

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.

**WELLS FARGO BANK'S REQUEST THAT THIS COURT TAKE JUDICIAL NOTICE
OF ACTUAL DOCKETED COURT FILINGS CHARACTERIZED IN THE
RECEIVER'S RESPONSE IN OPPOSITION TO WELLS FARGO'S MOTION FOR
LEAVE TO REPLY**

Pursuant to Federal Rule of Evidence 201, Wells Fargo Bank N.A. ("Wells Fargo") respectfully requests the Court take judicial notice of the following pleadings/matters from the dockets of the noted cases.

In the Receiver and Wiand Guerra King ("WGK") Response in Opposition to Wells Fargo's Motion for Leave to Reply in Support of its Motion to Disqualify (Doc 795) (the "Response"), the Receiver characterizes the actions taken by Michael Goldberg, a partner at Akerman Senterfitt, in an SEC receivership case. Undersigned counsel contacted counsel for the

Receiver and WGK requested that the Receiver and WGK correct this characterization to the Court, and provided counsel for the Receiver and WGK with a pleadings from the record so they could correct their Response. The Receiver and WGK have filed an Amended Response (Doc. 797), but the Amended Response fails to adequately correct their mischaracterizations of the record, and fails to inform the Court as to any of the reasons why they are filing an Amended Response. Accordingly, Wells Fargo requests the Court take judicial notice of the following:

1. The Receiver's Response initially claimed that Akerman lawyer Michael Goldberg acted as Receiver in the case of *SEC v. M. Lauer et al*, No. 03-80612-cv-Marra (S.D. Fla.). (*See* Response, Doc. 795, footnote 2). Wells Fargo requests the Court to take judicial notice of the actual docket in that case to confirm that no Akerman lawyer was receiver in that case.

2. Mr. Goldberg was receiver in the case of *SEC v. Latin Am. Servcs Co.*, No. 99-2360-cv (S.D. Fla.). His actions were mis-described in the Opposition and Amended Opposition. Wells Fargo Bank requested that copies of the actual motion and order referenced be included. The Receiver refused. Wells Fargo Bank respectfully asks the Court to take judicial notice of the attached actual docketed court filings from *SEC v. Latin Am. Servcs Co.*, No. 99-2360-cv (S.D. Fla.), (Doc. Nos. 118, 120, 153, 155, 285, 289) (attached hereto as composite Exhibit "A") which accurately depict the proceedings leading to the appointment of an ancillary receiver in that case.

Dated this 15th day of March, 2012 in Tampa, Florida.

Respectfully submitted,

AKERMAN SENTERFITT

/s/ Steven R. Wirth

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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 provided notice to all CM/ECF participants in this case.

I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following on March 16, 2012:

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