

**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**

**Relief Defendants.**

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**PLAINTIFF'S UNOPPOSED MOTION TO RESCHEDULE APRIL 29, 2019 HEARING**

Plaintiff Securities and Exchange Commission respectfully requests that the Court reschedule the hearing it noticed for April 29, 2019 on the First National Bank of Albany's Motion to Alter or Amend Judgment or Order ("Motion") until either May 8 or May 16, 2019 due to a previously scheduled conflict. Neither the Bank nor the Receiver oppose this motion, and counsel for both have indicated they are available on the two requested dates. In support, the Commission states as follows:

On April 3, 2019, the Court noticed a hearing for April 29, 2019 at 1:30 p.m. (DE 1390) on the Bank's Motion (DE 1387). Undersigned counsel for the Commission had for the same day

previously scheduled a deposition of a third-party witness in another case in which the undersigned is primary counsel involving four parties in addition to the witness and several attorneys. A copy of the notice is attached. Undersigned counsel has been the only Commission lawyer assigned to this case for the last several years and is the only Commission attorney with knowledge of the issues raised in the Motion, the subsequent Court order addressing the Motion (DE 1388) and in the Commission's joint response with the Receiver (DE 1391).

Given the Court's concern in DE 1388 with the procedure the Receiver employed in his claims determination motion and the Commission's participation in the joint response, the undersigned regards it as extremely important to attend the hearing and answer any of the Court's questions concerning the procedure in this case, general Receivership procedures, and how the Bank's claim is addressed through those procedures. Accordingly, the Commission requests that the Court reschedule the hearing until either May 8 or 16, 2019 – dates both the Receiver's counsel and the Bank's counsel have represented they are available.

**CERTIFICATE OF CONFERRAL**

Pursuant to Middle District of Florida Local Rule 3.01(g), the Commission has conferred with counsel for the Receiver and the Bank, both of whom do not oppose this motion and also request one of the two dates in the motion if the Court grants it.

Date: April 12, 2019

Respectfully submitted,

By: s/Robert K. Levenson  
Robert K. Levenson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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*Court-appointed Receiver for Corporate Defendants  
and Relief Defendants*

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s/ Robert K. Levenson  
Robert K. Levenson, Esq.