

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CASE NO.: 8:09-cv-0087-T-33CPT

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.

**RECEIVER'S UNOPPOSED MOTION TO VACATE ORDER
APPROVING THE PRIVATE SALE OF ASSETS OF QUEST ENERGY
MANAGEMENT GROUP, INC. TO ARCHER PETROLEUM (DOC. 1407)**

On July 24, 2019, Burton W. Wiand, as receiver (the “**Receiver**”) for Quest Energy Management Group, Inc. (“**Quest**”) filed his Verified Motion for Approval of Private Sale of Assets of Quest Energy Management Group, Inc. (Doc. 1403) (the “**Motion**”). The Court granted the Motion on August 9, 2019. Doc. 1407 (the “**Order**”). Archer Petroleum (the “**Former Purchaser**”) refused to close the transaction, however, and litigation ensued about the Receiver’s right to retain a \$100,000 earnest money deposit. *See* Docs. 1419, 1423.

On November 26, 2019, the Court denied the Receiver's motion to retain the deposit. Doc. 1427. Pursuant to wire instructions from counsel for the Former Purchaser, on December 3, 2019, the Receiver returned the deposit and filed a notice with the Court. Doc. 1428. As such, Quest's assets will not be sold to the Former Purchaser, but the Order still contemplates a successful transaction.

ARGUMENT

Under Federal Rule of Civil Procedure 60(b)(6), the Court can vacate an order for, among other things, "any ... reason that justifies relief." Here, the Court should vacate the Order because the transaction did not close as anticipated. The Purchaser affirmatively cancelled the transaction, refused to pay the balance of the purchase price, and obtained a refund of the earnest money deposit. As such, the Receiver never relinquished control of Quest. To clarify the record and to avoid confusion about the ownership of Quest and its assets, the Receiver asks the Court to vacate the Order.

LOCAL RULE 3.01(G) CERTIFICATION

Counsel for the Receiver has conferred with counsel for the Former Purchaser and counsel for the SEC and is authorized to represent to the Court that this motion is unopposed.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on December 10, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

s/Jared J. Perez

Jared J. Perez, FBN 0085192

jperez@wiandlaw.com

WIAND GUERRA KING P.A.

5505 W. Gray Street

Tampa, FL 33609

Tel: 813-347-5100

Fax: 813-347-5198

Attorney for the Receiver, Burton W. Wiand