

**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., et al.,**

Relief Defendants.

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**ORDER**

**UPON DUE CONSIDERATION** of the parties' written submissions and oral arguments, and for the reasons announced on the record at the hearing held in this case this day, it is **ORDERED AND ADJUDGED** that the Amended Motion for Payment of Reasonable Attorneys' Fees (Dkt. 69) is **denied**.

The Court, however, inadvertently failed to address Defendant Nadel's due process argument in denying the motion. The Court finds from the record evidence in that regard that Defendant Nadel had ample opportunity to address the core issue of whether the Court's Temporary Restraining Order and Other Emergency Relief entered January 21, 2009, at docket 9, should not be converted into an order granting preliminary injunctive relief by appearing at the show cause hearing scheduled in that order on Wednesday, February 4, 2009, at 9:30 a.m. Defendant Nadel chose not to avail himself of this

opportunity to appear before the Court to challenge the underlying factual and legal basis for the entry of preliminary injunctive relief but instead consented to the entry of the Order of Preliminary Injunction and Other Relief as to Defendant Nadel entered February 3, 2009, at docket 29.<sup>1</sup> Under those circumstances, Defendant Nadel has been afforded all the process he was legally due.

**DONE AND ORDERED** at Tampa, Florida, on March 20, 2009.

*s/Richard A. Lazzara*  
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**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record

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<sup>1</sup> See docket 24 (Plaintiff's Notice of Filing of Consent of Defendant Arthur Nadel and Unopposed Motion for Entry of Preliminary Injunction and Other Relief).