

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

COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

v.

Case No. 8:19-cv-00886-VMC-SPF

OASIS INTERNATIONAL GROUP, LIMITED, et al.,

Defendants.

**RESPONDENT MICHAEL J. DACORTA'S MOTION FOR RECONSIDERATION
OF THE COURT'S ORDER (DOC. 989)**

Respondent Michael J. DaCorta, proceeding pro se, respectfully moves this Court to reconsider its Order of September 4, 2026 (Doc. 989), pursuant to the Court's inherent authority to reconsider non-final orders — the very standard the Court itself articulated four weeks earlier in denying reconsideration of a related order (Doc. 976, Aug. 10, 2026), recognizing that authority extends to "the availability of new evidence." What follows is new evidence, not about the underlying facts of this case, but about the process that produced the Order now on review — a process that does not reflect the individualized, independent judicial fact-finding due process requires.

INTRODUCTION

The Order should not stand as written. Four independent problems combine to show that it does not reflect this Court's own judgment, but rather adopts, almost without alteration, the advocacy of one party against a respondent who was denied a meaningful opportunity to contest it.

First, a word-for-word comparison shows that 85.5% of the Order was copied verbatim, in sequence, from the Receiver's own post-hearing proposed findings (Doc. 985) — including

matching page numbers, at least one matching paragraph number, and argumentative characterizations, not merely neutral recitations of the record.

Second, this Court's own docket proves it is capable of individualized treatment when it chooses to exercise it: respondent Stephen Preziosi's situation was resolved through a negotiated, particularized process, with the Court granting relief in part and denying it in part based on his specific circumstances. No comparable engagement appears anywhere in the Order as to the remaining Respondents.

Third, three of the four remaining Respondents — Winters, Melick, and McKee — never appeared in this proceeding at all. They were reached only through substitute service after the Receiver represented they were evading process, and the Order nonetheless holds them in contempt using findings drawn almost entirely from the Receiver's own submission, with no adversarial testing of any kind.

Fourth, the process afforded to Mr. DaCorta specifically fell short of what due process requires: he was denied remote appearance in multiple written orders despite giving the Court specific, written notice — weeks before the hearing — that he did not intend to testify and would invoke his Fifth Amendment privilege if called; he documented, in a filed and signed motion, the severe physical and psychological toll of the transport process the Court nonetheless required him to repeat; he was interrupted while examining a witness while opposing counsel received extended, uninterrupted argument time; and sworn evidence squarely rebutting the Receiver's central factual narrative was on file with this Court for a full month before the Order issued, without any indication the Court engaged with it.

Mr. DaCorta respectfully requests that the Court vacate the Order, or in the alternative, reconsider it and enter amended findings reflecting the Court's own independent analysis of the record.

I. THE ORDER IS SUBSTANTIALLY A VERBATIM COPY OF THE RECEIVER'S PROPOSED FINDINGS

A word-level sequence comparison of the Receiver's Proposed Post-Hearing Findings of Fact and Conclusions of Law (Doc. 985, 86 pages) against the Court's Order (Doc. 989, 86 pages) establishes the following:

Metric	Result
Total words, Order	22,976
Total words, Receiver's Proposed Findings (Doc. 985)	22,964
Words appearing verbatim, in the same sequence, in both documents	19,653
Percentage of the Order that is verbatim text from Doc. 985	85.5%
Percentage of Doc. 985 carried into the Order verbatim	85.6%
Percentage of the Order covered by substantial (15+ consecutive word) verbatim runs	~79%
Content original to the Court, found nowhere in Doc. 985	~9.3% of the Order

Numerous verbatim passages appear on matching page numbers across the two 86-page documents, and at least one passage preserves the Receiver's own paragraph numbering (§52) intact in the Order.

The small portion of the Order not traceable to Doc. 985 consists almost entirely of procedural recitations, block-quoted generic case law on contempt remedies, and the numbered decretal paragraphs ordering relief. The Court's own voice is essentially absent from the substantive fact-finding and the application of law to the specific, contested facts — precisely where independent judicial judgment matters most.

The copying is not limited to neutral summaries. It extends to the Receiver's own advocacy language, adopted as if it were the Court's independent finding — for example, a 159-word passage describing Respondents as "[d]ispleased" and having "tried again to land the Receiver in legal

trouble," and a 344-word passage describing Respondents as having "done nothing to create the fund nor provided any legitimate assistance" — both copied word-for-word, in sequence, from the Receiver's brief.

Order ¶ 130 (Doc. 989 at 74–75) lists eight specific adverse inferences the Court drew against Mr. DaCorta from his Fifth Amendment invocations — including that he "directed Melick to raise money," that he "knows the location of the misappropriated gold coins," and that he and Melick "have a history of working together to circumvent the asset freeze." This list is the operative finding connecting Mr. DaCorta personally to the conduct at issue; the surrounding paragraphs establish only that other Respondents engaged in the challenged conduct.

This paragraph is identical, bullet point for bullet point, to ¶ 131 of the Receiver's Proposed Findings (Doc. 985 at 71). No bullet was reworded, reordered, or qualified.

More significantly, each bullet in ¶ 130 corresponds almost word-for-word to a specific leading question Mr. Perez posed to Mr. DaCorta on the stand, to which Mr. DaCorta responded only with the formula "At the advice of counsel, I will assert my Fifth Amendment right not to testify." For example, Mr. Perez asked, "You directed Greg Melick to raise money from Oasis investors to pay for your lawyers, did you not?" (Aug. 7 Hr'g Tr. at 129:19–20); the resulting finding in ¶ 130 is that "DaCorta directed Melick to raise money derived from Oasis investors to pay his legal expenses." The same correspondence holds for all eight bullets, including the questions regarding the gold coins (Tr. 130:25–131:3), the "history of working with Greg Melick to attempt to violate the asset freeze" (Tr. 130:16–19), and membership in the Helpers Group (Tr. 131:8–15). This is a verified, transcript-level illustration of the concern Mr. DaCorta raised in Doc. 984 under *Avirgan v. Hull*, 932 F.2d 1572, 1580 (11th Cir. 1991): that a question is not evidence merely because it is met with an invocation of the privilege, and that an adverse inference cannot substitute for the evidence needed to satisfy the proponent's burden of production. Here, the finding does not appear to go beyond restating the questions themselves as established fact.

Footnote 8 of the Order (Doc. 989 at 75–76), which directly rebuts Mr. DaCorta's own lead argument under *McGregor v. Chierico*, 206 F.3d 1378 (11th Cir. 2000) (Doc. 984 at 38, ¶ 7), is likewise adopted nearly verbatim from footnote 8 of the Receiver's Proposed Findings (Doc. 985 at 71–72).

Anderson v. City of Bessemer City, 470 U.S. 564 (1985), is the controlling authority on verbatim adoption of a party's proposed findings. *Anderson* held that verbatim adoption, while a disapproved practice, does not automatically render findings clearly erroneous — but only because two specific safeguards were present: the losing party was given, and availed itself of, the opportunity to respond at length to the proposed findings before they were adopted, and the findings ultimately issued varied considerably from what had been proposed. Neither safeguard is present here. The Order never mentions Doc. 985 by docket number, never states that Respondents were served with it, and never states that they had any chance to object to it before it was adopted — even though the Order otherwise recites procedural history in some detail, making its silence on this specific point conspicuous. And the data above shows the opposite of "considerable variation": 85%+ verbatim overlap, matching page numbers, and preserved paragraph numbering.

Lower courts applying *Anderson* have made clear its tolerance for verbatim adoption is conditional, not categorical. See *Bright v. Westmoreland County*, 380 F.3d 729, 731–32 (3d Cir. 2004); *Tonolli Corp.*, 4 F.3d 1209, 1215–16 (3d Cir. 1993) (tolerating adoption only where nothing indicated the court used the proposed findings as a "crutch"); *Bendix Corp.*, 774 F.2d 786, 799–800 (7th Cir. 1985) (criticizing a court for failing to "key its analysis" to the record when adopting a party's brief virtually as-is). On this record, the safeguards that saved the order in *Anderson* are absent, and the "crutch" concern *Tonolli* identified is squarely presented.

II. THE COURT'S OWN RECORD SHOWS IT IS CAPABLE OF INDIVIDUALIZED TREATMENT

Respondent Stephen Preziosi was originally named in this same show-cause proceeding. Rather than being swept into a consolidated, one-sided set of findings, his situation was resolved individually: the Receiver, his counsel, and Preziosi engaged in settlement communications producing a joint motion with specific, itemized commitments, in exchange for the Receiver's agreement not to pursue disgorgement, and the Court ruled on that motion individually — granting it in part and denying it in part, reflecting the Court's own particularized weighing of his specific circumstances.

No comparable process is reflected anywhere in the Order as to the remaining Respondents. This is not a suggestion that the Preziosi resolution was improper — negotiated resolution of contempt exposure is unremarkable. It is a demonstration that individualized findings were entirely practical and available in this proceeding. The Court did exactly that for Preziosi. It did not do so for anyone else.

The comparison sharpens further on close examination. Mr. DaCorta's own filed motion (Doc. 962) identifies a direct, contemporaneous parallel: four days before the hearing, the Receiver agreed Preziosi need not attend at all and would rely on his affidavit instead. Mr. DaCorta's contemporaneous request for the identical accommodation made on the identical ground of not intending to testify was denied without any discussion of the request.

The disparity is starkest as to the three Respondents who never appeared at all. By order dated July 1, 2026, the Court authorized the Receiver to serve Winters, Melick, and McKee via substitute service on the Florida Secretary of State after the Receiver represented they were evading process. None of the three appeared at the August 7, 2026 hearing. As to them, the Order's findings were entered with no adversarial testing whatsoever — no testimony, no cross-examination, no argument, no filings in response to the allegations. Whatever imperfect opportunity Mr. DaCorta received, he at least appeared, was sworn, invoked his rights on the record, and filed his own motions contesting the process. Winters, Melick, and McKee did none of this, yet received the

same 85%-verbatim findings as everyone else. As to them, the Order's findings are, functionally, the Receiver's uncontested allegations, formally captioned as the Court's own.

The Receiver's own shifting treatment of Mr. Preziosi further undermines confidence in the consistency of its theory — and both Mr. Preziosi's own sworn account in Doc. 911 and the actual SDNY order confirm the full extent of it. Mr. Preziosi appeared via pro hac vice motion in July 2024 "for the sole purpose of contesting Mr. Wiand's motion for contempt of a subpoena"; this Court dismissed that motion in December 2024 as brought in the wrong jurisdiction. The Receiver then brought the identical dispute in the Southern District of New York (In re Subpoena by a Receiver, No. 1:24-mc-00577-AT (S.D.N.Y. Jan. 9, 2026)), where Judge Analisa Torres held, after personally reviewing the disputed communications in camera, that they were "clearly prepared 'in anticipation of' Preziosi's pending appeal" and protected by attorney work-product privilege — and separately rejected the Receiver's argument that a crime-fraud exception should override that privilege, finding that "after in camera review, the emails themselves have no bearing on the allegedly fraudulent conduct" the Receiver alleged. The Receiver's motion for indirect civil contempt was denied. And --- in Mr. Preziosi's own words — "[n]ow, for the third time, Mr. Wiand seeks to hold me in contempt," this time on the theory that Mr. Preziosi's filing of Mr. DaCorta's appeal and habeas petition was somehow "frustrating the receivership." Two of these three efforts were resolved decisively against the Receiver; the third was folded into the present show-cause proceeding and later abandoned once Mr. Preziosi withdrew from representing Mr. DaCorta. This Court itself separately questioned whether the receivership estate had improperly borne the cost of the first, jurisdictionally defective effort: in a February 2025 order reviewing the Receiver's interim fee applications, the Court found that amounts billed for the improperly filed contempt motion had not been adjusted, and directed the Receiver to explain why victims' funds, rather than the Receiver or its law firm, should bear that cost.

A theory that required three separate attempts, across two courts, to sustain against the same attorney — two of them dismissed outright, and the third premised on nothing more than that

attorney's legitimate appellate advocacy — is not the kind of theory that should be adopted wholesale, without independent scrutiny, as to Mr. DaCorta himself.

Despite two failed contempt efforts and this Court's own scrutiny of the resulting billing, the Receiver again included Mr. Preziosi in this proceeding, advancing allegations about his relationship with Mr. DaCorta and Mr. Melick — only to agree to discharge those same allegations once Mr. Preziosi withdrew from representing Mr. DaCorta. The Receiver cannot maintain that Mr. Preziosi's conduct was evidence of a coordinated scheme involving Mr. DaCorta while simultaneously abandoning that theory as to Mr. Preziosi himself the moment he stopped representing Mr. DaCorta, without explaining what changed in the underlying facts. This matters directly to the Order under review, which adopts the Receiver's characterization that Mr. DaCorta "was a member of the Respondents' conspiracy" and imputes the conduct of others to him on that basis. Doc. 989 at 76. A conclusion of that kind cannot rest on association alone — it requires individualized, clear-and-convincing evidence of what Mr. DaCorta himself did, directed, knew, or authorized. The Receiver's own inconsistent application of the very theory it now asks this Court to adopt wholesale is itself reason to doubt that the theory received independent scrutiny before being adopted nearly verbatim in the Order.

III. THE PROCESS AFFORDED MR. DACORTA DID NOT REFLECT A MEANINGFUL OPPORTUNITY TO BE HEARD

A. Repeated Denial of Remote Appearance, With the Resulting Harm Documented in Advance

The docket confirms a pattern of repeated requests and repeated denials. On July 16, 2026, the Court denied Mr. DaCorta's motion to appear remotely, stating that "physical presence is required." On August 3, 2026, four days before the hearing, the Court denied a second, more detailed request

— stating that it had "stated multiple times" that physical presence was required, citing its own July order and a further reference in the Preziosi discharge order.

That second request (Doc. 962, filed under Mr. DaCorta's own signature) did far more than repeat the request. It told the Court, in writing, that Mr. DaCorta did not intend to testify and would invoke his Fifth Amendment privilege if called, and it documented, in specific and dated detail, the physical and psychological toll of the transport process the Court was being asked to require again: a nineteen-day ordeal, one week earlier, involving being shackled sitting sidesaddle with five other inmates in a windowless van; being delivered not to his home facility but to the Federal Detention Center in Miami and housed with "violent criminals, murderers, rapists, and dangerous gang members" despite being the lowest security classification in the federal system; a six-hour, high-speed transport without seatbelts, food, or bathroom breaks that the motion itself called "unsafe, reckless, life threatening, and inhumane"; a loss of fifteen pounds and constant hip and leg pain requiring that he seek professional psychological help immediately upon return; and the missing of scheduled family visits as a direct result. The motion asked the Court to determine whether physical presence was actually necessary given his stated intent not to testify, and asked, in the alternative, for remote appearance. The Court's order denying this request did not engage with the Fifth Amendment point at all — it simply restated, without elaboration, that physical presence was required.

The rationale the Court eventually gave — at the hearing itself, days later — was that physical presence was necessary to ensure a clear, on-the-record invocation of the Fifth Amendment rather than a remote assertion of intent to do so. Whatever the merit of that rationale, it does not appear anywhere in the written order that actually denied Mr. DaCorta's request; it surfaced only after he had already been transported, in restraints, a third time. The harm his motion specifically warned would recur did, in fact, recur: he was transported again beginning August 3, and by his own account required a nurse visit for extreme hip pain and was prescribed pain medication during that

period — the same injury his motion had already documented as arising from the identical process one month earlier.

B. Unequal Treatment During the Hearing

The Court interrupted Mr. DaCorta during his examination of a witness: "This is your opportunity to ask questions, Mr. DaCorta. You want to give a speech, I'll give you the opportunity... but this is not to give a speech. Ask a question, please." By contrast, during Mr. Perez's examination of witness Tim Devine, the Court interjected at length — not to redirect counsel, but to tell the witness, unprompted, that he had "been victimized by them" and that it is "hard to stand up for yourself because you've been so victimized and so traumatized." At the conclusion of this extended interjection, the Court told Mr. Perez, "Sorry for the interruption there" — apologizing to counsel for its own extended remarks, with no parallel acknowledgment toward Mr. DaCorta when he was the one actually interrupted earlier in the proceeding.

THE COURT: Because it's really the other way around. You've been victimized by them.

THE WITNESS: Well, no question. Absolutely 100 percent...

THE COURT: I totally understand. When you have been victimized, whether it's financially or some other way, it's -- I think it's hard to stand up for yourself because you've been so victimized and so traumatized.

This same exchange illustrates a broader problem with how individuals on the other side of this case have been characterized throughout this litigation. The Receiver, his counsel, and the Court have consistently referred to these individuals as "investors," "victims," or "claimants." But the record contradicts that characterization. Twelve sworn affidavits filed with this Court uniformly describe these individuals as lenders under signed loan agreements, not investors — each affiant states some variation of "I was one of the lenders to" or "I was one of the people that made loans to"

Oasis and Mr. DaCorta. Not one uses the word "investor" to describe their own relationship. This is not confined to the district court record: at oral argument on the related summary judgment appeal before the Eleventh Circuit, counsel represented to the panel that these individuals "loaned money to OASIS through the loan agreement documents, the promissory agreements, which all of the lenders signed." If Mr. Devine and similarly situated individuals are lenders disputing loan repayment rather than defrauded investors, the Court's unprompted characterization of him as "victimized" and "traumatized" — offered mid-examination, before all evidence was presented — assumed the very characterization that remains genuinely disputed.

The adverse-inference findings drawn against Mr. DaCorta from this same hearing, and their near-verbatim relationship to the Receiver's proposed findings, are addressed above in Section I and are not repeated here.

In setting the post-hearing briefing deadline, the Court solicited Mr. Perez's availability and accommodated his scheduling needs, while giving Mr. DaCorta — proceeding unrepresented — a flat, non-negotiable deadline without a comparable inquiry into his ability to meet it.

THE COURT: In an ideal world, if you could get something to me by August 24th, is that too much to ask, or do you think you could do that?

MR. PEREZ: I think we could do that, Your Honor.

THE COURT: That would work for me because of staffing issues, timing, other things that I have coming up... Mr. DaCorta, do you wish to present anything in writing to the Court?

MR. DACORTA: Can I have the option to do that without knowing for sure?

THE COURT: Well, that's your deadline. August 24th.

Mr. DaCorta subsequently tested that deadline directly. He moved for a limited extension until ten days after his return to his designated Bureau of Prisons facility, explaining that he remained held at the Pinellas County Jail without adequate means to prepare a substantive submission. He did so understanding, from what the Court had already told him, that the request would likely be denied — but concluded the request and denial were worth having on the record regardless. The Court denied the motion, reasoning that Mr. DaCorta's claimed inability to file was "belied by the fact that he has filed this Motion." That reasoning does not withstand scrutiny: the ability to draft a short, focused emergency motion is not equivalent to the ability to prepare a comprehensive substantive submission addressing the evidence and findings from a multi-hour hearing — the very submission the deadline called for. Pointing to the existence of the shorter filing as proof the longer, more demanding one was equally achievable does not follow from the premise.

C. Conditions of Custody

Mr. DaCorta's own filed motions document that the transport process to and from these hearings involved repeated shackling, multiple strip searches, housing with the general population of a maximum-security facility despite his minimum-security classification, transport conditions his own motion called life-threatening, and a documented, recurring hip injury that ultimately required medical treatment and prescription pain medication.

The morning of the August 7 hearing itself illustrates the disparity in circumstances between the parties. Mr. Perez, Mr. Wiand, and their counsel woke in their own homes, dressed in suits, and arrived at the courthouse shortly before the hearing began. Mr. DaCorta, by contrast, had already been in the custody of the Pinellas County Jail; he was awoken early in the morning and transported to the courthouse cuffed and shackled, arriving exhausted before the hearing had even started. He was brought into the courtroom and questioned in an orange jumpsuit emblazoned with the words "Property of Pinellas County Jail," wearing prison-issued backless shoes, with only his handcuffs removed for the proceeding — leaving him to shuffle to the witness stand in that condition. He was

made to wait in a holding cell until that afternoon and did not return to Pinellas County jail until almost 5 p.m.

This is the state in which he was asked to invoke or waive his constitutional rights and was later told he had simply "declined" to avail himself of the process due process afforded him.

D. The Evidence the Court's Subsequent Order Says Mr. DaCorta "Declined" to Present Was Already on File

After the hearing, in denying a related motion for reconsideration, the Court held that "Mr. DaCorta's remedy was to present such evidence at the show-cause hearing, which he declined to do." The full sequence underlying that statement bears examination. On the stand, after being asked twenty-four separate questions and invoking his Fifth Amendment privilege to each, Mr. DaCorta was twice asked, in an open-ended way, whether he wished to say anything further, and both times answered, "No, Your Honor."

That sequence should not be minimized, but it also should not be read in isolation from what else was true at that moment. An unrepresented person who has just invoked a constitutional privilege twenty-four times in direct response to specific, pointed questions cannot reasonably be expected to then volunteer an unscripted statement under oath on the same subject matter without risking exactly the kind of broad waiver the privilege exists to prevent. And the premise that no contrary evidence existed is simply incorrect: a full month before the hearing, twelve sworn, notarized affidavits were filed with this Court, each directly and specifically rebutting the Receiver's central factual narrative that claimants were coerced into funding Mr. DaCorta's defense with promises of a \$700 million recovery. Every affiant swore that the funds they contributed were their own personal money, that they were never pressured or threatened, and that they were never promised any recovery in exchange. That evidence was not "declined." It was filed, sworn, and sitting on the docket the entire time, and nothing in the record indicates the Court engaged with it before adopting, nearly verbatim, the very narrative it contradicts.

E. There Is No Evidence That Mr. DaCorta Personally Engaged in the Conduct Alleged

Mr. DaCorta has consistently denied any violation of this Court's orders, stating that he "never acted contrary to this Court's order concerning the receivership" and that the Receiver "fails to show by clear and convincing evidence" that any order was violated. The funds at issue were released to lenders and claimants pursuant to this Court's own distribution orders, without qualification preserving Receivership control after distribution; once negotiated by the recipients, those funds ceased to be Receivership property under controlling Eleventh Circuit authority. What the Receiver has never shown — and what the Order, copied nearly verbatim from the Receiver's own submission, does not independently establish — is that Mr. DaCorta personally directed, controlled, or participated in any coercion or misrepresentation to the individuals who voluntarily chose to support his legal defense with their own funds.

The Receiver's own exhibit illustrates the problem directly. Exhibit 905-20 establishes that Mr. DaCorta communicated with Mr. Melick and Ms. Utter in August 2021 and discussed whether his 2017 Outlook file should be resent to "the group." It does not identify the "group" as the Helpers Group, does not mention the Helpers Group, does not state that Mr. Melick was communicating with the Helpers Group, and does not instruct Mr. Melick to obtain, transfer, or use Receivership property.

The email does not expressly say:

- that Michael directed Melick to obtain Receivership assets;
- that Michael directed anyone to violate the July 11, 2019 asset freeze;
- that Michael knew particular funds used to pay attorneys came from Receivership property;
- that Michael directed the Helpers Group to make payments to attorneys;
- that Michael controlled the people who communicated with the Helpers Group;

- that Michael directed the filing of the 150 Notices and Objections;
- that Michael knew where particular gold coins were located; or
- that Michael personally received or controlled Receivership funds after the freeze.

It establishes only that:

- Michael communicated directly with Melick and Utter.
- He had knowledge of the 2017 Outlook.
- He believed the Outlook contained what he described as his "long-term OIG strategy."
- He wanted Melick and Utter to reread it.
- He suggested considering whether it should be resent to "the group."
- He discussed the performance of real estate and precious-metals positions and his views concerning the dollar.

The much narrower and potentially important question: what exactly does this email prove? Yet the Order's adverse inferences extend far beyond what this document says, including an inference that Mr. DaCorta knew Mr. Melick was communicating with the Helpers Group and directed Mr. Melick's activities. Evidence that establishes communication is not, without more, evidence that establishes direction, knowledge of a third party's conduct, or participation in a prohibited transaction. The Court should identify the evidence supporting each additional link in that chain rather than treating the first established fact as proof of all that followed. Melissa Davis, the Receiver's own accountant, admitted she was never asked to trace where individual contributors got their money. The order acknowledges the \$322,000 gold and \$186,000 credit-card figures (citing the same Davis testimony), but frames the money as "misappropriated" without ever confronting the specific gap DaCorta raised: that no one — including Davis — ever established DaCorta owned or controlled that money before it was spent.

The Order's answer to this gap is to declare that Mr. DaCorta "was a member of the Respondents' conspiracy" and to impute the conduct of others to him on that basis (Doc. 989 at 76). As developed in Section II above, that conclusion cannot rest on association alone, and the Receiver's own inconsistent application of this same theory — advanced against Mr. Preziosi, then abandoned once he stopped representing Mr. DaCorta — is itself evidence that the theory was adopted here without the independent scrutiny due process requires. A finding that assumes rather than establishes its central premise cannot support the contempt sanctions imposed.

IV. THE RECEIVER'S PATTERN OF TREATING PRELIMINARY CHARACTERIZATIONS AS ESTABLISHED FACT

This pattern is not confined to the Order under review, and it is not limited to what the Court adopts from the Receiver's filings — it extends to how the Court engages with this case more generally. At a December 22, 2022 hearing before this Court, in summarizing the grounds of Mr. DaCorta's motion to dismiss, the Court itself described the argument as concerning "OIG, Office of Inspector General" — conflating the actual corporate defendant, Oasis International Group, with an unrelated federal oversight body, a basic identifying detail in a case the Court has presided over for years.

The same hearing illustrates the other side of that same informality. The Court delivered extended, unprompted praise of the Receiver — calling him "an experienced, trustworthy individual" who has "done a good job," stating that judges "have been quite pleased with him," and, upon learning the Receiver was vacationing in Costa Rica, remarking that it was "one of my favorite places" and asking that her regards be sent along. A Court capable of conflating the corporate defendant's name minutes into a hearing, and of exchanging personal pleasantries with the Receiver in the same breath, is not well positioned to claim the kind of careful, independent engagement with this record that an 85%-verbatim, 86-page order implicitly represents.

At that same hearing, defense counsel raised, directly with the Court, that the Receiver had testified to the criminal jury, under oath, that the Court "had already decided that there was a Ponzi scheme" and that when a question was posed to the Receiver stating that nobody had reached such a finding, the Receiver responded, "No, I disagree. I believe Judge Covington... has reached a conclusion that this is a Ponzi scheme." Counsel noted this was a "grave concern," particularly given that the Receiver had by that point "been paid handsomely, almost 2.5 million plus" in fees, with no final judgment yet entered in the civil case. The Court's response did not address or correct this characterization; it pivoted to a discussion of asset recovery generally.

This same characterization — that the Court had "determined" this was a Ponzi scheme — was subsequently repeated by the Receiver to the criminal jury itself. Cross-examined on the point, the Receiver conceded no jury had made such a finding and that it was "not a final end judgment," while in the same breath beginning to say "this was a Ponzi" before correcting himself mid-sentence to the more technically precise "forex scheme" — a small but telling indication of which characterization came more naturally to him, independent of the evidence.

A. And this was not -- this was a Ponzi -- I mean, this was a forex scheme. It was not involved with -- it wasn't a REIT. It wasn't a real estate investment trust.

Q. Well, there has been no finding in either the criminal matter or the civil matter that this was a forex scheme; isn't that correct? Judicial finding by a jury in either matter, correct?

A. I don't think a jury has found that, but I think you might find in some of Judge Covington's orders that the evidence presented to her, she made the determination that it was a Ponzi scheme.

This pattern of characterization should be evaluated against the Receiver's own confirmed stake in the outcome. At a June 15, 2021 evidentiary hearing in the criminal case, Mr. Wiand testified under

oath that a criminal conviction would assist him "in order to establish liability for me for collecting assets during clawback cases," and would leave the CFTC's civil case "with nothing more than a summary judgment to bring the case to conclusion" in its favor, including disgorgement — and that a successful criminal forfeiture would likewise "generally" pass "through the Receivership for distribution to the victims." Asked directly whether that outcome would be to Mr. DaCorta's and his family's "financial and legal detriment," Mr. Wiand answered, "Yes, sir." This testimony does not, by itself, establish misconduct. It does establish that the Receiver had a direct litigation and financial interest in a criminal conviction and in the resulting civil and forfeiture recoveries — an interest that makes it especially important for the Court to distinguish independently proven facts from the Receiver's own characterization of disputed events, particularly where that characterization is now being used to support contempt findings, adverse inferences, and additional fee awards.

The broader finding that Mr. DaCorta was a "member of the Respondents' conspiracy" and that the acts of other persons are therefore imputable to him (Doc. 989 at 76) cannot be established merely by demonstrating that another person paid an attorney who represented Mr. DaCorta. The Court must identify the evidence establishing Mr. DaCorta's own conduct.

This distinction is especially important here because Mr. DaCorta has been incarcerated since 2022. The Receiver's theory repeatedly treats financial transactions undertaken by other persons, communications among other persons, and payments made by other persons as evidence of Mr. DaCorta's own participation. But association with the recipient of legal services is not the same thing as directing the payment for those services.

The Court should therefore examine each alleged transaction separately and identify the evidence — independent of any Fifth Amendment inference — that establishes Mr. DaCorta's personal knowledge, direction, authorization, or control. The record should not permit a chain of inference to become self-proving where each link requires evidence. The Court's contempt finding requires

clear and convincing proof, not a conclusion reached by repeatedly imputing one person's conduct to another.

V. THE RECEIVER'S FEES SHOULD BE EXAMINED IN LIGHT OF THIS COURT'S OWN PRIOR SCRUTINY

This Court does not need to look outside its own docket to find a basis for scrutinizing the fees the Receiver seeks to charge against the receivership estate. In a February 24, 2025 order reviewing the Receiver's Twenty-Third Interim Fee Motion, the Court found that the prior interim fee motion had "billed extensively for work related to the Receiver's motion for contempt" — the same motion the Court had already denied on jurisdictional grounds for having been filed in the wrong court — and that neither the Receiver nor its law firm had made any adjustment to remove those amounts. The Court directed the Receiver to explain why it would be appropriate for victims' funds, rather than the Receiver or the law firm, to bear that cost.

That order establishes the governing principle here: fees incurred through the Receiver's own procedural missteps are not properly charged to the funds meant to compensate the individuals this receivership exists to make whole, and the burden rests on the Receiver to justify such billing.

The scale of these fees is substantial even in a limited sample. Seven interim fee awards alone — the Sixteenth through Twenty-Second Interim Motions, spanning May 2023 through December 2024 — total \$840,406.42 paid from the Estate, distributed among more than a dozen professionals and firms, including counsel based in Idaho, Chicago, Belize, and the Caymans, in addition to the primary Florida-based professionals.

The combined share awarded to Wiand, Guerra, Perez, and Johnson Newlon & DeCort totals \$663,329.21 — representing 78.93% of the entire \$840,406.42 awarded across these seven orders:

Entity / Firm	Amount Awarded	Share of Total
Guerra & Partners, P.A.	\$342,389.52	40.74%

Burton W. Wiand, Receiver	\$177,207.13	21.09%
Jared J. Perez, P.A.	\$111,346.06	13.25%
E-Hounds, Inc.	\$50,020.50	5.95%
Englander Fischer	\$48,371.25	5.76%
PDR CPAs	\$33,419.16	3.98%
Johnson Newlon & DeCort	\$32,386.50	3.85%
KapilaMukamal, LLP	\$25,859.72	3.08%
Maples Group	\$6,545.23	0.78%
Phillips Lytle LLP	\$6,443.50	0.77%
Flores Piper	\$2,381.01	0.28%
Evans Keane LLP	\$2,268.74	0.27%
RWJ Group	\$1,206.25	0.14%
Elam & Burke	\$561.85	0.07%
TOTAL	\$840,406.42	100.00%

Given that at least twenty-nine interim fee applications appear to exist based on the record, the total amount charged to the Estate since the receivership's inception in 2019 is very likely several multiples of this seven-order figure.

The scope of the Receiver's legal deployment also warrants consideration. This proceeding has not been pursued by a single attorney or through a limited amount of necessary work. The Receiver has utilized multiple lawyers and law firms, together with Mr. Wiand personally, to investigate, litigate, brief, prepare for hearing, attend the hearing, and pursue post-hearing findings concerning allegations directed at Mr. DaCorta. The Receiver's current fee application reflects approximately \$30,417 in show-cause-related fees alone, representing nearly 64% of the \$47,220.23 presently requested. The Court's September 4 Order now authorizes the Receiver to seek additional fees and costs for prosecuting the contempt violations, meaning that substantial additional billing for this same proceeding is likely to appear in the next fee application.

The magnitude of this expenditure makes it particularly important that the Court scrutinize whether each category of work was reasonably necessary to the administration of the Receivership and whether the fees resulted from legitimate asset-recovery efforts or from repeatedly pursuing and expanding disputed allegations concerning Mr. DaCorta.

The Receiver's own deposition testimony sharpens the point further. Asked about claimants whose reimbursement requests had been denied, the Receiver testified that "[p]eople who were involved with the perpetrators or the people operating the scheme would pretty much be denied as a course." Mere association with alleged wrongdoers, on the Receiver's own account, has served as a basis to deny ordinary claimants their recovery without the individualized proof that association alone would not normally establish. That is the same loose standard underlying the Order's characterization of Mr. DaCorta as "a member of the Respondents' conspiracy," and the same standard that failed three consecutive times when the Receiver tried to apply it against Mr. Preziosi. The Court should examine whether this standard has been applied consistently across claimants, and whether Estate funds should compensate the Receiver for pursuing unadjudicated associational allegations that carry real financial consequences for the very people this receivership exists to make whole. The geographic breadth and cumulative amount of this work warrant particularized scrutiny, especially where the Court has now authorized the Receiver to seek additional fees for the same contempt proceeding.

Mr. DaCorta respectfully requests that the Court apply this same scrutiny to the fees underlying the Order now under review — including the fees associated with preparing the proposed findings (Doc. 985) that were adopted nearly verbatim into that Order — and require the Receiver to account for its total fees and costs since the receivership's inception in 2019, broken out by proceeding, so that the pattern this Court has already identified once can be evaluated for recurrence.

VI. THE RECEIVER'S OWN BILLING SHOWS THAT THE SHOW CAUSE PROCEEDING GENERATED A DISPROPORTIONATE SHARE OF THE REQUEST

The Receiver's supporting exhibits identify the following amounts attributable to the Show Cause Proceeding during the three-month period covered by the Fee Motion:

Timekeeper / Firm	Show-Cause Hours	Show-Cause Fees / Costs	Share of Entity's Request
Burton W. Wiand (Receiver, personally)	~17.3 hrs	~\$6,228.00	~49% of \$12,685.56
Wiand P.A.	~42.8 hrs	~\$7,997.50	~83% of \$9,674.50
Jared J. Perez P.A.	~48.5 hrs + \$541.80 expenses	~\$16,062.00	~99% of \$16,221.80
Johnson Newlon & DeCort	~1.0 hr	~\$130.00	~6% of \$2,192.12
TOTAL	~110 hrs	~\$30,417.50	~64% of \$47,220.23

(Figures derived from the Receiver's own billing exhibits. See Doc. 988, Exs. 3, 7, 8, and 10.)

Mr. Perez's invoice is particularly notable. Approximately \$16,062.00 of his \$16,221.80 quarterly request — approximately 99% — is attributed to the Show Cause Proceeding. The entries include work involving service and investigative logistics, including preparation of a "dossier about respondents for use by process servers and investigators," communications with a private investigator concerning a respondent's whereabouts, retention of a process server in New Hampshire, and rush process-server expenses (Ex. 10 at 2–4).

The issue is not whether service of process or necessary investigation can ever be compensable. The issue is whether the Estate should bear these expenses at the requested level and at attorney billing rates before the Court has determined the merits of the proceeding for which the expenses were incurred, and whether the same work was performed or reviewed by multiple professionals.

The billing also reflects apparent overlap among timekeepers. For example, the Court's order concerning the order to show cause was reviewed and billed by Mr. Wiand, a Wiand P.A. attorney,

and a Johnson Newlon & DeCort attorney. Other entries reflect multiple professionals tracking service efforts concerning the same respondents during overlapping periods (See Exs. 3, 7, and 8).

CONCLUSION AND REQUESTED RELIEF

For the foregoing reasons, Respondent Michael J. DaCorta respectfully requests that the Court vacate the Order (Doc. 989), or in the alternative, reconsider the Order and enter amended findings reflecting the Court's own independent analysis of the record, together with an accounting of the fees described in Section VI above, and such other relief as the Court deems just and proper.

Respectfully submitted,

Dated: September 11, 2026

/s/ Michael J. DaCorta

Michael J. DaCorta

Respondent, Pro Se

Inmate Register No. 73181-018

Coleman Camp

Coleman, FL

Signed with permission; Respondent, who is incarcerated and without access to mail or filing materials, reviewed and approved this document and authorized its electronic signature and filing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of September, 2026, a true and correct copy of the foregoing was filed with the Clerk of Court for the United States District Court, Middle District of Florida, Tampa Division, and was served via electronic mail on the following:

Jared J. Perez, P.A.

Counsel for the Receiver

jared.perez@jaredperezlaw.com

/s/ Michael J. DaCorta

Michael J. DaCorta

Respondent, Pro Se