

**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;  
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.

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**ORDER**

**UPON DUE CONSIDERATION** of the parties' written submissions and oral arguments, and for the reasons announced at the conclusion of the hearing held in this case this day, it is **ORDERED AND ADJUDGED** as follows:

1) Non-Party Donald H. Rowe's Motion for Protective Order (Dkt. 544) is denied. Mr. Rowe shall produce to the Receiver the records which are the subject of the subpoena attached to his motion no later than **January 3, 2011**. If the Receiver contends that the documents withheld based on the attorney-client privilege or the work product

privilege, as detailed on Mr. Rowe's privilege log, do not qualify for protection under those privileges, he may file a motion to compel. Before doing so, however, the Receiver shall confer in good faith with new counsel for Mr. Rowe to resolve any dispute with regard to whether any document withheld qualifies for protection under either of the privileges.

2) The Motion to Withdraw (Dkt. 562) is granted. The law firm of Bush Ross, P.A., and all of its attorneys, are relieved of any further responsibility to represent Mr. and Mrs. Rowe and their related entities in this case.

3) The Motion to Stay Deadlines Pending Location of New Counsel (Dkt. 563) is denied as moot inasmuch as the Court has ruled on the Motion for Protective Order and has afforded Mr. Rowe ample time to hire new counsel before having to produce the records subpoenaed by the Receiver.

**DONE AND ORDERED** at Tampa, Florida, on December 10, 2010.

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

**COPIES FURNISHED TO:**  
Counsel of Record