

**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, LLC,

Relief Defendants.

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**ORDER**

Upon due consideration of the Receiver's submissions, it is ordered and adjudged that the Motion to Compel (Dkt. 473) is denied without prejudice for failure to comply with the requirement of Local Rule 3.01(g). The sending of a letter to opposing counsel followed by no response before filing the motion does not comply with the rule. This Court requires that counsel confer *personally* with opposing counsel before filing the motion. Accordingly, counsel for the

parties are directed to confer *personally* on or before September 3, 2010, in a good faith effort to resolve the issues raised in the motion. In the event they are unable to do so, the Receiver's counsel may refile the motion, following which the Court will direct an expedited response and schedule an expedited hearing. Counsel are put on notice that this Court will impose sanctions on a party or attorney who has failed to act in good faith.

The clerk is directed to send a copy of this order to Gregory Brown, counsel for nonparty Managed Capital, LLC, at the following address: [gbrown@hwhlaw.com](mailto:gbrown@hwhlaw.com).

**DONE AND ORDERED** at Tampa, Florida, on August 31, 2010.

*s/Richard A. Lazzara*  
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**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record