

**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.

---

**RECEIVER'S UNOPPOSED MOTION FOR  
LEAVE TO EXCEED PAGE LIMITATION**

Burton W. Wiand, as Receiver, moves the Court for leave to exceed the page limitation set forth in Local Rule 3.01(a) in connection with his upcoming motion to approve determination of claims, pool receivership assets and liabilities, approve plan of distribution, and establish objection procedure (the “**Claims Determination Motion**”). On April 20, 2010, the Receiver filed an Unopposed Motion to (1) Approve Procedure to Administer Claims and Proof of Claim Form, (2) Establish Deadline for Filing Proofs of Claim, and (3)

Permit Notice by Mail and Publication (the “**Claims Form Motion**”) (Doc. 390). On April 21, 2010, the Court granted that motion (Doc. 391). Since then, the Receiver has executed the procedures set forth in the Claims Form Motion and in the Court’s Order on that motion.

As part of the claims process established pursuant to that motion and Order, the Receiver received 627 separate Proof of Claim Forms relating to 504 separate claims. In turn, the Receiver carefully reviewed and evaluated each of those claim forms and, to the extent necessary, investigated relevant information and had additional communications with claimants to reach a determination with respect to each of the 627 Proof of Claim Forms. The Receiver has essentially finished that process, and is preparing the Claims Determination Motion, which will be filed in the near future. Aside from discussing the determination of claims, a procedure for claimants’ objections to those determinations, the pooling of receivership assets and liabilities, and a plan for distribution of receivership assets, the Claims Determination Motion will also discuss the Receiver’s intention to make an interim distribution of a significant portion of the money held by the Receivership Estate to qualifying claimants.

Local Rule 3.01(a) provides that no party shall file any brief or legal memorandum longer than 25 pages without permission from the Court. The Claims Determination Motion, however, will address a number of topics, a significant volume of claims, and a wide range of legal and equitable principles. For some claims, the motion will have to delve into a fair amount of specifics to support the Receiver’s determination. The Receiver will need more than 25 pages to properly address all those matters, and accordingly seeks leave to exceed the page limitation set forth in Local Rule 3.01(a). Because the Claims Determination Motion is

still being finalized, at this point the Receiver's counsel cannot predict the ultimate length of that motion. However, counsel's goal is to submit a Claims Determination Motion that is as concise as possible under the circumstances.

WHEREFORE, the Receiver respectfully requests leave to exceed the page limitation in connection with the Claims Determination Motion.

**LOCAL RULE 3.01(G) CERTIFICATE OF COUNSEL**

Counsel for the Receiver has conferred with counsel for the Securities and Exchange Commission (the "SEC") and is authorized to represent to the Court that the SEC has no objection to the relief sought in this motion.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 20, 2011, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

**I FURTHER CERTIFY** that on October 20, 2011, I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participant(s):

Arthur Nadel  
Register No. 50690-018  
FMC Butner  
Federal Medical Center  
P.O. Box 1600  
Butner, NC 27509

**s/Gianluca Morello**

Gianluca Morello, FBN 034997  
Email: gmorello@wiandlaw.com  
Michael S. Lamont, FBN 0527122  
Email: mlamont@wiandlaw.com  
WIAND GUERRA KING P.L.  
3000 Bayport Drive  
Suite 600  
Tampa, FL 33607  
Tel. (813) 347-5100  
Fax (813) 347-5198

*Attorneys for the Receiver, Burton W. Wiand*