

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

Case No. 8:19-CV-886-T-33SPF

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

FUNDAMINISTRATION, 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 4 OAKS LLC,

Relief Defendants.

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**RECEIVER'S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF
RECEIVER'S MOTION FOR CONTEMPT**

BURTON W. WIAND, the Court-appointed receiver over the assets of the
above-captioned defendants and relief defendants, (the “**Receiver**”), by and through

the undersigned counsel and pursuant to Local Rule 3.01(d), respectfully requests that this Honorable Court permit the Receiver to file a Reply in Support of Receiver's Motion for Contempt in response to Stephen Preziosi's Opposition ("Response") [Doc.835], and in support thereof states the following:

Executive Summary

The Receiver requests leave to file a reply, not to exceed seven (7) pages, to address facts and issues raised in Mr. Preziosi's thirty-five (35) page Response.¹ The reply is necessary to address Mr. Preziosi's representations regarding discussions with the Receiver and the Receiver's good faith attempts to resolve the discovery dispute without court intervention. Moreover, the Response evidences Mr. Preziosi's refusal to provide a privilege log absent court intervention which necessitated the Receiver's Motion for Contempt.

Memorandum of Law

This Court has the authority to grant leave to file a reply directed to a motion pursuant to Local Rule 3.01(c). In seeking leave to file a reply, the Receiver is not seeking to merely re-hash arguments articulated in his Motion for Contempt. Rather, the Receiver seeks leave to file a short reply, not exceeding seven (7) pages, to address the misstatements of fact, raised for the first time in the Response. *See*

¹ Local Rule 3.01(b) limits a response to twenty pages, therefore, the Response exceeds the limitation by fifteen pages.

Bordenkircher v. Am. Home Products, 2004 WL 6066924 * 4 n. 20 (M.D. Fla. Jan. 26, 2004) (noting that court would consider arguments in reply that were additional and not merely a re-hash of previous arguments). It is respectfully submitted that it would be in the best interests of justice should the Receiver be permitted to file the reply.

WHEREFORE, the Receiver respectfully requests that this Court grant his Motion for Leave to File a Reply in accordance with the foregoing.

Local Rule 3.01(g) Certification

The undersigned certifies that the Receiver has conferred with Preziosi, by written correspondence, who advised objects to the relief sought. The CFTC raises no objection to this motion.

DATED: August 27, 2024.

ENGLANDER FISCHER

/s/ Beatriz McConnell

BEATRIZ MCCONNELL

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