

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 JERRY PUCCIO**

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, JERRY PUCCIO ("***Puccio***"), for failure to plead or otherwise defend, and states:

1. On April 14, 2020, Plaintiff filed his Complaint against Puccio (Doc. 1).
2. On June 29, 2020, Plaintiff served Puccio with the summons and complaint. See Affidavit of Service filed on July 2, 2020 (Doc. 181), attached hereto as **Exhibit "A."**
3. On July 28, 2020, Plaintiff filed a Motion for Clerk's Default (Doc. 273) which was granted on July 29, 2020 (Doc. 288).

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ATTORNEYS

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4. On October 13, 2020, the Court Ordered that correspondence received from Mr. Puccio's son be treated as a Motion to Set Aside the Entry of Default and a Motion for Extension of Time to File an Answer (Doc. 522).

5. On October 23, 2020, the Court vacated the clerk's entry of default entered on July 29, 2020 and ordered Puccio to file a responsive pleading to the Complaint by November 23, 2020 (Doc. 545).

6. As of the date of this filing, Puccio 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 Puccio.

November 24, 2020.

Respectfully submitted,

ENGLANDER FISCHER

/s/ John W. Waechter

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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 U.S. Mail to Jerry Puccio, 5 Conklin Lane, Rockleigh, NJ 07647.

/s/ John W. Waechter
Attorney for Plaintiff

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
District of Florida

Case Number: 8:20-CV-00862-VMC-TGW

Plaintiff:

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

vs.

Defendant:

CHRIS AND SHELLEY ARDUINI, et al.,

For:

Beatriz McConell
ENGLANDER FISCHER
721 1ST AVE NO
ST PETERSBURG, FL 33701



Received by MARTIN EBERT on the 25th day of June, 2020 at 1:30 pm to be served on **Jerry Puccio, 5 Concklin Lane, Rockleigh, NJ 07647.**

I, MARTIN EBERT, being duly sworn, depose and say that on the **29th day of June, 2020** at **3:30 pm, I:**

INDIVIDUALLY/PERSONALLY in accordance with F.S. 48.031 served by delivering a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, CIVIL COVER SHEET and EXHIBITS A-D (SERVED EXHIBITS VIA CD)** with the date and hour of service endorsed thereon by me, to: **Jerry Puccio** at the address of: **5 Concklin Lane, Rockleigh, NJ 07647**, and informed said person of the contents therein, in compliance with state statutes.

Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

Marital Status: Based upon inquiry of party served, they refused to state whether or not the Defendant is married.

Description of Person Served: Age: 75, Sex: M, Race/Skin Color: White, Height: 5'6, Weight: 150, Hair: Brown, Glasses: N

If a description of the party served is provided, please note all information provided is approximate. F.S. 48.021(1)(Services of Summons and Criminal Subpoenas) I certify that I am over the age of 18, have no interest in the above action, and am a Certified/Special/Appointed Process Server or authorized to serve process in the judicial circuit, county, or state where service was effectuated. F.S. 92.525 Under penalties of perjury, I declare that I have read the foregoing affidavit/proof of service and that the facts stated in it are true. (No Notary Required) (Services of subpoenas F.S. 48.021(1) (Rule 1.410) I am over the age of 18, and am not a party to nor interested in the outcome of the above styled case. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct. (Out of State/Foreign Process in accordance with F.S. 48.194 by any person authorized to server process in the state where the person or entity is served) Notary Required.

Subscribed and Sworn to before me on the 30 day of JUNE 2020 by the individual effectuating/ attempted service, who is personally known to me, by means of physical presence or online notarization.

NOTARY PUBLIC

THERESA A. DINGMAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2227754
My Commission Expires 4/15/2023


MARTIN EBERT

TRGT Legal
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Our Job Serial Number: RCG-2020005075
Ref: 2450

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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

Date: 6-29-2020Time: 3:30 PMInitials: WJE

ID #: _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Jerry Puccio
5 Concklin Lane
Rockleigh, NJ 07647

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: 06/11/2020

CLERK OF COURT



Barbara Solin

S. Clerk