

**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.

ORDER

Counsel for the Receiver has filed a motion seeking the permission of the Court to pursue an appeal of the order entered by United States District Judge Elizabeth A. Kovachevich approving the report and recommendation of United States Magistrate Judge Mark A. Pizzo and granting motions to compel arbitration in what are commonly referred to as the “clawback” lawsuits. The thirty-day period for filing notices of appeal

in these cases expires today. The Court notes that Plaintiff's counsel has yet to take a position on whether appeals should be taken in these cases.

After reflecting on the Receiver's motion and anticipated arguments to be addressed on appeal, and taking into account the fact that notices of appeal must be filed by today, the Court will grant the Receiver's motion and permit him to pursue appeals to the Eleventh Circuit Court of Appeals in the "clawback" lawsuits in which Judge Kovachevich has ordered arbitration, but with the understanding that this Court reserves the jurisdiction to later direct the Receiver to dismiss these appeals in the event the Court becomes convinced that pursuing the appeals would not be in the best interest of the receivership estate and the defrauded investors.

ACCORDINGLY, it is **ORDERED AND ADJUDGED** that the Receiver's Motion for Permission to Appeal (Dkt. 668) is **granted**.

DONE AND ORDERED at Tampa, Florida, on October 31, 2011.

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

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Counsel of Record