

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.: 8:09-0087-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.

_____ /

ORDER

Before the Court is Wells Fargo's Motion for Payment of Certain Attorneys' Fees and Costs as Administrative Expense (the "**Motion**") (Dkt. ____). Upon due consideration of the Motion and affidavits, applicable law, and the entire file, and the Court otherwise being duly advised in the premises, it is **ORDERED AND ADJUDGED** that:

1. The Motion is **GRANTED**.
2. In these Receivership Proceedings, Wells Fargo has incurred \$585,830.50 in attorneys' fees and \$20,541.10 in costs from April 2010 through October 31, 2017, in enforcing its secured claims and security interests in this case.



3. Wells Fargo's attorneys' fees and costs are reasonable under the standard set forth in *Johnson v. Georgia Highway Express*, 488 F.2d 714, 488 at 717-19 (5th Cir. 1974).

4. Although Wells Fargo's attorneys' fees and costs are reasonable, Akerman LLP has extended a "courtesy discount" and "client adjustments" to Wells Fargo, as detailed in the Motion and the affidavits.

5. As a result, Wells Fargo is requesting attorneys' fees in the amount of \$491,036.17, plus not less than \$20,000 in fees incurred from November 1, 2017 through the filing of the Motion (collectively, the "**Requested Fees**") and costs in the amount of \$16,511.93 (the "**Requested Costs**").

6. Wells Fargo also incurred and the Eleventh Circuit awarded \$761.70 in Appellate Costs, which should be taxed against the Receivership Estate (the "**Appellate Costs**"). *See* Dkt. 1282, p. 3.

7. In addition, Wells Fargo incurred and the United States District Court for the Middle District of Florida awarded \$40,312.94 in costs which should be taxed against the Receivership Estate (the "**Related Litigation Cost Award**"). *See* Case No. 8:12-cv-557, Dkt. 340.

8. For the reasons set forth in the Motion, this Court concludes that Wells Fargo's attorneys' fees and costs should be paid from the Receivership Estate, as an administrative expense claim.

9. In sum, Wells Fargo is granted an allowed administrative expense claim in the aggregate amount of **\$568,622.74**, which includes its attorneys' fees, costs, and appellate costs.

10. The Receiver shall disburse **\$568,622.74** to Wells Fargo, within three (3) days of entry of this Order.

DONE and **ORDERED** in chambers in Tampa, Florida this ____ day of _____, 2017.

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE