

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

v.

ARTHUR NADEL,
SCOOP CAPITAL, LLC,
SCOOP MANAGEMENT, INC.,

Defendants,

CASE NO.: 8:09-0087-T-26TBM

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.

**UNOPPOSED MOTION OF WELLS FARGO BANK, N.A. FOR LEAVE TO FILE
REPLY TO RECEIVER'S OPPOSITION TO MOTION OF WELLS FARGO
BANK, N.A. (I) FOR DETERMINATION THAT THE FILING OF PROOFS OF
CLAIM HEREIN IS NOT NECESSARY TO PRESERVE SECURED
CREDITORS' VALID STATE LAW SECURITY INTERESTS IN, AND CLAIMS
AGAINST, COLLATERAL IN THE RECEIVER'S POSSESSION OR, IN
THE ALTERNATIVE, (II) FOR LEAVE TO FILE LATE CLAIMS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 60(b)**

Wells Fargo Bank, N.A. ("Wells Fargo"),¹ a valid secured creditor and party in
interest herein, recently filed a motion (the "Motion") seeking a determination by this

¹ Wells Fargo is successor by merger to Wachovia Bank, N.A.

Court that the filing of proofs of claim in this case is not necessary to preserve certain secured creditors' valid state law security interests in, and claims against, collateral in the Receiver's possession or, in the alternative, (ii) leave to file late claims pursuant to Federal Rule of Civil Procedure 60(b) (Doc. No. 740) (the "Motion"). The Receiver filed his opposition to the Motion (Doc. No. 755) (the "Opposition").

Wells Fargo seeks leave to file a reply to address various issues raised by the Opposition because it believes additional briefing will assist the Court with resolving the Motion. Specifically, Wells Fargo would like the opportunity to respond to the Receiver's interpretation of cases cited in the Opposition, and arguments raised in the Opposition. The issues Wells Fargo seeks to address include the Receiver's:

- (1) incorrect contention that Wells Fargo was required to file a claim to preserve its security interests in, and claims against, certain receivership property;
- (2) misunderstanding of the receivership and bankruptcy cases discussed in the Opposition;
- (3) incorrect contention that applicable statutes of limitation do not apply to the Receiver;
- (4) incorrect representations about the law governing the untimely filing of proofs of claims, and that, in reality, applicable law authorizes the late filing of claims under these circumstances; and
- (5) incorrect representations that the untimely filing of Wells Fargo's claims will impact or otherwise prejudice the receivership estate when, in reality, no such delay or prejudice exists.

WHEREFORE, Wells Fargo respectfully seeks leave to file a ten-page reply no later than Wednesday, June 29, 2012.

LOCAL RULE 3.01(g) CERTIFICATION

Counsel for Wells Fargo has conferred with Counsel for the Receiver and Counsel for the Securities and Exchange Commission, and each indicated that they did not oppose the relief requested in this motion.

Dated this 27th day of February, 2012 in Tampa, Florida.

Respectfully submitted,

AKERMAN SENTERFITT

/s/ Steven R. Wirth _____

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Counsel for Wells Fargo, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2012, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which provided notice to all CM/ECF participants in this case, including:

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Scott A. Masel, Esq.
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Securities & Exchange Commission
Miami Branch Office, SERO
801 Brickell Ave., Suite 1800
Miami, FL 33131

I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following:

Arthur G. Nadel
FCI BUTNER LOW
Federal Correctional Institution
P.O. Box 999
Butner, NC 27509

/s/ Steven R. Wirth

Attorney