

**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.

ORDER

Upon due and careful consideration of the procedural history of this case, it is ordered and adjudged that the Unopposed Receiver's Motion for Establishing Procedure to Resolve Objection to Claim Number 445 (Dkt. 1033) is granted. The Court will utilize the following procedure to resolve the objection to Claim Number 445:

1) The Receiver and the Claimant Fulcrum Fund shall file with the Court within ten (10) days of the entry of this order a joint statement of undisputed facts with supporting exhibits if

necessary. The parties shall furnish a courtesy copy of the joint statement of undisputed facts with exhibits directly to the Court.

2) The Claimant Fulcrum Fund shall file a memorandum of law not exceeding twenty (20) pages supporting its position within twenty (20) days of the filing of the joint statement of undisputed facts.

3) The Receiver shall file a memorandum of law not exceeding twenty (20) pages supporting his position within twenty (20) days of service of Claimant Fulcrum Fund's memorandum of law.

4) The Court will attempt to decide the merits of the parties' dispute with regard to Claim Number 445 by utilizing the summary judgment standard provided for in Rule 56 of the Federal Rules of Civil Procedure.

5) If the Court is unable to resolve the merits using the summary judgment standard of Rule 56, then the Court will convene a status conference to discuss with the parties what additional procedures should be implemented in resolving their dispute with regard to Claim Number 445.

DONE AND ORDERED at Tampa, Florida, on July 3, 2013.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record