

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

CASE NO: 8:09-cv-87-T-26TBM

ARTHUR NADEL; SCOOP CAPITAL, LLC;  
and SCOOP MANAGEMENT, INC.,

Defendants,

SCOOP REAL ESTATE, L.P.,  
VALHALLA INVESTMENT PARTNERS, L.P.,  
VALHALLA MANAGEMENT, INC.,  
VICTORY IRA FUND, LTD.,  
VICTORY FUND, LTD.,  
VIKING IRA FUND, LLC,  
VIKING FUND, LLC; and  
VIKING MANAGEMENT, LLC,

Relief Defendants.

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**MOTION OF KYNES, MARKMAN & FELMAN, P.A.;**  
**JAMES E. FELMAN, ESQUIRE; AND KATHERINE EARLE YANES, ESQUIRE,**  
**FOR LEAVE TO WITHDRAW AS COUNSEL FOR NON-PARTIES**

Law firm Kynes, Markman, & Felman, P.A., and attorneys James E. Felman, Esquire, and Katherine Earle Yanes, Esquire, move to withdraw as counsel for Quest Energy Management, Group, Inc. (“Quest”) because irreconcilable differences have arisen between them and Quest. The grounds supporting this Motion are set forth in the following Memorandum.

## **MEMORANDUM**

Kynes, Markman, & Felman, Mr. Felman, and Ms. Yanes made a limited appearance in this matter for the purpose of responding to the Receiver's motion to include Quest in the Receivership. Doc. 997, 998. Irreconcilable differences have now arisen between counsel and Quest that require counsel to withdraw.

While counsel's experience has been that on the granting of a motion to withdraw, courts generally set a deadline for the hiring of new counsel, here Quest's response to the Receiver's motion is fully briefed and counsel continue to believe that the Receiver's motion is without merit and should be denied with no further action needed by the Court or Quest. Accordingly, it is respectfully requested that the Court: (1) grant the motion to withdraw of Kynes, Markman, & Felman, Mr. Felman, and Ms. Yanes; and (2) should the Court determine that any further action is needed on the Receiver's motion, provide notice to Quest at that point that action is contemplated that will require them to retain new counsel, and set a deadline for doing so.

## **CONCLUSION**

For these reasons, it is respectfully requested that the Court grant leave for Kynes, Markman, & Felman, Mr. Felman, and Ms. Yanes to withdraw from representing Quest in this matter.

## CERTIFICATE OF COMPLIANCE

Pursuant to Middle District of Florida Local Rules 2.03(b) and 3.01(g), on April 17, 2013, notice of the intended motion for leave to withdraw was provided to counsel for the Receiver and counsel for the SEC. Counsel for the Receiver, Mr. Jared Perez, has indicated that the Receiver does not oppose the motion. Counsel for the SEC, Mr. Robert K. Levenson, has indicated that the SEC takes no position on the motion. The officers and directors of Quest were advised on April 17, 2013, that the instant motion would be filed.

Respectfully submitted,

*/s/ Katherine Earle Yanes*

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*Counsel for Quest Energy Management  
Group, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 29, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

*/s/ Katherine Earle Yanes*

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Katherine Earle Yanes