

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff

v.

Case No. 8:09-cv-87-T-26TBM
Pending in the Middle District of Florida

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,
VIKINGFUND, LLC, AND
VIKING MANAGEMENT,

Relief Defendants.

MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

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**Non-Party, Marguerite Nadel's Pro Se
Motion For Protective Order and to Quash Subpoena**

Non-Party, Marguerite J. Nadel, Pro Se ("Mrs. Nadel"), hereby serves and files this Motion for Protective Order and to Quash Subpoena and in support thereof states as follows:

I. FACTS.

1. On August 30, 2010, Burton W. Wiand, the Receiver in this action, caused a subpoena duces tecum (the "Subpoena") to be served upon Non-Party, Mrs. Nadel. A copy of the Subpoena is attached as Exhibit "A". The Subpoena seeks

production of 38 categories of documents that relate to personal assets of Mrs. Nadel, including financial assets obtained by her after commencement of the Receivership.

2. The Subpoena seeks production of documents “generated, prepared, or received from the beginning of time through the date of production, or which refer to matters occurring to such date.” Elsewhere therein, the Subpoena requests records for the period January 1999 through the present. The period of time specified within the Subpoena predates Mrs. Nadel’s 2002 marriage to defendant, Arthur Nadel.
3. Mrs. Nadel is not presently and has never been a defendant or a relief defendant in this action or any other civil, criminal or administrative action.
4. Mrs. Nadel is not a judgment debtor in this action or any other court proceeding.
5. The Federal Bureau of Investigation has previously seized approximately 17 boxes of papers and one or more computers from Mrs. Nadel’s residence and such items have not been returned to her.
6. Pursuant to previous order of this Court, each financial account in which Mrs. Nadel had an interest at the commencement of this action was frozen and the assets therein were seized. The Receiver is seeking to obtain information regarding Mrs. Nadel’s bank account that was established by her after commencement of this action.
7. Mrs. Nadel has previously voluntarily met with the Receiver at his law offices on two separate occasions and provided answers to all questions asked of her by the Receiver and his counsel.

8. The Receiver seeks to obtain funds from a federal tax refund paid to Mrs. Nadel in her personal capacity by the Internal Revenue Service. Mrs. Nadel has confirmed with the Internal Revenue Service that the tax refund is due to overpayment of federal withholding from her wages.

II. ARGUMENT.

9. Mrs. Nadel moves for a protective order and to quash the Subpoena as it is overly broad, unduly burdensome and oppressive. Fed. R. Civ. P. 26(c). The Subpoena also seeks to harass and annoy Mrs. Nadel.

10. Mrs. Nadel objects to the "Instructions" section of the Subpoena as being overly broad, unduly burdensome, oppressive and annoying.

11. The Subpoena is overly broad as to the time frame that predates Mrs. Nadel's involvement with any Receivership entity and marriage to defendant, Arthur Nadel.

12. Mrs. Nadel moves for a protective order and to quash the Subpoena as it seeks production of documents that are not relevant or material to the Receivership or any Receivership entity.

13. Mrs. Nadel moves for a protective order and to quash the Subpoena as it violates her right to privacy as guaranteed by Article I, Section 23 of the Florida State Constitution. The right to privacy contained in the Florida State Constitution is much broader in scope than the right to privacy set forth in the Federal Constitution. *Winfield v. Division of Pari-Mutual Wagering*, 477 So.2d 544 (Fla. 1985).

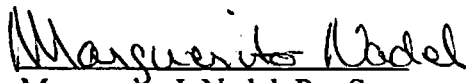
14. Florida state law recognizes an individual's legitimate expectation of privacy in financial institution records. *Winfield v. Division of Pari-Mutual Wagering*, 477 So.2d 544 (Fla. 1985).

WHEREFORE, Mrs. Nadel requests that this Honorable Court enter a protective order that:

- (i) quashes the Subpoena; and
- (ii) directs that no discovery, including deposition testimony shall be obtained from Mrs. Nadel by the Receiver or his counsel; and
- (iii) directs that neither the Receiver nor his counsel shall be allowed to inquire of Mrs. Nadel in any deposition or pursuant to any other discovery method regarding her personal assets, including but not limited to, financial accounts; and
- (iv) provide such other and further relief and protection to Mrs. Nadel as this Honorable Court deems necessary and proper.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been delivered via regular United States mail to Michael S. Lamont, Esquire, attorney for the Receiver at Wiand Guerra King P.L., 3000 Bayport Drive, Suite 600, Tampa, Florida 33607 on this 3rd day of September 2010.


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