

UNITED STATE DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Securities and Exchange Commission v. Nadel et al

Doc. 871

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,

FILED
TAMPA, FLORIDA
2012 JUN 20 PM 1:30

**PRO SE MOTION OF NON-PARTY MARGUERITE J. NADEL
FOR RELIEF FROM FREEZE ON ASSETS
(Oral Hearing Requested)**

Now comes Marguerite J. Nadel, pro se, and does hereby Move this Honorable Court for an order for relief from the restrictions imposed under order of this Court entered on February 3, 2009 as to three (3) bank accounts, to wit, account No ___16432, [Northern Trust, Sarasota, Florida, having an approximate balance of Nineteen thousand Dollars (\$19,000); account No 171005875; Northern Trust, Sarasota, Florida, having an approximate balance of Four thousand Dollars (\$4,000) and account No 00693606524, First Citizens Bank, Asheville, North Carolina,


having an approximate balance of Four Thousand Five Hundred Dollars (\$4,500).

Movant states that she is not presently and has never been a defendant in this or any other related action. Pursuant to previous order of this Court, Movant has been denied access to the above referenced accounts. Movant further states that the funds held in said accounts are solely those of Movant and are in no way owned by or connected with Arthur Nadel or any of the actions that have given rise to this Action. Movant states that she is financially destitute and is in need of access to her funds for sustenance and other living expenses. An affidavit in support of this Motion is attached hereto as Exhibit A.

WHEREFORE, Movant has complied with Local Rule 3.01(g) at the Courts request and was unable to resolve the issue with the Receiver. Movant therefore prays the within Motion be Granted.

Movant does hereby request an oral hearing on the within Motion.

Respectfully submitted,



Marguerite J. Nadel, Pro Se
3966 County View Drive
Sarasota, FL 34233
(941) 927-3830

CERTIFICATE OF SERVICE

I hereby certify that on the __ day of May, 2012, a true and accurate copy of the forgoing Motion was sent via Regular US Mail, Postage pre-pad to:

Gianluca Morello
Michael S. Lamont
Jared J. Perez
Wiand Guerra King P.L.
3000 Bayport Drive
Suite 600
Tampa, FL 33607
Attorneys for Receiver, Burton W. Wiand

Marguerite J. Nadel, Pro Se

Affidavit

THIS INSTRUMENT HEREBY ACKNOWLEDGES that the undersigned, Marguerite Nadel, ("affiant"), residing at 3966 Country View Drive, Sarasota, Florida, is of legal age, and does hereby swear and affirm that the following is true and accurate, to the best of her knowledge, under penalty of perjury:

I have been diagnosed with COPD since 2004 and since 2009 have further been diagnosed with MAC, Mycobacterium Avium Complex. The protocol for this disease demands that I take three antibiotics a day for 12 to 18 months. I have done everything I can to slow the progress of this disease, but now find my lung capacity diminishing to the point where I feel I must start treatment.

I have included with this petition, letters from Dr. Manual Gordillo of The Infectious Disease Center here in Sarasota under whose care I am, attesting to the fact that I do indeed have this condition and what the treatment for it is.

My social security is \$1046 a month. I pay the mortgage and all of my expenses and do all of my own handiwork as I cannot afford to pay anyone to do anything that I cannot do. I expect the expenses from the antibiotic treatment that I must start to run between \$700 and \$800 every three months and as you can see, there is no room in my budget for the medication. I desperately need to have access to the funds in those accounts to maintain my present state of health.

There is a small account titled "Property", also residing at Northern Trust, approximate balance \$4,737.27. The records will show that this account was funded from my personal checking account and was only used to pay the expenses for the property I purchased with my own money located on Fruitville Road in Sarasota and is in the possession of the Receiver.

Another small account at Citizen's Bank in Asheville, North Carolina, approximate balance \$4,576.00, was used to pay expenses on the house in Fairview, NC. This account was also funded from my personal checking account.

In my present circumstances, I am not financially able to start this treatment unless I can access the funds that I have in my accounts.

Therefore, I beg the court to lift the order freezing my bank accounts, accounts that have always been my personal accounts, and let me access the funds to begin my treatment.

Signed to this 18 day of JUNE, 2012

Marguerite Nadel

Address
3966 Country View Drive
Sarasota, Florida 34233

In Sarasota, on the 18th day of June, 2012, before me, a Notary Public in and for the above state and county, personally appeared MARGUERITE NADEL, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.

Type of ID Produced: FL DL

Affiant is is not personally known to me

Michael S. Doyle

NOTARY PUBLIC

My Commission Expires: MAY 5, 2012

(SEAL) NOTARY PUBLIC-STATE OF FLORIDA
Michael S. Doyle
Commission # DD886816
Expires: MAY 05, 2013
BONDED THRU ATLANTIC BONDING CO., INC.