

**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**

David A. Holmes, an attorney, has filed a motion to quash subpoena and for protective order on behalf of himself and his law firm, Farr, Farr, Emerich, Hackett & Carr, P.A., based on the attorney-client privilege, with respect to a subpoena served on him seeking client contact information with regard to two of the lawsuits initiated by the Receiver in an attempt to recover alleged false profits: case numbers 8:10-cv-241-17MAP and 8:10-cv-243-17MAP, both of which are assigned to United States District Judge Elizabeth A. Kovachevich and United States

Magistrate Judge Mark A. Pizzo. In the Court's view, the subpoena should have emanated from those cases and not this case, and the decision as to whether the information sought is covered by the attorney-client privilege should be made by Judge Kovachevich or Judge Pizzo.

Accordingly, the attorneys representing the Receiver in the related "false profits" cases may reissue subpoenas directed to Mr. Holmes seeking the same client contact information. After service, Mr. Holmes is free to file another motion to quash subpoena or for protective order in those cases.

In light of these conclusions, it is ordered and adjudged that David A. Holmes and his law firm is relieved temporarily of the responsibility to comply with the subpoena at issue. His Motion to Quash (Dkt. 587) is denied as moot.

**DONE AND ORDERED** at Tampa, Florida, on January 12, 2011.

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

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Counsel of Record