UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

COMMODITY FUTURES TRADING COMMISSION,

Case No. 8:19-CV-886-VMC-SPF

Plaintiff,

v.

OASIS INTERNATIONAL GROUP, LIMITED, ET AL.,

Defendants.
_____/

RECEIVER'S OPPOSITION TO RESPONDENT MICHAEL J. DACORTA'S MOTION FOR CLARIFICATION OF DOC. 991 AND, ALTERNATIVELY, FOR RELIEF UNDER FEDERAL RULES OF CIVIL PROCEDURE 54(b) AND 60(b)

Burton W. Wiand, the Court-appointed receiver over the assets of the above-captioned defendants and relief defendants (the "**Receiver**" and the "**Receivership**"), briefly opposes Respondent Michael J. DaCorta's Motion for Clarification of Doc. 991 and, Alternatively, for Relief under Federal Rules of Civil Procedure 54(b) and 60(b) (Doc. 1005) (the "**Motion**"). As an initial matter, the purpose of the Motion (and of DaCorta's other prolific, recent filings) is unclear because DaCorta has civil and criminal judgments against him exceeding $50 million each. He is incarcerated without a means of earning income, and the Receiver has already liquidated and sold his material assets.

The Motion is the latest in a series of filings by DaCorta that the Court has already rejected, each requiring the expenditure of Receivership resources to which DaCorta purportedly objects. *See* Docs. 999, 1001, 1009; *see also* Doc. 976 (warning DaCorta regarding citations to nonexistent cases). The Court should deny the Motion for the following reasons.

First, the Motion is moot because the Receiver does not dispute its central premise. The Court's order granting the Receiver's Twenty-Ninth Interim Motion for Order Awarding Fees, Costs, and Reimbursement of Costs (Doc. 991) awarded fees and directed that they be paid from Receivership assets; it did not adjudicate whether any Respondent must reimburse the Receivership for those amounts. That separate question is presented by the Receiver's pending motion for contempt fees (Doc. 1000) (the "**Contempt Fees Motion**"), to which DaCorta has filed an objection (Doc. 1003) (the "**Objection**"). Nor does the Contempt Fees Motion seek reimbursement of the full $47,220.23 awarded in Doc. 991, as DaCorta suggests. It seeks reimbursement of only the highlighted entries relating to the contempt proceedings. *See* Doc. 1000 at 3-4, 13 n.2. Because nothing in Doc. 991 forecloses the Court's consideration of DaCorta's Objection, there is nothing to clarify, revise under Rule 54(b), or vacate under Rule 60(b). The Court's prior review and approval of those same invoices, however, remains relevant to their reasonableness.

Second, DaCorta has no standing to object to the Receiver's fee applications, and the Receiver is not required to consult with him pursuant to Local Rule 3.01(g). Specifically, the Court has entered summary judgment against him, and aside from the contempt proceedings, he has no remaining stake in the merits of this litigation. Although he is appealing that judgment, he has not yet obtained appellate relief. As such, he is no different than defendants Anile, Montie, Haas, and Duran who also have judgments entered against them and with whom the Receiver also does not confer regarding fee applications. Further, he is not a claimant and does not otherwise receive distributions; thus, he has no interest in the Receivership Estate. *Cf. S.E.C. v. Nadel,* 2012 WL 12910648, *2 (M.D. Fla. Feb. 10, 2012) (holding that objectors lack standing to oppose a receiver's settlement because they either are not claimants or are otherwise not entitled to distributions). To the extent DaCorta objects to money the Court has already awarded to the Receiver through the first and second fee applications of 2026, the Contempt Fees Motion, or the soon-to-be filed fee application for the third quarter of 2026, he has no right to object, and the Court should disregard his Motion on that basis as well.

Third, even if the Court were to reach the merits, DaCorta identifies no basis for relief under Rule 54(b) or Rule 60(b). By his own account, DaCorta "had in fact challenged [Doc. 988's] charges in another filing," his motion for reconsideration (Doc. 990), which he filed on September 11, 2026, before the

Court entered Doc. 991. Doc. 1005 at 4. He also concedes that he chose not to file a Rule 59(e) motion because he believed Doc. 990 "adequately raised the issue." *Id.* at 3. A deliberate litigation choice is not excusable neglect, and Rule 60(b)(6) is reserved for extraordinary circumstances that are not present here. The Court has already considered and rejected DaCorta's challenge to the Receiver's fees. *See* Doc. 1001. To the extent DaCorta complains that Doc. 988 was served only through the CM/ECF system, any deficiency was harmless: Doc. 988 sought no relief against him, only payment from Receivership assets in which he has no cognizable interest, and he has now been heard on reimbursement through his Objection to the Contempt Fees Motion. For the same reason, there is nothing to stay. Doc. 991 directs no collection against DaCorta, and the Court has already denied his request to stay further fee payments and collections against him. *See* Doc. 1009. Finally, the Receiver does not object to serving future filings on DaCorta by U.S. Mail, as he already did with the Contempt Fees Motion. *See* Doc. 1000 at 22.

Fourth, to the extent that DaCorta objects to any requirement that he reimburse the Receivership for such funds, the Court may consider his arguments. The Receiver expressly noted DaCorta's objection to any reimbursement requirement in his Local Rule 3.01(g) certification for the Contempt Fees Motion (Doc. 1000 at p. 20), and DaCorta was ultimately able to file the Objection. As such, he has not been prejudiced in any way. Although

the Court may consider his arguments regarding the appropriate reimbursement amount, it should nevertheless disregard them because they are frivolous and without merit. For example, there is no need to delay consideration of the Contempt Fees Motion until after the appeal is resolved because appellate stays do not apply to the Receiver's activities. *See* Doc. 1000 at 2; Fed. R. Civ. P. 62(c). Indeed, the Court has already denied DaCorta's motion to stay the Receiver's activities. *See* Docs. 1004, 1009. As a second example, DaCorta objects to the reimbursement of fees relating to the status conference that directly led to these matters, the costs of settling with his attorney, Stephen Preziosi, and the costs of locating and serving the other Respondents because those matters purportedly do not pertain directly to him (Doc. 1003 at 4-7), but DaCorta continues to ignore that all Respondents are jointly and severally liable for reimbursement of the Receivership Estate because they were engaged in a common enterprise and joint venture under governing Eleventh Circuit precedent. Allocating each billing entry to each Respondent would be impossible and is not required. As a third example, DaCorta complains about purported duplicative billing (Doc. 1003 at 8-10), but his examples make no sense. Two people performing the same legal research is duplicative billing; attending meetings or hearings with the Receiver and other team members is not. An attorney identifying exhibits for a paralegal to later assemble into required hearing binders is also not duplicative. The

undersigned's drafting of the Receiver's examination outline, the Receiver's review of those materials, the undersigned's meeting with the Receiver to prepare for testifying, and the Receiver's actual testimony are also not duplicative. That is how attorneys, clients, and witnesses prepare for hearings. DaCorta's objections make no sense. Finally, DaCorta claims that the CFTC did not review the Receiver's and his professionals' invoices (Doc. 1003 at 12-13), but that is plainly false; the CFTC has reviewed every single fee application submitted by the Receiver. This opposition does not address all of the arguments raised by DaCorta in the Objection because it is not a reply, but it does illustrate why the Court should reject them. Put simply, the Court should deny the Motion as moot, review the Objection, and then overrule it, thus granting the Contempt Fees Motion.

Respectfully submitted,

s/ Jared J. Perez
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 9, 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 email (cdacorta@outlook.com) and U.S. Mail upon Respondent Michael J. DaCorta, BOP Register No. 73181-018, FCI Coleman Camp, P.O. Box 1027, Coleman, FL 33521.

/s/ Jared J. Perez
Jared J. Perez