

**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

The receiver has filed a second motion for permission to appeal three subsequent orders compelling arbitration entered by United States District Judge Elizabeth A.

Kovachevich in what are commonly referred to as “clawback” lawsuits.¹ As with the

¹ The Court entered an order on October 31, 2011, at docket 669, approving the Receiver’s request for permission to appeal similar orders entered by Judge Kovachevich. At that time, Plaintiff’s counsel had no position on that request. Plaintiff’s counsel has now advised the Court in a notice filed November 21, 2011, at docket 670, that Plaintiff has no objection to the Receiver appealing these orders.

earlier order granting the Receiver's request for permission to appeal, the Court will grant the motion and permit the receiver to appeal Judge Kovachevich's latest orders compelling arbitration to the Eleventh Circuit Court of Appeals 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 Second Unopposed Motion for Permission to Appeal (Dkt. 671) is granted.

DONE AND ORDERED at Tampa, Florida, on November 22, 2011.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:

Counsel of Record