

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

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

v.

OASIS INTERNATIONAL GROUP,
LIMITED ET AL.,

Defendants.

_____ /

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

Burton W. Wiand, the Court-appointed receiver over the assets of the above-captioned defendants and relief defendants (the “**Receiver**”), opposes Respondent Michael J. DaCorta’s Motion for Reconsideration of the Court’s Order (Doc. 989) (the “**Motion**”) because it is comprised of nothing but meritless arguments and irrelevant grievances, ranging from his purported discomfort during his transportation from prison to his allegedly inadequate courtroom attire. DaCorta repeatedly misunderstands and misrepresents governing principles regarding conspiracies, which as explained in the Receiver’s proposed conclusions of law, hold him firmly responsible for actions taken by others at his request and for his benefit in furtherance of the

underlying recovery fraud. The Motion thus fails to state any ground for reconsideration and should be denied.

BACKGROUND

The Court held an evidentiary hearing on the Receiver’s motion for an order to show cause against respondents Michael DaCorta, Brent Winters, Greg Melick, and Jason McKee (“**Respondents**”) on August 7, 2026. DaCorta attended the hearing in person; the other respondents were absent despite being served with the Court’s show cause order. At the conclusion of the hearing, the Court and the parties agreed that the parties could submit post-hearing documents, including proposed findings of fact and conclusions of law by August 24, 2026. No party objected to that date or to the agreed procedures. DaCorta took advantage of the procedures and submitted a 42-page document on August 21, 2026 (Doc. 984) – three days before the Court’s deadline – containing extensive argument, 12 proposed findings of fact, and 11 proposed conclusions of law. The Receiver also submitted proposed findings of fact and conclusions of law on August 24, 2026 (Doc. 985). On September 4, 2026, the Court entered an order finding Respondents in contempt and adopting many of the Receiver’s proposed findings (Doc. 989) (the “**Order**”). Despite seeking reconsideration, DaCorta has already filed a notice of appeal. (Doc. 992).

ARGUMENT

I. NO PARTY OBJECTED TO THE COURT’S TRANSPARENT PROCEDURES, WHICH WERE FUNDAMENTALLY FAIR

DaCorta argues that the Order “does not reflect this Court’s own judgment” and is thus improper because the Court purportedly copied 85.5% of the Receiver’s proposed findings of fact and conclusions of law. Mot. at 1-2. Although the parties submitted competing proposed findings and not a traditional prevailing-party proposed order, the Eleventh Circuit’s guidance with respect to the adoption of proposed orders is nevertheless instructive:

Our guiding principle in determining whether to vacate the adoption of a proposed order is whether the process by which the judge arrived at the order was fundamentally unfair. If a process was fundamentally fair, then the concerns ordinarily associated with a ghostwritten order are greatly tempered. Without a per se rule, we determine whether a process was fundamentally unfair by evaluating the facts of each case. Also, we glean some relevant considerations from our precedent, including: whether the losing party had ample opportunity to present its arguments; whether the court independently reached a firm decision before requesting a proposed order; whether the court, in directing a party to draft the proposed order, instructed that the order reach a particular result and discuss specific points; whether the court directed a party to draft the proposed order in open court or otherwise publicly; whether other parties requested the opportunity to review the proposed order or make objections to it; and whether the court had command of the issues and proceedings and was an active arbiter throughout the litigation.

In re Equifax Inc. Customer Data Sec. Breach Litig., 999 F.3d 1247, 1269 (11th Cir. 2021) (quotations and citations omitted). Although the Court adopted many of the Receiver’s proposed findings of fact and conclusions of law, the Receiver does not concede that the Order was “ghostwritten.”

In any event, DaCorta “had ample opportunity to present [his] arguments,” including any objections to the post-hearing procedures. For example, the undersigned raised the submission of “written closings arguments or proposed post-hearing findings of fact” during his opening statement, and the Court responded, “I think that’s an excellent idea to have you submit those proposed findings of fact and to prepare a written closing argument. In bench civil trials, that’s normally the way it’s handled, so I think that that would be excellent, and I would appreciate that.” Tr. at 10:17-11:4. DaCorta never objected to the contemplated procedures.

During the hearing, DaCorta declined to make an opening statement (Tr. at 19:20-24), cross-examined fact witness Tim Devine (Tr. at 44:11-45:3); declined to cross-examine expert witness Melissa Davis (Tr. at 55:9-11), cross-examined the Receiver (Tr. at 119:14-121:3), and then asserted his Fifth Amendment privilege against self-incrimination in lieu of offering any substantive testimony in his defense (Tr. at 127:17-132:3). At the close of his testimony (or lack thereof), the Court gave DaCorta yet another opportunity to make a statement or argument:

THE COURT: Okay. Thank you. Is there anything you wish to say? We’ll give the opportunity to say it if you’d like to say anything while you’re on the stand.

THE WITNESS: No, Your Honor.

THE COURT: Okay. All right. Thank you. You are excused. You can go back to Counsel table. All right. So the [R]eceiver has presented its case.

Mr. DaCorta, as you make your way back, I gave you the chance to say something if you wanted to say something. You're under oath on the stand. Is there anything that you would like to present?

MR. DaCORTA: No, Your Honor.

Tr. at 131:25-132:11. In working with the parties to set a deadline for post-hearing submissions, the Court also gave DaCorta an opportunity to make a written post-hearing submission:

THE COURT: I'm going to tell you when I would really like to have something from you, and, again, I know you're dealing with proposed findings of fact and conclusions of law, proposed orders, so I know you've got a lot to do here. I recognize that. 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. I know that then I can turn it around not that long after you get something to me. 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: August 24th, okay.

THE COURT: If I don't have anything from you –

MR. DaCORTA: Understood.

THE COURT: -- then I'll just assume that you are not going to present anything, but please understand I cannot extend that deadline. You can't come on August 23rd and say, oh, I need one more week. I can't extend it at all because I'm committed to resolving this, and I gave Mr. Perez the last day that I could possibly have because I know, you know, he may order a transcript. He's got a lot of work to do here. But that's the last possible day that I can have and still get an order out, and get it done on a timely basis.

MR. DaCORTA: Understood.

THE COURT: So you're free to do it. You're free to file it.

Tr. 133:24-135:7. DaCorta took advantage of the Court's offer and submitted a 42-page document on August 21, 2026 (Doc. 984) – three days before the Court's deadline – containing extensive argument, 12 proposed findings of fact, and 11 proposed conclusions of law. As such, there can be no doubt that DaCorta “had ample opportunity to present [his] arguments,” including any objections to the post-hearing procedures.

The second and third factors – (2) whether the Court independently reached a firm decision before requesting a proposed order and (3) whether the Court, in directing a party to draft the proposed order, instructed that the order reach a particular result and discuss specific points – are not relevant here because the Court accepted simultaneous filings from both the Receiver and DaCorta. The Court then considered those filings and independently decided to adopt the Receiver's version. This situation is more analogous to those cases in which parties submit competing proposed orders rather than those cases in which the Court rules from the bench and then directs the prevailing party to submit a proposed order. Unlike the verbatim adoption of proposed orders, allowing parties to submit competing findings of fact and conclusions of law is not a disfavored practice.

The fourth factor – whether the court directed a party to draft the proposed order in open court or otherwise publicly – is met as excepted above. Again, DaCorta did not object to any of the proposed post-hearing procedures until the Court ruled against him, at which point they purportedly became unfair and a violation of due process.

The fifth factor – whether other parties requested the opportunity to review the proposed order or make objections to it – is satisfied because the parties here agreed to submit and did, in fact, submit proposed findings before the Court’s August 24, 2026, deadline. In any event, the Eleventh Circuit has held that a post-order submission (like DaCorta’s Motion) satisfies any right to reply. *Cf. In re Equifax Inc.*, 999 F.3d at 1269 (“And contrary to their assertions, they did have an opportunity to respond to the order. After the District Court adopted the proposed order, Mr. West moved to amend it.”).

The sixth and final factor – whether the court had command of the issues and proceedings and was an active arbiter throughout the litigation – cannot be doubted. The Court questioned witnesses (*see, e.g.*, Tr. at 32:22-35:16; 40:14-41:6) and ruled on the evidence the Receiver submitted. In closing, the Court thanked the parties that appeared and noted that the presentation of evidence was helpful.

I want to thank the [R]eceiver. I felt like this was a very good hearing, and it was very informative, and I really, really appreciate the amount of work that the team put into it. So I know it was a lot to ask to have this kind of hearing, but I really appreciate your hard work. And, Mr. DaCorta, you know, I thank you for being here as well. And then we'll just, you know, move forward as the case goes on.

Tr. 136:9-16. The Eleventh Circuit has upheld challenged orders under circumstances identical to those present in this case.

The record indicates that the district judge had command of the legal issues and the evidentiary proceedings. During the evidentiary hearings, the district judge often questioned the witnesses. The judge ruled on the scope and manner of the evidence presented. The district judge was an active arbiter of the dispute. He did not abdicate his adjudicative role.

Fields v. City of Tarpon Springs, Fla., 721 F.2d 318, 320-21 (11th Cir. 1983) (footnotes omitted) (rejecting argument that “ wholesale adoption of plaintiff’s proposed order” requires appellate court to make its own factual findings).

DaCorta relies on *Anderson v. City of Bessemer City, N.C.*, 470 U.S. 564 (1985), but that case does support his argument because, as the Supreme Court expressly held, “even when the trial judge adopts proposed findings verbatim, the findings are those of the court and may be reversed only if clearly erroneous.” *Id.* at 572. The Motion does not even attempt to argue that any of the Court’s findings were clearly erroneous. DaCorta only complains that the adverse inferences the Court drew against him were not supported by evidence, but as the Receiver explained, each one of those inferences were, in fact, corroborated by testimony and written documentation. *See* Doc. 985 at ¶ 132.

While the Supreme Court has expressed some hesitancy regarding “the practice of announcing a decision and leaving it to the prevailing party to write the findings of fact and conclusions of law” (*id.* at 571), “particularly when those findings have taken the form of conclusory statements unsupported by citation to the record” (*id.* at 572), here, the Court allowed both parties – not just the prevailing party – to submit proposed findings of fact and conclusions of law (*see* Docs. 984, 985) and then made an independent decision based on the parties’ submissions. In addition, all of the Receiver’s proposed findings were supported by detailed factual or legal citations – none of them were conclusory statements unsupported by the record.

Finally, the question in *Anderson* was whether verbatim adoption of findings should “subject those findings to a more stringent appellate review than is called for by the applicable rules.” 470 U.S. at 573. Nowhere does the Supreme Court suggest that verbatim adoption requires vacatur or even reconsideration of a trial court’s order; the issue only implicates the deference given the trial court’s factual findings on appeal. To resolve any potential doubts in an abundance of caution, the Court could make clear in denying DaCorta’s instant Motion that it exercised its independent judgment when it issued the Order and did not simply defer to the Receiver’s presentation of the evidentiary facts and the law.

II. PREZIOSI'S SETTLEMENT IS NOT RELEVANT TO THE RECEIVER'S CLAIMS AGAINST DACORTA

DaCorta claims that he did not receive “individualized treatment” from the Court through a “negotiated, particularized process” like his former attorney, Stephen Preziosi. Mot. at 2. DaCorta’s “argument” is three pages of gibberish that fail to articulate anything resembling a rational point to which a coherent response could be directed. DaCorta appears to complain that the Receiver’s claims against Preziosi were resolved through settlement on a “individualized” basis, but unlike Preziosi, DaCorta never approached the Receiver seeking a settlement – either directly or through his former attorney. As a result, the Receiver’s claims against DaCorta were resolved during the evidentiary hearing. It is not clear what other “individualized” procedures could possibly have applied.

DaCorta also complains that Preziosi was allowed to submit an affidavit while DaCorta was not, but again, DaCorta did not settle with the Receiver; there was no affidavit to submit. As such, the Court repeatedly told him that he would have to testify in person. *See* Docs. 951, 964. DaCorta’s issues with the Bureau of Prisons do not implicate this Court much less his due process rights. Tr. at 137:6-9 (“That’s the marshal service and the Bureau of Prisons. So, no, I’m not able to order them to expeditiously transfer you back to Coleman.”).

DaCorta complains that there was no “adversarial testing” with respect to Respondents Winters, Melick, and McKee, but those individuals chose to abandon their rights by failing to appear at the hearing. If respondents could avoid sanctions by simply failing to appear at evidentiary hearings, the entire contempt process would be rendered meaningless. Courts regularly impose contempt sanctions *in absentia*.

DaCorta spends the bulk of Section II mischaracterizing the history of the Receiver’s litigation with Preziosi (Mot. at 7-8) and appears to conclude that the Receiver’s “theory” against Preziosi should not be “adopted wholesale, without independent scrutiny, as to Mr. DaCorta himself” (Mot. at 8), but that simply never happened. DaCorta’s attempted point is inscrutable.

Finally, the Receiver did not “abandon” any theories against Preziosi – the latter agreed to stop taking money from investors, which is the principal activity the Receiver is trying to prevent through these proceedings.

III. DACORTA RECEIVED AN OPPORTUNITY TO BE HEARD

As explained above in Section I, DaCorta received an appropriate opportunity to be heard consistent with his due process rights.

A. There Is No Due Process Right to a Remote Hearing

In Section III.A. of the Motion, DaCorta argues that he was denied such an opportunity because the Court required him to testify in person rather than through a written instrument or via Zoom. DaCorta’s argument is frivolous

and unsupported by any caselaw. There is no Constitutional right to attend a civil hearing by Zoom. Again, the fact that DaCorta found the Marshal Service's accommodations uncomfortable has nothing to do with the Order or his due process rights to notice and an opportunity to be heard.

B. The Court Did Not Treat DaCorta Unequally

In Section III.B. of the Motion, DaCorta also claims that he was discriminated against because the Court required him to ask questions of a witness instead of being argumentative and because the Court also asked questions of the witness. *See* Mot. at 10. Of course, parties are not allowed to argue with witnesses and must ask questions. In addition, as discussed above, the Court's active involvement and questioning of witnesses is a factor the Eleventh Circuit considers positively to determine whether a trial judge is actively engaged in a proceeding. The Court did nothing improper.

The Court also did not discriminate against DaCorta by setting August 24, 2026, as the deadline for both parties to submit post-hearing documents. The Court suggested that date – not the undersigned – and it applied equally to DaCorta, who raised no objection during the hearing. DaCorta complains about the denial of his motion for an extension of the deadline (*see* Docs. 982, 983), which the Court made clear to both parties during the hearing would not be granted (Tr. at 134-136), but he nevertheless was able to file a 42-page

document three days early. DaCorta's extension motion was dishonest, as are his claims of discrimination in Section III of the Motion.

C. The Conditions of DaCorta's Custody Are Not Relevant

DaCorta complains that the undersigned and the Receiver "woke in their own homes, dressed in suits, and arrived at the courthouse shortly before the hearing began" whereas DaCorta was in the custody of the Pinellas County Jail (Mot. at 12), but he ignores that the undersigned and the Receiver have not been sentenced to decades in prison for defrauding millions of dollars from hundreds of individuals. To the extent Section III.C. of the Motion attempts to make a point, it is frivolous.

D. The Affidavits Preziosi Filed Are Not Relevant

In Section III.D. of the Motion, DaCorta faults the Court for failing to consider affidavits drafted and filed by Stephen Preziosi in support of his motion for reconsideration of the Court's order to show cause (*see* Docs. 940-1 through 940-12), but the Receiver's settlement with Preziosi mooted that motion (*see* Doc. 956). DaCorta never attempted to present the affidavits during the evidentiary hearing, and he failed to offer any of the affiants as witnesses. The affidavits would have been hearsay in any event, and the Receiver explained why the affiants' testimony was false and misleading in opposition to Preziosi's motion. *See* Doc. 955. The Court was required to consider the evidence presented during the evidentiary hearing; it was not

required to scour the almost 1,000 docket entries in this case for information. Setting aside the hearsay issue, DaCorta could have presented the affidavits or the affiants without waiving his Fifth Amendment rights, but he failed to do so.

E. DaCorta Continues To Misunderstand Conspiracy Law

In Section III.E. of the Motion, DaCorta argues that the Receiver never proved “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.” Mot. at 14. DaCorta’s argument is without merit because he misunderstands and misstates governing conspiracy law. The Receiver was only required to show that DaCorta benefitted from the conspiracy by accepting the funds raised from victims. As explained in the Receiver’s proposed conclusions of law, DaCorta’s undisputed and indisputable acceptance of the funds – standing alone – is sufficient to support liability. But the Receiver’s evidence went further and also established that DaCorta directed the scheme, primarily through Respondent Melick. That evidence is unrebutted.

IV. RANDOM GRIEVANCES ARE NOT RELEVANT

Section IV of the Motion rehashes some of Respondent Melick’s favorite grievances like the Court supposedly not knowing the name of one of the corporate defendants in this case, allegedly inappropriate social pleasantries,

and the Receiver's testimony during DaCorta's criminal trial before circling back to yet more protestations about DaCorta's alleged lack of personal participation in the underlying conduct. Mot. at 16-19. None of these issues are relevant to reconsideration of the Order.

V. THE RECEIVER'S FEES ARE NOT RELEVANT ASIDE FROM THE FACT THAT DACORTA SHOULD PAY THEM

In Section V of the Motion, DaCorta repeatedly asks the Court to "scrutinize" the Receiver's fees but fails to make any point or argument – certainly none relevant to the reconsideration or vacatur of the Court's Order. *See* Mot. at 19-21. The Court always scrutinizes the Receiver's fee applications, and DaCorta does not identify any charges that are purportedly incorrect or improper. He briefly complains about claim determinations the Receiver made and the Court approved several years ago, but those determinations have nothing to do the instant dispute. Finally, DaCorta appears to misunderstand the Court's order regarding attorneys' fees: the Court is not authorizing the Receiver to pursue additional fees; it is ordering DaCorta and the other Respondents to reimburse the Receivership Estate for the fees the Receiver incurred prosecuting his motion for an order to show cause and subsequent proceedings. None of this is relevant to reconsideration or vacatur.

VI. THE PROPORTION OF THE RECEIVER'S FEE APPLICATION DEVOTED TO SHOW CAUSE ISSUES IS NOT RELEVANT

In Section VI of the Motion, DaCorta claims that the show cause proceedings generated a disproportionate share of the Receiver's last fee application (Mot. at 22-23), but that observation is meaningless. This Receivership has been pending since 2019 and is at an advanced stage. Aside from ancillary, contingency-fee litigation pending before another judge in this district, most of the projects that required expenditures from the Receivership Estate have already been completed. The contempt proceedings are still ongoing. Of course, ongoing proceedings will generate more fees than completed proceedings. Again, this is meaningless. DaCorta claims the issue is whether the Receivership Estate should bear the expenses "before the Court has determined the merits of the proceeding for which the expenses were incurred" (Mot. at 22), but that's not what happened here. The Court has already ruled against DaCorta, held him in contempt, and ordered him to reimburse the Receivership Estate. DaCorta's arguments are nonsensical.

CONCLUSION

For the reasons set forth above, the Court should deny the Motion.

Respectfully submitted,

/s/ Maya Lockwood

Maya Lockwood, FBN 0175481

maya@burtonwwiandpa.com

BURTON W. WIAND PA

114 Turner Street
Clearwater, FL 33756-5211
Tel.: (813) 902-4147

Jared J. Perez, FBN 0085192
jared.perez@jaredperezlaw.com
JARED J. PEREZ P.A.
301 Druid Rd W
Clearwater, FL 33756-3852
Tel.: (727) 641-6562

*Attorneys for Burton W. Wiand,
Receiver*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 25, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I also served a copy of the foregoing via U.S. Mail and electronic mail upon the following non-parties:

Brent Allen Winters
5105 S. Hwy. 41
Terre Haute, IN 47802
Email: winterslaw@nym.hush.com
swinters77@nym.hush.com
brentwinters@nym.hush.com
brentallanwinters@nym.hush.com
innchurch@commonlawyer.com

Jason McKee
P.O. Box 611
Elkville, IL 62932

104 S. 4th St. 611
Elkville, IL 62932
Email: jmckee573@gmail.com
treasurer@oasisreplevin.net

Greg Melick
P.O. Box 165
Intervale, NH 03845-0165
Email: entheos@startmail.com
tradinggraces@use.startmail.com
oasishelpers@oasisreplevin.net
adamson@oasisreplevin.net

Michael J. DaCorta
BOP Register No. 73181-018
Currently confined at:
FCI Coleman Camp
P.O. Box 1027
Coleman, FL 33521
cdacorta@outlook.com

/s/ Maya M. Lockwood