

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No. 8:09-cv-0087-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.

---

**THE RECEIVER'S MOTION FOR CLARIFICATION OF THE  
COURT'S ORDER ON THE *PRO SE* MOTION OF NON-PARTY  
MARGUERITE J. NADEL FOR RELIEF FROM FREEZE ON ASSETS**

On June 21, 2012, Marguerite J. Nadel (“**Mrs. Nadel**”) moved for relief from certain aspects of the asset freeze entered by the Court at the inception of this Receivership proceeding (the “**Motion**”) (Doc. 871). Specifically, Mrs. Nadel sought an order transferring to her all funds contained in the following three bank accounts that were frozen by the Court’s January 21, 2009, Order (Doc. 7): (1) a Northern Trust,

N.A., account ending with numbers 4320 held jointly by Mrs. Nadel and Arthur Nadel<sup>1</sup>; (2) another Northern Trust, N.A., account ending with numbers 8757 held jointly by Mrs. Nadel and Arthur Nadel; and (3) a First Citizens Bank account ending with numbers 5243 held jointly by Mrs. Nadel and Arthur Nadel<sup>2</sup> (these three bank accounts are collectively referred to as the “**Accounts**”).

The Receiver’s verified response to the Motion (Doc. 879) established that the Accounts were funded with proceeds of the Ponzi scheme underlying this case. Further, the verified response requested that, in light of the source of those funds, all of the money in the Accounts should be transferred to the Receivership Estate (Doc. 879 at 11). At oral argument on the Motion and then in an endorsed order, the Court denied the Motion (Docs. 883, 884). The Court, however, did not address the Receiver’s request that the money in the Accounts – which are currently frozen – be transferred to the Receivership Estate. Accordingly, the Receiver seeks clarification of the Court’s Order on the Motion (Doc. 884) as to whether the Court also intended to authorize the transfer of the money that is presently frozen in the Accounts to the Receivership Estate.

WHEREFORE, for the reasons discussed in the verified response to the Motion (Doc. 879), the Receiver requests an order directing Northern Trust, N.A., and First Citizens Bank to transfer all money held in the Accounts to the Receivership Estate in accordance with

---

<sup>1</sup> Both the Motion and the Receiver’s response mistakenly omitted the “0” at the end of this account number; the correct last four digits are 4320.

<sup>2</sup> Both the Motion and the Receiver’s response mistakenly omitted the “3” at the end of this account number; the correct last four digits are 5243.

instructions that will be provided by the Receiver (attached as an Exhibit is a proposed Order).

**LOCAL RULE 3.01(g) CERTIFICATION**

The Receiver is authorized to represent to the Court that the Securities and Exchange Commission does not object to the relief requested in this motion.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on July 17, 2012, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

**I FURTHER CERTIFY** that on July 17, 2012, a true and correct copy of the foregoing document was furnished by first-class mail delivery to:

Marguerite J. Nadel, *pro se*  
3966 Country View Drive  
Sarasota, FL 34233

**s/Gianluca Morello**

Gianluca Morello, FBN 034997  
Email: [gmorello@wiandlaw.com](mailto:gmorello@wiandlaw.com)  
Michael S. Lamont, FBN 527122  
Email: [mlamont@wiandlaw.com](mailto:mlamont@wiandlaw.com)  
WIAND GUERRA KING P.L  
3000 Bayport Drive  
Suite 600  
Tampa, FL 33607  
Tel: (813) 347-5100  
Fax: (813) 347-5198

*Attorneys for the Receiver, Burton W. Wiand*