

**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-cv-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.

_____ /

ORDER

WHEREAS, on October _____, 2012, the Plaintiff’s (1) Unopposed Motion to Dismiss With Prejudice its Disgorgement and Civil Penalty Claims as to Defendant Nadel and (2) Joint Motion With the Receiver for an Order Authorizing the Receiver to Deposit Into the Receivership Estate Tax Refunds Made Payable to Defendant Nadel (the “**Motion**”) (Dkt. _____) was filed;

WHEREAS, in the Motion the Securities and Exchange Commission (the requested an Order dismissing with prejudice its claims for disgorgement and a civil penalty against Defendant Arthur Nadel on the basis that Defendant Nadel died on April 16, 2012, and in light of the Receiver's continuing duties to marshal assets for investors injured by Nadel's scheme;

WHEREAS, in the Motion the Commission and the Receiver appointed in this case also jointly requested an Order authorizing the Receiver to deposit into any financial account held by the Receiver in his capacity as Receiver all tax refunds made payable to Defendant Nadel and directing financial institutions holding such accounts to accept any such check for deposit into any such account;

NOW, THEREFORE it is ORDERED and ADJUDGED that:

1. The Motion is **GRANTED**.
2. The claims asserted by the Commission against Defendant Nadel for disgorgement and a civil penalty are hereby dismissed with prejudice.
3. The Court acknowledges and finds that the dismissal of those claims is in no way intended to and shall not operate (1) to retract any of the Commission's allegations or conclusions relating to Defendant Nadel or (2) to undermine in any way the Receiver's efforts to exercise his rights, obligations, and duties under the Orders entered in this case appointing him Receiver, granting him any authority or rights, or directing him or any other person or entity to take or refrain from taking any action.
4. As such, the Court specifically finds that the dismissal of those claims shall not impact in any way the Receiver's rights, obligations, and duties, including his rights, obligations, and duties in carrying out his responsibilities under the Orders entered in this case appointing

him Receiver, granting him any authority or rights, or directing him or any other person or entity to take or refrain from taking any action.

3. As such, the dismissal of claims as set forth herein is not intended to and shall not affect the Receiver's authority and power to recover for the Receivership Estate any money or other assets held in the name of or owed to Defendant Nadel, including any tax refund payments owed to Defendant Nadel by the Internal Revenue Service or the U.S. Treasury.

4. The Receiver is authorized to deposit into any financial account held by him in his capacity as Receiver all tax refunds made payable to Defendant Nadel, and all financial institutions holding such accounts are directed to accept any such payment, whether made by check, wire, other form of electronic transfer, or in any other manner, for deposit into any such account without the need for any endorsement or other additional action by the Receiver.

DONE and **ORDERED** in chambers in Tampa, Florida this ____ day of October , 2012.

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record