

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,
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

Relief Defendants.

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
UNOPPOSED MOTION TO ACCEPT RESPONSE AS TIMELY FILED**

The Commission, pursuant Rule 6(b), Federal Rules of Civil Procedure, and Local Rule 3.01, respectfully and without opposition moves the Court to accept as timely filed its Response in Opposition to Wells Fargo's Motion to Disqualify the Receiver, Disqualify Wiand Guerra King P.L., and Disallow All Fees Payable to the Receiver and His Counsel (D.E. 790). This response was due by March 14, 2012, but because of the unexpected illness of his wife and child, the Commission's undersigned counsel was unable to file the Response until 1:18 a.m. on March 15. The late filing was due only to the aforementioned illnesses and not based on any attempt to

delay these proceedings or ignore the Court's deadlines. Accepting the Response as timely will cause no prejudice to the other litigants, who, as indicated below, have no objection.¹

LOCAL RULE 3.01(g) CERTIFICATION OF COUNSEL

The Commission's counsel has communicated with counsel for Wells Fargo, the Receiver, and Wiand Guerra, none of whom oppose the requested relief.

WHEREFORE, the Commission respectfully asks the Court to accept its Response and deem it timely filed.

March 15, 2012

Respectfully submitted,

By: s/ Scott A. Masel
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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2012, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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¹ We are also filing a corrected Response, since the one filed as Docket Entry 790 has the incorrect title at the beginning of the document. That is the only change we will make in the Commission's Response.

*Court-appointed Receiver for Corporate Defendants
and Relief Defendants*

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I further certify that on the same date I mailed the foregoing document and the notice of electronic filing by U.S. Mail or as indicated below to the following non-CM/ECF participant:

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Via U.S. Mail

s/ Scott A. Masel
Scott A. Masel, Esq.