

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.

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This cause comes before the Court upon consideration of the Receiver's Verified Motion to Approve Substituted Service on Certain Respondents for July 15, 2026, Order to Show Cause Hearing (Doc. # 934), filed on June 26, 2026. For the reasons

that follow, the Motion is granted in part and denied without prejudice in part.

Discussion

Pursuant to Federal Rule of Civil Procedure 4(e)(1), an individual may be served in a judicial district of the United States by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." Fed. R. Civ. P. 4(e)(1). The Receiver moves for leave to serve Respondents Brent Winters, Greg Melick, and Jason McKee under Florida law. The Receiver also moves for leave to serve Mr. Winters under Indiana law and Mr. McKee under Illinois law.

A. Service Under Florida Law

The Receiver moves for permission to effectuate substituted service on Mr. Winters, Mr. Melick, and Mr. McKee pursuant to Florida Statute § 48.161.

Under Florida law, "[w]hen an individual . . . is a nonresident or conceals his, her, or its whereabouts, the party seeking to effectuate service may, after exercising due diligence to locate and effectuate personal service," effectuate substituted service of process on the Secretary of State. Fla. Stat. § 48.161(2). In addition to sending a copy of the process to the Secretary of State, the party must also send "notice of service and a copy of the process" to the

"last known physical address and, if applicable, last known electronic address of the party being served." Fla. Stat. § 48.161(3). "The party effectuating service shall file proof of service or return receipts showing delivery to the other party by mail or courier and by electronic means, if electronic means were used, unless the party is actively refusing or rejecting the delivery of the notice or the party is concealing himself, herself, or itself." Id. "An affidavit of compliance of the party effectuating service or such party's attorney must be filed within 40 days after the date of service on the Secretary of State or within such additional time as the court allows." Id.

The Court finds that the Receiver has exercised due diligence to locate and effectuate personal service on Mr. Winters, Mr. Melick, and Mr. McKee and has demonstrated that these individuals do not reside in Florida and are evading service of process. Accordingly, the Receiver may effectuate substituted service against Respondents in accordance with Florida Statute § 48.161.

The Motion is granted as to this issue.

B. Service Under Indiana Law

The Receiver also seeks leave to serve Mr. Winters in accordance with Indiana Trial Procedure Rule 4.14. Although the Receiver has been unable to locate a residential address

for Mr. Winters, his official address on record with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois is in Terre Haute, Indiana. (Doc. # 934 at 3; Doc. # 934-5).

Pursuant to Indiana Trial Procedure Rule 4.14, "[u]pon a verified motion filed by any party setting forth facts sufficient to show that prior attempts to obtain service pursuant to the trial rules have been unsuccessful, the court in which any action is pending may make an appropriate order for service in any other manner that is reasonably calculated to give the defendant actual knowledge of the proceedings and an opportunity to be heard." Ind. R. Trial P. 4.14. "Such other forms of service may include social media, email, or other technology." Id.

The Receiver states that "[t]o date, efforts at service have been unsuccessful because [Mr.] Winters apparently has no discernable residence, and his published office address . . . is a UPS store." (Doc. # 934 at 3). The Receiver represents that he "has several reliable email addresses for [Mr.] Winters, and he has used certain of them to both communicate with the Oasis claimants and with the Receiver or his professionals." (Id. at 12). The Court finds that service via these email addresses is "reasonably calculated to give [Mr. Winters] actual knowledge of the proceedings and an

opportunity to be heard." Ind. R. Trial P. 4.14. The Receiver may serve Mr. Winters in accordance with Indiana Trial Procedure Rule 4.14.

The Motion is granted as to this issue.

C. Service Under Illinois Law

Finally, the Receiver moves for leave to serve Mr. McKee, who is believed to reside in Illinois, in accordance with Section 2-203.1 of the Illinois Code of Civil Procedure.

Pursuant to Section 2-203.1 of the Illinois Code of Civil Procedure, "[i]f service upon an individual defendant is impractical under items (1) and (2) of subsection (a) of Section 2-203, the plaintiff may move, without notice, that the court enter an order directing a comparable method of service." 735 Ill. Comp. Stat. 5/2-203.1. "The motion shall be accompanied with an affidavit stating the nature and extent of the investigation made to determine the whereabouts of the defendant and the reasons why service is impractical under items (1) and (2) of subsection (a) of Section 2-203, including a specific statement showing that a diligent inquiry as to the location of the individual defendant was made and reasonable efforts to make service have been unsuccessful." Id.

Here, the Receiver's Motion is not accompanied by an affidavit as required by Section 2-203.1. The Receiver

acknowledges this point but asserts, without citation to any legal support, that the Receiver's verification of the Motion "has the same practical effect." (Doc. # 934 at 13 n.4). The Court disagrees.

Although the Illinois rule does not define the term "affidavit" and does not provide specific requirements for its format, "Illinois courts have defined the term in consistent fashion for over 100 years." Roth v. Illinois Farmers Ins. Co., 782 N.E.2d 212, 214 (Ill. 2002). Under Illinois law, "an affidavit must be sworn to, and statements in a writing not sworn to before an authorized person cannot be considered affidavits." Id. However, the Illinois Code of Civil Procedure slightly relaxes the notary requirement. Under Section 1-109 of the Illinois Code of Civil Procedure, "Verification by certification," a sworn affidavit requirement can be satisfied by "certification of such pleading, affidavit or other document under penalty of perjury as provided in this Section." 735 Ill. Comp. Stat. 5/1-109. This allows parties to satisfy a sworn affidavit requirement by "subscrib[ing] to a certification in substantially the following form: Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to

matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true." Id.

Similarly, "[u]nder federal law, wherever any matter must be supported by affidavit, it is sufficient if stated in writing 'in substantially the following form: . . . 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'" Saadi v. Maroun, No. 8:07-cv-1976-SCB-JSS, 2019 WL 13180398, at *2 (M.D. Fla. Mar. 21, 2019) (quoting 28 U.S.C. § 1746).

The Receiver's verification states as follows:

I, Burton W. Wiand, Court-Appointed Receiver in the above-styled matter, hereby certify that the information contained in this motion is true and correct to the best of my knowledge and belief.

(Doc. #934 at 15). The Receiver does not declare under penalty of perjury that the statements in the Motion are true and correct. Accordingly, regardless of whether Illinois law or federal law applies, the Receiver's verification does not render the Motion the equivalent of an affidavit.

The Motion is denied without prejudice as to this issue.

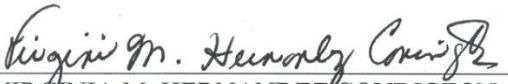
Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Receiver's Verified Motion to Approve Substituted Service on Certain Respondents for July 15, 2026, Order to Show Cause Hearing (Doc. # 934) is **GRANTED** in part and **DENIED WITHOUT PREJUDICE** in part.
- (2) The Receiver is permitted to serve Respondents Brent Winters, Greg Melick, and Jason McKee with the Order to Show Cause (Doc. # 927) and the Receiver's Verified Motion for an Order to Show Cause (Doc. # 904) via substituted service in care of the Secretary of State in accordance with Florida Statute § 48.161.
- (3) In addition to sending a copy of the process to the office of the Secretary of State, the Receiver must send notice of service and a copy of the process to each Respondent's last known physical address and, if applicable, last known electronic address. The Receiver shall file proof of service or return receipts showing delivery to each Respondent by mail or courier and by electronic means, if electronic means were used, unless the Respondent is actively refusing or rejecting the delivery of the notice or is concealing himself.
- (4) The Receiver must file an affidavit of compliance as required by Florida Statute § 48.161(3) prior to the show cause hearing.

(5) The Receiver also may serve Brent Winters in accordance with Indiana Trial Procedure Rule 4.14.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 1st day of July, 2026.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE