

**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;  
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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**THE RECEIVER'S UNOPPOSED MOTION FOR  
PERMISSION TO PROSECUTE LIMITED CROSS-APPEAL**

Burton W. Wiand, as Receiver (the “**Receiver**”) for Valhalla Investment Partners, L.P.; Viking Fund, LLC; Viking IRA Fund, LLC; Victory Fund, Ltd.; Victory IRA Fund, Ltd.; and Scoop Real Estate, L.P. (collectively, the “**Hedge Funds**”), moves this Court for permission to proceed with a limited cross-appeal regarding a final order entered by the Honorable Elizabeth A. Kovachevich on March 7, 2013, incorporating and adopting in part a report and recommendation issued by Magistrate Mark A. Pizzo in *Wiand, as Receiver v.*

*Meeker*, Case No. 8:10-cv-166-T-17MAP (M.D. Fla.) (*see Meeker* Docs. 125 (R&R), 134 (initial order), 145 (final order resolving setoff issue)) granting summary judgment in favor of the Receiver but denying his request for prejudgment interest. The pertinent documents are attached as **Exhibits A, B, and C**.

The defendant in *Meeker* filed a Notice of Appeal on April 4, 2013 (*Meeker* Doc. 150), and the Receiver filed a Notice of Cross-Appeal on April 12, 2013 (*Meeker* Doc. 151). The Receiver previously moved the Court for permission (Doc. 981) to prosecute procedurally and substantively identical cross-appeals as this one in *Wiand, as Receiver v. Dancing \$*, Case No. 8:10-cv-92-T-17MAP (M.D. Fla.), and *Wiand, as Receiver v. Lee*, Case No. 8:10-cv-92-T-17MAP (M.D. Fla.), and the Court granted that motion on March 5, 2013 (Doc. 982). The Receiver now moves the Court for permission to prosecute this substantively identical cross-appeal regarding prejudgment interest in *Meeker* for the reasons set forth in his previous motion regarding *Lee* and *Dancing \$* (*see* Doc. 981).

### **CONCLUSION**

For the foregoing reasons, the Receiver respectfully asks the Court to grant him permission to prosecute a limited cross-appeal in *Meeker*, which will be substantively identical to the cross-appeals in *Lee* and *Dancing \$* the Court has already approved.

### **LOCAL RULE 3.01(g) CERTIFICATE OF COUNSEL**

Counsel for the Receiver has conferred with counsel for the Securities and Exchange Commission, and the Commission has no objection to the requested relief.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on May 22, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

**s/Gianluca Morello**

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