

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff;

v.

**OASIS INTERNATIONAL GROUP,
LIMITED; OASIS MANAGEMENT,
LLC; SATELLITE HOLDINGS
COMPANY; MICHAEL J.
DaCORTA; JOSEPH S. ANILE, II;
RAYMOND P. MONTIE, III;
FRANCISCO "FRANK" L. DURAN;
and JOHN J. HAAS,**

Defendants;

and

**MAINSTREAM FUND SERVICES,
INC.; BOWLING GREEN CAPITAL
MANAGEMENT LLC; LAGOON
INVESTMENTS, INC.; ROAR OF
THE LION FITNESS, LLC; 444
GULF OF MEXICO DRIVE, LLC;
4064 FOUNDERS CLUB DRIVE,
LLC; 6922 LACANTERA CIRCLE,
LLC; 13318 LOST KEY PLACE, LLC;
and 4OAKS LLC,**

**Relief
Defendants.**

**Case No.
8:19-cv-886-VMC-SPF**

MOTION TO DISMISS RELIEF DEFENDANTS BOWLING GREEN CAPITAL MANAGEMENT LLC; LAGOON INVESTMENTS, INC.; ROAR OF THE LION FITNESS, LLC; 444 GULF OF MEXICO DRIVE, LLC; 4064 FOUNDERS CLUB DRIVE, LLC; 6922 LACANTERA CIRCLE, LLC; 13318 LOST KEY PLACE, LLC; and 4OAKS LLC

Plaintiff Commodity Futures Trading Commission (“CFTC”) submits this Motion to Dismiss Relief Defendants Bowling Green Capital Management LLC; Lagoon Investments, Inc.; Roar of the Lion Fitness, LLC; 444 Gulf of Mexico Drive, LLC; 4064 Founders Club Drive, LLC; 6922 Lacantera Circle, LLC; 13318 Lost Key Place, LLC; and 4Oaks LLC (collectively, “Relief Defendants”) under Fed. R. Civ. P. 41(a)(2) and in support states the following facts:

1. On April 15, 2019, the CFTC filed its Complaint for Injunctive Relief, Civil Monetary Penalties, Restitution, Disgorgement, and Other Equitable Relief (Dkt. 1) (“Complaint”), and subsequently filed its First Amended Complaint for Injunctive Relief, Civil Monetary Penalties, Restitution, Disgorgement, and Other Equitable Relief (Dkt. 110) (“Amended Complaint”) on June 12, 2019, alleging that Defendants Oasis International Group, Limited; Oasis Management, LLC; Satellite Holdings Company; Michael DaCorta; Joseph Anile; Raymond Montie, III; Francisco Duran; and John Haas (collectively, “Defendants”) fraudulently solicited hundreds of members of the public to invest approximately \$75 million in two commodity pools that purportedly would trade in forex. Instead of using pool participants’ funds for forex trading as promised, however, Defendants misappropriated the majority of pool participants’ funds and issued false account

statements to pool participants to conceal the trading losses and misappropriation.

2. The Complaint and Amended Complaint further alleged that the Relief Defendants received pool participants' funds to which they had no legitimate claim; therefore, the Complaint and Amended Complaint sought disgorgement of such funds from the Relief Defendants.¹

3. On the same day the Complaint was filed, the CFTC filed its Emergency *Ex Parte* Motion for a Statutory Restraining Order, Preliminary Injunction, and Other Equitable Relief and Memorandum in Support, which included a request to appoint a receiver (Dkt. 4). The Court granted this Motion on the same day, appointing Burton Wiand first as temporary receiver (Dkt. 7), and then on April 30, 2019, the Court appointed Mr. Wiand as permanent receiver ("Receiver") until further order of the Court (Dkt. 44).

4. As part of his duties under the Court's orders of April 15, 2019 and April 30, 2019 (Dkts. 4, 44), the Receiver marshaled the assets of the Defendants and Relief Defendants (the "Receivership Estate") and liquidated these assets for the benefit of the Receivership Estate.

¹ The Complaint and Amended Complaint also named Mainstream Fund Services, Inc. as a relief defendant. On January 29, 2021, the CFTC filed a motion to enter a consent order between the CFTC and Mainstream (Dkt. 364), and the Court entered that consent order on February 1, 2021 (Dkt. 366), dismissing Mainstream from this case. Mainstream is therefore no longer a party to this action.

5. The CFTC has been notified by the Receiver that all assets belonging to the Relief Defendants have now been liquidated and that Relief Defendants are now defunct.

6. Under Fed. R. Civ. P. 41(a) and 66, actions in which a Receiver has been appointed may only be dismissed by court order. Rule 41(a)(2) permits a plaintiff to voluntarily dismiss an action “by court order, on terms that the court considers proper.” A court “enjoys broad discretion in determining whether to allow a voluntary dismissal under Rule 41(a)(2).” *Pontenberg v. Boston Scientific, Corp.*, 252 F.3d 1253, 1255 (11th Cir. 2001). “In exercising its broad discretion under Rule 41(a)(2), the district court ‘must weigh the relevant equities and do justice between the parties in each case, imposing such costs and attaching such conditions to the dismissal as are deemed appropriate.’” *Id.* at 1256 (quoting *McCants v. Ford Motor Co., Inc.*, 781 F.2d 855, 857 (11th Cir. 1986)).

7. Dismissal is appropriate at this time. The Receiver has notified the CFTC that it agrees with this motion and that the Relief Defendants have no remaining assets to liquidate. Further, the Relief Defendants have never filed a response in this case and are now defunct, and will therefore not suffer a clear legal prejudice in this case.

8. Accordingly, the CFTC moves to dismiss Relief Defendants Bowling Green Capital Management LLC; Lagoon Investments, Inc.; Roar of the Lion Fitness, LLC; 444 Gulf of Mexico Drive, LLC; 4064 Founders Club Drive, LLC;

6922 Lacantera Circle, LLC; 13318 Lost Key Place, LLC; and 4Oaks LLC without prejudice.

Dated: December 7, 2023

Respectfully submitted,

/s/ Jeff Le Riche _____

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LOCAL RULE 3.01(g) CERTIFICATION

Undersigned counsel for the CFTC has conferred with counsel for the Receiver who does not oppose the relief requested in this Motion to Dismiss.

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2023, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court via the CM/ECF system, which served all parties of record who are equipped to receive service of documents via the CM/ECF system.

I hereby certify that on December 7, 2023, I provided service of the foregoing via electronic mail to the following unrepresented parties:

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PRO SE DEFENDANT

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PRO SE DEFENDANT

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PRO SE DEFENDANT

/s/Jeff Le Riche _____
Jeff Le Riche