

**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 FIND, LLC, AND
VIKING MANAGEMENT,

Relief Defendants.

**MOTION TO APPROVE PROPOSED
NOTICE OF SETTLEMENT**

Burton W. Wiand, as Receiver (the "Receiver"), moves the Court for an order approving the proposed notice of settlement with Holland & Knight LLP and Scott R. MacLeod (collectively, "H&K"), in the form attached hereto as Exhibit A (the "Notice"), and the proposed abbreviated notice for publication, as described below (the "Short Form Notice"). H&K is a defendant in a lawsuit brought by the Receiver in a Florida state court,

styled *Scoop Real Estate, L.P. et al. v. Holland & Knight, et al.*, Case No. 2009-CA-014877-NC (Twelfth Judicial Circuit, Sarasota County, Florida). The Receiver, concurrent with this motion, is filing a Motion To Approve Settlement (the "Settlement Motion"), which requests that the Court approve the settlement of the Receiver's claims against H&K for \$25,000,000. The Settlement Motion also requests that the Court enter an order barring any claims against H&K by investors and others, including claims for contribution or indemnity (the "Bar Order"). The Receiver wishes to provide notice of the settlement to investors and other interested parties because the Bar Order may affect their rights.

To that end, the Notice provides that recipients will have until October 1, 2012 to object or otherwise respond to the Settlement Motion. If the Court grants this motion, the Receiver will promptly mail the Notice by U.S. First Class Mail to the last known address of investors in the Receivership entities known to the Receiver, and other potentially interested parties, and place for publication on one day in the Sarasota Herald Tribune and a newspaper of national circulation the Short Form Notice (or an abbreviated notice that is substantially similar) as follows:

Burton W. Wiand, the court-appointed receiver in *S.E.C. v. Nadel et al.*, Case No. 8:09-cv-87-T-26TBM for, among others, Valhalla Investment Partners, L.P.; Viking Fund, LLC; Viking IRA Fund, LLC; Victory Fund, Ltd.; Victory IRA Fund, Ltd.; Scoop Real Estate, L.P. and Traders Investment Club, has entered into a settlement agreement with Holland & Knight LLP and one of its lawyers, Scott R. MacLeod, hereinafter "H&K." The settlement may affect your rights, as it includes a request to the Court for an order permanently barring and enjoining investors in receivership entities and other individuals and entities that may bear some liability in connection with the fraudulent scheme underlying this matter from commencing or continuing a claim, action, or proceeding of any kind and in any forum against H&K that arises from or relates to the legal services

that H&K performed for in connection with receivership entities. A notice of settlement, a copy of the settlement agreement, and the Receiver's motion to approve the settlement agreement are available on the Receiver's website at www.nadelreceivership.com. Any person who objects to the settlement must do so in accordance with the procedures set forth in the notice of settlement by October 1, 2012.

The legal and factual basis for the notices discussed in this motion is addressed in the Settlement Motion.

WHEREFORE, the Receiver respectfully requests that the Court enter an Order approving (1) the proposed Notice attached hereto as Exhibit A and the procedures described therein and in this motion, and (2) the proposed Short Form Notice set forth above, so that the Receiver can promptly provide notice to interested parties.

LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), counsel for the Receiver has conferred with counsel for the Securities and Exchange Commission and is authorized to represent to the Court that the Commission has no objection to the relief requested in this Motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 28, 2012, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system.

s/Gianluca Morello

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