

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

COMMODITY FUTURES TRADING
COMMISSION,

PLAINTIFF,

V.

CASE NO. 8:19-CV-886-VMC-SPF

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

FUNDADMINISTRATION, 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.

**RECEIVER'S REPLY IN FURTHER SUPPORT OF
MOTION FOR AN ORDER TO SHOW CAUSE**

On April 3, 2026, Burton W. Wiand, as receiver (the “**Receiver**”) over the assets of the above-captioned defendants and relief defendants (the “**Receivership**” or “**Receivership Estate**”), moved the Court for an order to show cause why certain individuals associated with the so-called “Oasis Helpers Group” (the “**Helpers Group**”) – *i.e.*, Jason McKee (individually and as trustee of Trust, LLT), Greg Melick, defendant Michael DaCorta, and attorneys Brent Winters and Stephen Preziosi (collectively, the “**Respondents**”) – should not be held in civil contempt for violating the Court’s Consolidated Receivership Order (the “**Consolidated Order**”) (Doc. 177) and its predecessors.¹ *See* Doc. 904.

Only Preziosi responded to the Receiver’s motion. *See* Doc. 911. The Receiver submits this reply to explain that Preziosi’s arguments and purported defenses are without merit for five independent reasons. First, Preziosi’s claim that he was unaware of the other Respondents’ misconduct is implausible because the Receiver has repeatedly and loudly warned both parties and nonparties about the Helpers Group and its affiliates for years. For example, the Court granted Preziosi’s motion to appear in this action *pro hac vice* almost two years ago on July 24, 2024. *See* Doc. 824. The Receiver filed his Twenty-

¹ On July 11, 2019, the Court entered the Consolidated Order (Doc. 177), which combined and superseded two prior orders (Docs. 7 and 44) and is the operative document governing the Receiver’s activities. *See also* Doc. 43 (Consent Preliminary Injunction) & Doc. 390 (reappointing Receiver).

First Interim Report on July 31, 2024. *See* Doc. 828. That report has an 11-page section entitled, “The Receiver’s Investigation into Defendant DaCorta’s Assets, the Ongoing Obstruction of the Receivership, and a Potential Recovery Scam Targeting Defrauded Investors.” *Id.* at 13. It begins by noting that “[t]he Court has never exempted any cash or other property from the asset freeze for the payment of defendant DaCorta’s legal expenses” (*id.*) and then poses the question: “With his assets frozen, who is paying DaCorta's legal expenses? The answer is troubling” (*id.* at 14). The report even mentions Preziosi by name and suggests the need for a status conference like the recent one that led to the Receiver’s instant motion:

Most recently, DaCorta retained Stephen Preziosi, Esq. of New York. Mr. Preziosi was served with a subpoena and produced a limited number of documents which indicate that he has been paid over \$155,000 to represent DaCorta in his appeal of the Court’s order granting summary judgment against him. **That appeal is intended, in part, to undermine the Receivership and the rights of the claimants.** While Mr. Preziosi has not clarified the source of his funding, he was clearly recruited by Winters and the “Oasis Helpers,” including an individual named Greg Mellick, who is a leader of that group. Records produced to date indicate that the funding came from a check (\$80,000) from one of the scheme’s victims (a 78-year-old investor from New Hampshire) and a wire transfer from an undisclosed source. Mr. Preziosi has refused to produce communications with the “Oasis Helpers” or other documents relating to the funding of the appeal and his engagement. The Receiver also continues to investigate possible violations of the asset freeze and will likely request a status conference to further discuss these issues with the Court.

Id. at 22-23 (emphasis added).² Since July 2024, the Receiver has filed an additional 7 interim reports addressing these matters. *See* Docs. 845, 855, 864, 877, 882, 889, 910.³ “A lawyer appearing in the Middle District must remain familiar with, and is bound by, the rules governing the professional conduct of a member of The Florida Bar.” Local Rule 2.01(e). “A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows or reasonably should know is criminal or fraudulent.” Rule 4-1.2(d), Rules Regulating The Florida Bar (emphasis added). Even if Preziosi had no independent knowledge of the Helpers Group’s misconduct, which is not credible, the Receiver’s detailed reports indisputably put him on inquiry notice of the recovery fraud. Despite such notice, he appears to have conducted no investigation⁴ whatsoever, opting instead to represent DaCorta on his victims’ dime for almost two years and counting.

Second, to establish civil contempt, the Receiver must prove by clear and convincing evidence that a Court order was violated. Preziosi argues that the

² As noted during the status conference and elsewhere, the Helpers Group is treating the \$80,000 check as a bridge loan and seeking reimbursement from numerous other claimants using threats and other extortionate tactics. As such, the opinion of the investor who initially wrote the check is neither dispositive nor exculpatory.

³ On April 19, 2024, the Receiver filed a supplemental report dealing entirely with the Helpers Group and related issues. Doc. 811. That and other information was already in the record when Preziosi appeared. As an appellate attorney, he is charged with knowledge of the record of the case he is actively appealing.

⁴ Preziosi could have consulted the Oasis Helper’s own website - <https://oasisreplevin.net/> - which details many of their activities.

Receiver has not met that burden because he has produced no evidence that the funds used to pay legal fees were connected to Receivership property. Preziosi further argues that the Receivership has no interest in the victims' money and that they are free to spend it as they choose, including in defense of DaCorta. Again, Preziosi's arguments are without merit. As an initial matter, the affected claimants are not making informed choices; rather, they are being fed misrepresentations and acting under duress, including the threat of collections and other extortionate activity.

In addition, the Receivership has an interest in the funds, as a matter of law, because (1) they constitute after-acquired assets subject to the asset freeze and/or (2) they are diverted percentages of Receivership distributions. As explained in the motion for an order to show cause, the funds the Helpers Group raised for DaCorta's defense, including payments to Preziosi, constitute after-acquired assets of DaCorta subject to the asset freeze. The Receiver has an interest in those assets because the Court appointed him over DaCorta's personal assets – not just the assets of the corporate defendants and relief defendants. If DaCorta wanted to raise money for his defense, he was required to seek leave of Court and do so in a supervised, transparent manner. *See, e.g., F.T.C. v. Para-Link Int'l, Inc.*, 2001 WL 34107045, at *3 (M.D. Fla. May 30, 2001) (recommending denial of motion to lift asset freeze as to “after-acquired assets” to pay attorneys' fees for failure to comply with court-ordered procedures).

Instead, he and the other respondents perpetrated the recovery fraud. Freezing after-acquired assets is particularly appropriate here because the Court's judgment against DaCorta includes \$53,270,336.08 plus post-judgment interest as restitution and \$8,453,628.48 as a civil penalty. *See* Doc. 781. After his criminal trial, DaCorta was also ordered to pay restitution of \$53,270,336.08. Given these outstanding obligations, any argument that DaCorta can keep after-acquired assets, even those entirely unconnected to the underlying fraud, to spend as he pleases is preposterous.

The Receiver also has an interest in the money at issue because it is currently and actively being diverted from Receivership distributions through the bogus contingency fee agreement. Before the Receiver makes a distribution to claimants, the money belongs to the Receivership Estate. When the Court approves a recommended distribution, it authorizes, for example, the payment of an Allowed Amount of \$100,000 to Claimant A. The Court has never authorized the payment of \$85,000 to Claimant A and \$15,000 to Winters, Preziosi, and the Helper's Group based on a bogus 15% contingency fee agreement. When the Helpers Group diverts that \$15,000 it is violating Court orders and misappropriating money to which it has no entitlement. It is, quite literally, diverting and stealing Receivership property. The Receiver's interest in preventing such a situation is unquestionable. *See, e.g., S.E.C. v. Vescor Cap. Corp.*, 599 F.3d 1189, 1197 (10th Cir. 2010) (“[I]n a case involving a Ponzi

scheme, the interests of the [r]eceiver are very broad and include not only protection of the receivership *res*, but also protection of defrauded investors and considerations of judicial economy”).

Third, Preziosi argues that he is not counsel of record for DaCorta in this action. He claims that he appeared only for the limited purpose of contesting a contempt motion in mid-2024. That appearance ended, and he is now counsel solely for DaCorta’s Eleventh Circuit appeal and Habeas Corpus petition. None of those self-serving distinctions and limitations appear in the Court’s order granting Preziosi’s *pro hac vice* motion. *See* Doc. 824 (“Attorney Stephen Preziosi may appear *pro hac vice* on behalf of Defendant Michael DaCorta.”). If Preziosi no longer wishes to represent DaCorta, he should withdraw. In any case, his appearance subjects him to this Court’s orders, the Local Rules, and the Rules Regulating the Florida Bar.

Fourth, confusingly, Preziosi argues that the S.D.N.Y. vindicated him by finding that certain of his communications with Greg Melick are protected by the attorney-client privilege or work product doctrine, but that argument only supports the Receiver’s case. It shows that Preziosi acted in “active concert and participation” with Melick and the other Respondents. It shows that he knew of their activities. It shows that their misrepresentations should be imputed to Preziosi as if he made them personally because he worked hand-in-hand with

the Helpers Group. The S.D.N.Y. proceeding only confirms Preziosi's joint and several liability with the other Respondents.

Fifth, citing *Isaiah v. JPMorgan Chase Bank* (11th Cir. 2020) and related cases, Preziosi argues a receiver only acquires the rights of the entity in receivership and cannot assert authority over assets belonging to unrelated third parties.⁵ According to Preziosi, the receivership estate is a finite, fixed set of assets as they existed in 2019 — it cannot be expanded to encompass future personal spending by anyone who was once a lender or investor. This is nonsense because (1) *Isaiah* involves third party tort litigation and is irrelevant to these issues, (2) the Consolidated Order expressly gives the Receiver the power to trace assets and impose constructive trusts, and most importantly, (3) the Receiver is not trying to control the investors' personal spending. The investors can do whatever they want with their money, but Preziosi and the other Respondents cannot steal it from them under the guise of the bogus contingency fee agreement. Moreover, once an investor gives money to DaCorta (through the Trust or any other intermediary), the money no longer belongs to the investor but to DaCorta and thus to the Receiver pursuant to his appointment over DaCorta's personal assets and the tens of millions DaCorta still owes in restitution and penalties.

⁵ As this Court is aware, Receivers can expand receiverships to third party property and do so routinely. For example, in *S.E.C. v. Nadel*, this Court granted numerous such motions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 18, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I also served each of the Respondents by email and/or US Mail as set forth below:

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