

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

Case No. 8:09-cv-87-T-26TBM

v.

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.

MOTION FOR INSTRUCTIONS AND EX PARTE HEARING

Movants, NORTON, HAMMERSLEY, LOPEZ & SKOKOS, P.A., and E. JOHN LOPEZ, move this Court for an order for instructions pursuant to this Court's Orders appointing receiver (Docs. #8, 140, 316) (collectively "Order Appointing Receiver"), and says

1. Recently, Movants received a communication, the subject of which may be required to be disclosed to the Receiver, pursuant to this Court's Order Appointment Receiver.
2. It is Movants' belief that the communication is protected by the attorney-client privilege, and therefore, cannot be disclosed to any party, without the consent of the client.
3. While not wanting to violate this Court's Order Appointing Receiver, the Movants have a seemingly conflicting duty to preserve the confidence of the communication.

4. Movants request this Court to conduct an in-camera hearing/inspection, and instruct Movants with regard to their obligations regarding this communication and the Court's Order Appointing Receiver.

WHEREFORE, Movants, NORTON, HAMMERSLEY, LOPEZ & SKOKOS, P.A., and E. JOHN LOPEZ, move this Court for an order setting an in-camera hearing/inspection to advise Movants as to the applicability of the Court's Order Appointing Receiver, together with such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ John Chapman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished either electronically or by U.S. mail on August 17, 2010 to the following:

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