs were reasonable and of necessity to the Receiver's case.

7. I declare under penalty of perjury that the foregoing is true and correct.


Executed on this 11<sup>th</sup> day of November, 2020.

FURTHER AFFIANT SAYETH NAUGHT.

  
ALICIA GANGI

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was sworn to and subscribed before me by means of physical presence this 11th day of November, 2020 by ALICIA GANGI, who is personally known to me and who did take an oath.

  
Notary Public – signature

Serial/Commission Number: 943316

  
Notary Public – Print

My Commission Expires: Jan. 1, 2024

**TARA MARIE DILLON**  
Notary Public, State of Florida  
My Comm. Expires Jan. 01, 2024  
No. GG 943316

Date	Description	Unit price	Bill amount	Bill Status	Bill No.
27-May-20	Priority Mail to Ron and Kim Clark (2 locations)	15.5	\$15.50	Billed	70637
17-Jun-20	SOP - Anne Daidone	123.85	\$123.85	Billed	70637
29-Jun-20	SOP Thomas Daidone	113.85	\$113.85	Billed	70637
30-Jun-20	SOP - Patrick Flander	153.85	\$153.85	Billed	70637
30-Jun-20	SOP - Chris Arduini	123.85	\$123.85	Billed	70637
30-Jun-20	SOP - Shelley Arduini	113.85	\$113.85	Billed	70637
30-Jun-20	SOP Courtney Hubbard	123.85	\$123.85	Billed	70637
30-Jun-20	SOP Jay Renner	173.85	\$173.85	Billed	70637
30-Jun-20	SOP Charles, Cushaun	173.85	\$173.85	Billed	70637
30-Jun-20	SOP Joseph Charles	163.85	\$163.85	Billed	70637
30-Jun-20	SOP Michael Rubel	173.85	\$173.85	Billed	70637
30-Jun-20	SOP - Impulse Ventures, Inc.	113.85	\$113.85	Billed	70637
30-Jun-20	SOP - Richard Hubbard	113.85	\$113.85	Billed	70637
30-Jun-20	SOP - Kim Clark	133.85	\$133.85	Billed	70637
30-Jun-20	SOP - Ron Clark	113.85	\$113.85	Billed	70637
7-Jul-20	SOP Chad Hicks	163.85	\$163.85	Billed	70643
10-Jul-20	SOP Jay Renner	173.85	\$173.85	Billed	70643
15-Jul-20	SOP Life's Elements, Inc.	369.1	\$369.10	Billed	70643
16-Jul-20	SOP Matthew Leach	173.85	\$173.85	Billed	70643
16-Jul-20	SOP Wayne Lynch	173.85	\$173.85	Billed	70643
16-Jul-20	SOP Lynne LaVecchia	173.85	\$173.85	Billed	70643
16-Jul-20	SOP Anna Fuksman	173.85	\$173.85	Billed	70643
16-Jul-20	SOP Henry Fuksman	163.85	\$163.85	Billed	70643
20-Jul-20	SOP Kerrigan Management, Inc.	228.85	\$228.85	Billed	70643
21-Jul-20	SOP Carmine Vona	173.85	\$173.85	Billed	70643
4-Aug-20	SOP Ann Barton	205.25	\$205.25	Billed	71196
18-Aug-20	Service Of Process Michael DeYoung	151.3	\$151.30	Billed	71196
21-Aug-20	Service of Process Jason Gladman	308.85	\$308.85	Billed	71589
21-Aug-20	Service of Process Commonwealth Network Marketing	140	\$140.00	Billed	71589
21-Aug-20	Service of Process Crichlow Computer Concepts	140	\$140.00	Billed	71589
28-Aug-20	Service of Process Piotr Luda	523.85	\$523.85	Billed	71589
1-Sep-20	SOP Stefania Wood	173.85	\$173.85	Billed	71589
3-Sep-20	Service of Process Black Dragon Capital Invoice No. 5027	173.85	\$173.85	Billed	71589
3-Sep-20	Service of Process Vince Petralis Jr. Invoice No. 5061	173.85	\$173.85	Billed	71589
3-Sep-20	Service of Process Kathryn McClare Invoice No. 5069	173.85	\$173.85	Billed	71589
3-Sep-20	Service of Process Frank Nagel Invoice No. 5073	173.85	\$173.85	Billed	71589
3-Sep-20	Service of Process Joseph LaVecchia Invoice No. 5096	173.85	\$173.85	Billed	71589
5-Sep-20	Service of Process Michael DeYoung Invoice No. 2389	346.85	\$346.85	Unbilled	'-
11-Sep-20	Service of Process Todd Berry Inv. 2583	416.7	\$416.70	Billed	71589
17-Sep-20	Service of Process Jason Gladman Invoice No. 2392	776.85	\$776.85	Billed	71589
17-Sep-20	Service of Process Invoice No. 5250	160	\$160.00	Billed	71589
2-Oct-20	Service of Process - Piotr Luda Invoice No. 2567	266.85	\$266.85	Unbilled	'-
9-Oct-20	Service of Process Todd Berry Invoice No. 5030	323.85	\$323.85	Unbilled	'-
14-Oct-20	Service of Process Chris Arduini invoice No. 5023	123.85	\$123.85	Unbilled	'-
14-Oct-20	Service of Process Shelley Arduini Invoice No. 5026	153.85	\$153.85	Unbilled	'-
10-Nov-20	Service of Process Shawn Marshall Invoice No. 5063	163.85	\$163.85	Unbilled	'-

**Exhibit "A"**