

FILED

2017 OCT 25 AM 11:32

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA FLORIDA

THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

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

Defendants.

Case No. 8:09-cv-0087-T-26TBM

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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**RESPONSE IN OPPOSITION re 1310 MOTION TO ENFORCE  
CONSTRUCTIVE TRUST THROUGH TURNOVER OF REAL  
PROPERTY, OR IN THE ALTERNATIVE, THROUGH FORECLOSURE  
OF THE RECEIVER'S EQUITABLE LIEN**

Manon Sommers-Lee because of the lack of funds for counsel and in bankruptcy  
appeal will proceed for now *pro se*.

The real property in question is Lees' homesteaded home and legal residence at 4018 Via Mirada, Sarasota and will henceforth be referred to as "**Home**".

Filing this motion *pro se*, I state:

1. Judge Lazzara's Order (Doc. 1315) was received by U.S. mail at my Home on October 7, 2017.
2. The Receiver's Motion (Doc. 1310) and Declaration (Doc. 1311) were delivered via Federal Express to my Home on October 5, 2017. The over 150 pages of Doc 1311 slipped out of the clip, dropped on the floor and were impossible to organize because the headers are unreadable.
3. My husband, Vernon Lee, wrote Judge Lazzara asking for a bound set of pages of Doc. 1311, copies of documents cited in Doc. 1310 and more time to respond. He sent that request on October 13, 2017 by Certified Mail. As of today, October 22, 2017 neither my husband nor I have received a response.
4. This matter of my Home is under appeal in Bankruptcy court (8:17-cv-01782-CEH) with Benjamin G. Martin as my counsel.

5. Mr. Martin is not my counsel in this District Court (SEC v Nadel) action and I have never had counsel in this action.
6. In March, 2015 Judge Elizabeth A. Kovachevich moved this matter out of District Court in her ENDORSED ORDER (Wiand v Lee Doc. 308) indicating it is in bankruptcy court until the resolution of the bankruptcy proceedings. The Bankruptcy proceedings are not complete because the Bankruptcy Appeal is in progress. So why is The Motion even valid?
7. Judge Rodney K. May states in Doc. 1311-1 that ***“The Defendants have not been accused of any wrongdoing associated with Nadel’s Ponzi scheme”*** and ***“It is uncontested that Debtor believed his investments in the funds were legitimate and that he had no knowledge of the Ponzi scheme at the time he received distributions.”*** and ***“It is not alleged that he or his wife engaged in any fraud or egregious conduct.”***
8. If you take my Home, we have nowhere else to live. I am 80 years old and living on social security. I have uncontrollable high cholesterol and serious heart problems. One artery is 100% blocked and the other is 67% blocked. The thought of becoming homeless is very stressful and very harmful to my health. How can the Receiver be so cruel?

I pray the Court to DENY the Receiver's Motion and allow the appeal to move through the judicial system in its appropriate time.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 23, 2017, I filed the foregoing with the Clerk of the Court by registered U.S. Mail and also served a copy of this response by regular U.S. Mail to:

Michael Lamont  
Attorney for the Receiver, Burton W. Wiand  
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