

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO.:

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

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.

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

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**PLAINTIFF'S EMERGENCY MOTION FOR APPOINTMENT
OF RECEIVER AND MEMORANDUM OF LAW**

Plaintiff Securities and Exchange Commission moves this Court for an Order appointing a Receiver for Defendants Scoop Capital LLC and Scoop Management Inc. ("Defendants"), and Relief 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") with full and exclusive power, duty, and authority to: administer and manage the business affairs, funds, assets, choses in action and

any other property of the Defendants and Relief Defendants; marshal and safeguard all of the assets of the Defendants and Relief Defendants; and take whatever actions are necessary for the protection of the investors. The grounds for this motion are fully set forth in the memorandum of law below. As additional support for this motion, the Commission incorporates the factual discussion in its Emergency Motion and Memorandum of Law in Support of Temporary Restraining Order and Other Emergency Relief ("TRO Motion").

The Commission's staff has solicited expressions of interest from three potential receivers it believes are well-suited to handle this matter. After considering these candidates, the Commission's staff believes the interests of defrauded investors would best be served by appointing Burton Wiand, Esq., to serve as Receiver over the Defendants and Relief Defendants. Mr. Wiand's credentials are attached as Exhibit 1.

As Mr. Wiand's letter and resume indicate, he is a partner with the law firm of Fowler White Boggs in Tampa. In addition to extensive experience litigating in securities cases in general and Commission enforcement actions specifically – both as a Commission attorney and representing defendants – he has previous receivership experience. Most significantly, Mr. Wiand was the Court-appointed Receiver in case of *SEC v. HKW Trading, et al.*, Case No. Case No. 8:05-CV-1076-T-24MSS, in the Tampa Division of the Middle District of Florida. Like this case, that action involved allegations of a failed hedge fund and a manager who was not present (in *HKW*, the hedge fund manager died shortly before the Commission sued). Mr. Wiand's experience from that case in pursuing and collecting assets from third parties will likely prove valuable in this case if the Court accepts the Commission's recommendation.

If appointed Receiver, Mr. Wiand intends to use, only as necessary, several attorneys at Fowler White who have experience in Commission receivership actions, securities litigation, and

asset recovery. As he indicates in his letter seeking this appointment, he will be cognizant of costs and expenses in order to maximize the return of funds to defrauded investors.

Mr. Wiand has agreed to significantly discount his normal hourly billable rate from \$450 to \$350, a discount of more than 20 percent. In addition, he has offered to discount the rates of other attorneys who may work on this matter from Fowler White by 10 percent. Finally, Mr. Wiand has informed the Commission that no conflict of interest exists in this matter, and he is ready, willing and able to serve as Receiver. Indeed, he is currently coordinating with the Commission staff on this matter so that, if appointed, he and his team of can immediately proceed to discharge their duties.

For all those reasons, the Commission recommends the Court select Mr. Wiand as the Receiver over the Defendants and Relief Defendants. As we indicated previously, we sought expressions of interest to serve from two additional candidates, both of whom are also well-qualified and able to serve as receivers. Both, along with their respective firms, have also agreed to significantly discount their fees. Accordingly, if the Court does not agree with the Commission's recommendation, the Commission suggests the Court appoint either Frederick Schriels, Esq., with the firm of Gray-Robinson, or, third, Hans Beyer, Esq., with the firm of Saxon Gilmore. Their letters of interest and resumes are attached as Exhibits 2 and 3, respectively.¹

MEMORANDUM OF LAW

The appointment of a Receiver is a well-established equitable remedy available to the Commission in civil enforcement proceedings for injunctive relief. *See, e.g., SEC v. First Financial*

¹ As the letters indicate, both Mr. Schriels and Mr. Beyer have offered to serve at rates less than Mr. Wiand. We believe despite that the Court should appoint Mr. Wiand, due to his experience in similar matters and the need to move as quickly as possible here.

Group of Texas, 645 F.2d 429, 438 (5th Cir. 1981); Section 22(a) of the Securities Act of 1933, 15 U.S.C. § 77v(a); and Section 27 of the Securities Exchange Act of 1934, 15 U.S.C. § 78aa.

An appointment of a Receiver is particularly appropriate in cases where a defendant, through its management, has defrauded members of the investing public. *First Financial Group of Texas*, 645 F.2d at 438. In such cases, without the appointment of a Receiver to maintain the status quo, the corporate assets will be subject to diversion and waste to the detriment of those who were induced to invest in the corporate scheme. *Id.*; see also *SEC v. R.J. Allen & Associates, Inc.*, 386 F. Supp. 866, 878-79 (S.D. Fla. 1974). A Receiver is appropriate to protect the public interest when it is obvious that those in control of an entity who have inflicted serious detriment in the past must be ousted. *SEC v. Bowler*, 427 F.2d 190, 198 (4th Cir. 1970).

Here, as discussed in more detail in the TRO Motion and our complaint, the Defendants in this matter for at least the last year, if not longer, made materially false and misleading statements to investors in hedge funds they managed by grossly exaggerating the value of the amounts investors held in their individual accounts. The Defendants also materially overstated the hedge funds' historical investment returns and the value of the funds' assets in statements to prospective investors to persuade them to invest.

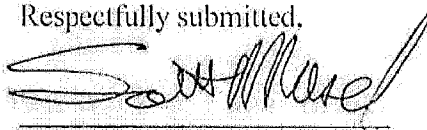
For example, at the end of November 2008, private placement memoranda seeking investments in three of the funds that the Defendants distributed to investors represented the three funds had approximately \$342 million in capital. In reality, the value of the funds' assets was less than \$1 million. The same offering materials represented that the Funds generated investment returns of 11 percent and more in 2008, when, in reality, all of the Funds lost significant amounts in 2008.

All of the misrepresentations and omissions described in the Commission's complaint and TRO motion occurred under the auspices of Defendants Scoop Management and Scoop Capital and Arthur Nadel. Nadel, as described in more detail in our TRO motion, has disappeared. Therefore, the risk of dissipation of funds is great if Nadel remains at large and has any access to the accounts of the other Defendants and Relief Defendants. Therefore, the best interest of investors would be served by appointing a Receiver to take possession of the Defendants and the Relief Defendants and their accounts, and marshal their assets for the benefits of investors.

WHEREFORE, for the foregoing reasons, the Commission requests that the Court appoint Burton Wiand, Esq. or any other suitable person, as Receiver for the Defendants and the Relief Defendants.

January 21, 2009

Respectfully submitted,



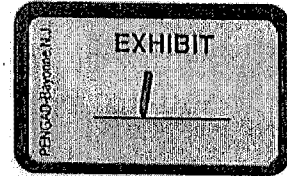
By:

Scott Masel
Senior Trial Counsel
Florida Bar No. 007110
Telephone: (305) 982-6398
Facsimile: (305) 536-4154
masels@sec.gov
Lead and Trial Counsel

Andre Zamorano
Senior Counsel
Florida Bar No. 0967361
Telephone: (305) 982-6324
Facsimile: (305) 536-4154
zamoranoa@sec.gov

Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
801 Brickell Avenue, Suite 1800

Miami, Florida 33131
Telephone: (305) 982-6300
Facsimile: (305) 536-4154



Burton W. Wiand
Direct Dial: 813-222-2029 (Tampa)
954.703.3928 (Pt. Lauderdale)
bwiand@fowlerwhite.com

January 19, 2009

BY ELECTRONIC MAIL (dumornayc@sec.gov)
AND OVERNIGHT MAIL

Chedly C. Dumornay, Esq.
Assistant Regional Director
Securities and Exchange Commission
Miami Regional
801 Brickell Avenue, Suite 1800
Miami, Florida 33131

Re: *Potential Receivership for Scoop Capital, LLC
and related entities*

Dear Mr. Dumornay:

This letter is submitted as my proposal to serve as Receiver over the assets and activities of Scoop Management Inc. and their related entities (collectively "Scoop"). I appreciate the opportunity to submit this proposal and your consideration of me to act in this capacity.

My background is well-suited to serve as the Receiver in this matter. A copy of my resume is attached for your reference. Specifically, I spent 14 years with the Division of Enforcement of the SEC where I instituted and participated in enforcement proceedings. I served as Assistant Chief Trial Attorney for the last several years of my career with the Division. Since leaving the Commission, I have focused my practice on securities litigation. I have extensive experience in litigating claims involving inappropriate conduct by securities firms, licensed individuals, and financial institutions.

In 2005 I was appointed Receiver in a Commission action involving a failed hedge fund, (*SEC v. Howard Waxenberg*). During the period of time since this matter was instituted as Receiver, I have instituted numerous lawsuits and collected over \$11 million that will shortly be delivered to investors. This case involved a failed Ponzi scheme hedge fund and has provided Fowler White with broad experience with and in dealing with such matters. We have not only

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Chedly C. Dumornay, Esq.
January 19, 2009
Page 2

gained experience, but have conducted research and developed procedures that will go a long way to expedite our efforts in this matter, should we be selected, and save substantial dollars in legal fees and administration costs.

Previously I had been appointed as a Receiver in a Commission action. In SEC v. Captain Crab which proceeded before the United States District Court for the Southern District of Florida, I collected and disbursed funds on behalf of the District Court. I was appointed at the request of the Commission. On a number of occasions, I have also served as a Receiver, Conservator and Independent Arbiter for matters instituted by the State of Florida. Most recently, the State of Florida appointed me as Independent Arbiter for In re Olde Discount which involved the resolution of individual claims that had been uncovered by an action the Division brought against Olde Discount. In this capacity, I reviewed and evaluated over 400 claims for eligibility. I then administered the claims process for those eligible claimants who elected to participate in the process.

If accepted by you and appointed by the Court, my immediate tasks will be to secure all assets and records of Scoop, determine if any inappropriate activity has occurred, and evaluate possible actions to recover assets from third parties. Concurrently, I will administer as appropriate an evaluation of claims against Scoop and thereafter as promptly as possible, distribute Scoop's assets to entitled claimants. My primary goal will be to accomplish each of these tasks as efficiently, expeditiously and economically as possible. I will endeavor to preserve all of Scoop's assets and pursue any additional funds rightfully belonging to Scoop. Simply put, my role is to gather and preserve assets for those who are entitled in a manner that maximizes the assets for these entitled parties. I am cognizant that efficiency and the avoidance of unnecessary expense will enhance the recovery of deserving claimants – a primary goal of a receiver.

If I am chosen, I will bill for my services on hourly basis. My standard rate is \$450 per hour, but I will reduce this rate to \$350 for this matter. For legal services, I intend to retain Fowler White Boggs ("FWB"). FWB is one of Florida's oldest and most successful law firms. It has more than 125 attorneys in five Florida offices located in Tampa, Fort Myers, Tallahassee, Ft. Lauderdale and Jacksonville. FWB is a full service law firm with lawyers specializing in over 36 practice areas, including securities litigation, bankruptcy, and trusts and estates. I have enclosed materials on FWB to give you an idea of the services this Firm can provide. You can also visit the Firm's website at www.fowlerwhite.com for more information. I anticipate that I will rely primarily on the attorneys working within the Firm's Financial Services Litigation Group. I have included the resumes for attorneys in this group who may work on this matter. I have also included a fee schedule listing the hourly rates for each of these attorneys and will reduce their fees by 10 percent or more for services rendered in this matter.

For assistance with accounting matters and financial analysis, I will retain a well-recognized accounting firm with substantial experience in forensic accounting, fraud examinations and auditing. I will seek the approval of the Commission with respect to this choice and will make the choice cognizant of the expertise necessary to accomplish the tasks

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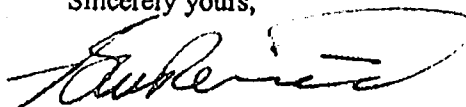
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Chedly C. Dumornay, Esq.
January 19, 2009
Page 3

presented and the minimization of the costs involved. Fowler White has contacts with numerous firms appropriate for this assignment.

Thank you for contacting me and allowing me the opportunity to submit this proposal. I would be delighted to serve as Receiver in this matter. Please do not hesitate to contact me if I can provide you with any additional information.

Sincerely yours,



Burton W. Wiand

BWW/djb
Enclosures

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ATTORNEY FEE SCHEDULE

ATTORNEY NAME	STANDARD BILLING RATE	DISCOUNT BILLING RATE
BURTON WIAND	\$450	\$350
CARL NELSON	\$400	\$325
GIANLUCA MORELLO	\$350	\$315
MAYA LOCKWOOD	\$300	\$270
DOMINIQUE PEARLMAN	\$215	\$193.50
KATHLEEN LIEVER	\$215	\$193.50
SEEMA KELLA	\$215	\$193.50

*Should it become necessary to involve other attorneys in this matter, similar discount fees would apply to all participating counsel.



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Burton W. Wiand

Burton W. Wiand represents brokerage firms, financial institutions, corporations, and their associated persons in arbitration and litigation in state and federal courts and in investigations and proceedings before state and federal regulatory agencies and self-regulatory organizations.

Representative Experience

- Appointed Receiver for matters instituted by the State of Florida, the Federal Trade Commission, and the Securities and Exchange Commission
- Represented corporations and directors in securities class actions
- Defended securities actions that resulted in a ruling that indexed annuities are not securities
- Successfully defended a major New York Stock Exchange brokerage firm in an SEC administrative proceeding involving defalcation by representatives and supervision
- Represented brokerage firms and individuals in hundreds of arbitration proceedings before the NYSE, FINRA, AAA, and MSRB
- Regularly handles the defense of SEC and SRO regulatory investigations and defends brokerage firms and associated individuals in connection with Commission and SRO actions
- Defended a brokerage firm and its president in connection with major DOJ antitrust investigations relating to municipal bond offerings
- Defended a corporate executive in an FTC injunctive action relating to deceptive trade practices

Significant Reported Decisions

- Washington Square Sec. Inc. v. Aune, 385 F.3d 432 (4th Cir. 2004)
- Ungerleider v. Gordon, 214 F.3d 1279 (11th Cir. 2000)
- Tourdo v. Merrill Lynch Pierce, 1998 WL 304133 (11th Cir. May 28, 1998); Affirming, Tourdo v. Merrill Lynch Pierce, Fenner & Smith, No. 93-484-CIV-T-24(C), 1996 U.S. Dist. LEXIS 22847 (M.D. Fla. Dec. 17, 1996)
- Jones v. Childers, 18 F.3d 899 (11th Cir. 1994)
- Greening v. Western Reserve Life Assurance Co. — F. Supp. 2d —, 2006 LEXIS 52876 (M.D. La. July 20, 2006)
- Malone v. Addison Ins. Mktg., No. 3:01-CV-259(H), 225 F. Supp. 2d 743 (W.D. Ky. 2002); Motion granted by, Dismissed by Malone v. Addison Ins. Mktg., 2002 U.S. Dist. LEXIS 19543 (W.D. Ky., Sept. 30, 2002)
- Investors Capital Corp. v. Brown, 145 F. Supp. 2d 1302 (M.D. Fla. 2001)
- SEC v. Digital Lightwave, 196 F.R.D. 698 (M.D. Fla. 2000)
- Raymond James Fin. Servs. v. Saldukas, 896 So. 2d 707 (Fla. 2005)
- In re Raymond James Fin. Servs., Inc., No. 3-11692, Release No. 296, 2005 SEC LEXIS 2368 (Sept. 15, 2005)
- Dist. Bus. Conduct Comm. v. Merten, Complaint No. C8A950030, 1997 NASD Discipl. LEXIS 71 (NBCC Oct. 31, 1997)

Past Experience

- Macfarlane, Ferguson, Allison and Kelly
Partner 1984-1989
- United States Securities and Exchange Commission, Division of Enforcement
1971-1984; Assistant Chief Trial Counsel; Senior Counsel to Associate Director;
Branch Chief, Branch of Criminal References and Special Proceedings; Special
Counsel to Assistant Director



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Practice Areas

Class Action Litigation
Securities and Financial Services
Litigation
Securities Law and Corporate Finance
White Collar Crime, Government
Investigations and Regulatory
Compliance

Education

J.D., University of Georgia School of
Law, 1971
B.A., University of the South, 1968

Bar Admissions

Florida
District of Columbia
Georgia

Court Admissions

Florida State Courts
Florida Supreme Court
U.S. Court of Appeals, Fourth Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of
Florida
U.S. District Court, Northern District of





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Burton W. Wiand

Presentations and Publications

Presentations

- "Arbitration - An Alternative Method of Dispute Resolution with Teeth," Civil Seminar for the Federal Bar Association Tampa Bay Chapter 2008. Click here to view the presentation and click here to view cases related to the presentation.
- "Trouble: How To Avoid It And What To Do When It Arrives," Florida Securities Dealers Association, Regional Conference, 2007
- Interview on CNBC regarding Insider Trading with CNBC's Michelle Caruso-Cabrera, December 4, 2006. Click here to view the video.
- Accounting Controls Seminar, Panelist, Executive Enterprises, Inc.
- University of Tulsa, Principal Speaker, Third Annual Conference of Accountants
- Annual Convention, Principal Speaker, Dallas Society of Certified Public Accountants
- Federal Bar Association Conference on White Collar Crime, Principal Speaker
- Securities Regulation, Guest Lecturer, Penn State University
- Sixth Annual Conference of Legal Problems and Bank Regulation, Panelist, Law Journal Seminar-Press
- National Association of Securities Dealers, Inc., Arbitration & Mediation - Instructor NASD Advanced Arbitrator Training Courses

Publications

- Contributing Legal Editor, Author, *Securities Litigation Commentator*

Professional Affiliations

- American Bar Association: Member, Subcommittee on Broker-Dealer Litigation
- Association of Securities and Exchange Commission Alumni, Inc.: Trustee, Atlanta Division
- District of Columbia Bar Association
- FINRA: Arbitrator, New York Stock Exchange
- The Florida Bar
- Securities Industry Association: Legal and Compliance Division
- The State Bar of Georgia
- Stetson University College of Law: Adjunct Professor, Securities Regulation (1987-1990)

Distinctions

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Certified Mediator, Florida Supreme Court

Florida Legal Elite, Florida Trend Magazine 2004-2007; ranked in the top 2% of practicing Florida Bar Members

Florida Super Lawyers, 2006-2008

Florida
U.S. Tax Court
Georgia State Courts
U.S. District Court, Southern
District of Georgia





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Gianluca Morello

Gianluca Morello practices in the areas of securities litigation and regulation, antitrust litigation and counseling, financial services litigation, and other commercial litigation. Gianluca has defended securities fraud class actions and other matters involving claims of fraud and other misconduct asserted against financial services firms and other businesses and their related individuals; antitrust claims asserted in class or other actions, including claims asserted against businesses in the financial services and healthcare industries; and other claims asserted against businesses and individuals in the financial services and other industries. Gianluca also has counseled businesses on structuring business practices in compliance with securities and antitrust laws.

Representative Experience

- Defense of stock issuer's independent auditor in federal securities fraud putative class action.
- Defense of international accounting network from fraud, conspiracy, and other claims asserted in connection with alleged fraudulent investment schemes purportedly involving over \$3 billion in U.S. Treasury bonds.
- Defense of former homebuilder in connection with concurrent federal securities fraud putative class action and numerous individual state court suits asserting claims for fraud and civil conspiracy.
- Representation of federal receiver following appointment on SEC enforcement proceeding relating to fraudulent investment scheme.

Past Experience

- Weil, Gotshal & Manges LLP, New York, NY
Litigation Associate, Antitrust and Financial Services Practice Groups
2004-2006
- The Hon. Steven D. Merryday, U.S. District Judge, M.D. Fla., Tampa, FL
Law Clerk, Winter 2002-2004
- Clifford Chance LLP (formerly Rogers & Wells LLP), New York, NY
Litigation Associate, 1998-2002

Presentations and Publications

Publications

- Antitrust Litigation Best Practices: Observations and Tips for Antitrust Litigation, Aspatore Books, Thomson Reuters, 2008
- "Diagnosing Monopsony and Other Issues: An Overview of the United/PacificCare Investigation," Co-Authored with F. Schaeffer and L. Protzmann, Antitrust Health Care Chronicle, March 2006
- "Big Six Accounting Firms Shop Worldwide for Law Firms: Why Multi-Discipline Practices Should Be Permitted in the United States," 21 FORDHAM INT'L L. J. 190, 1997

Professional Affiliations

- American Bar Association: Section of Litigation, Class Action & Derivative Suit; Antitrust Law, Committee Member; Securities Litigation, Committee Member
- Fordham Int'l Law Journal Alumni Association: Associate Director



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Practice Areas

Antitrust and Trade Regulation
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Securities and Financial Services
Litigation
White Collar Crime, Government
Investigations and Regulatory
Compliance

Education

J.D., Fordham University School of
Law, 1998 (Special Publications Editor,
Fordham Int'l Law Journal; Moot Court
Board)
B.A., Hamilton College, 1993 (Omicron
Delta Epsilon)

Bar Admissions

Florida
New York

Court Admissions

Florida State Courts
New York State Courts
U.S. Court of Appeals, Ninth Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of
Florida
U.S. District Court, Southern District of
New York
U.S. District Court, Eastern District of
New York





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Carl R. Nelson

Carl R. Nelson has experience in commercial litigation, including defense of class actions and qui tam proceedings, representation of Receivers in SEC enforcement actions, and representation of insurers on business practices and coverage issues. Admiralty and maritime law litigation of cases involving environmental protection laws (including class actions), collisions, cargo damage, injury and death, charter party disputes, insurance coverage issues, salvage claims, and considered an expert in admiralty limitation of liability actions. Appellate practice in state and federal courts in litigated cases.

Past Experience

- Nelson Pannig and Constructions
- Fowler White Gillen Boggs Villareal Banker, P.A. Clerk
- Fowler White Gillen Boggs Villareal Banker, P.A. Associate
- Served in United States Navy, 1965-1971

Presentations and Publications

Presentations

- "Southeastern Admiralty Law Institute," Speaker, Annual Seminar, Savannah, GA

Publications

- "Maritime Jurisdiction" and "Personal Injury and Wrongful Death," Author, The Florida Bar's *Maritime Law and Practice Manual*

Professional Affiliations

- American Bar Association
- The Florida Bar: Member, Admiralty Law Section and Board Certification Committee
- Hillsborough County Bar Association
- Maritime Law Association of the United States: Member, Maritime Personnel and Cruise Ship Committees, 1980-present
- Southeastern Admiralty Law Institute: Member, 1980-present

Community Involvement

- Rotary Club of Tampa 1999-present

Distinctions

AV Peer Review Rated by Martindale-Hubbell

Board Certified in Admiralty and Maritime Law, The Florida Bar



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Practice Areas

Admiralty / Maritime
Class Action Litigation
Securities and Financial Services
Litigation

Education

J.D., Stetson University College of Law, 1979 (*Stetson Law Review*; Phi Delta Phi)
B.S., With Honors, University of Tampa, 1976

Bar Admissions

Florida

Court Admissions

U.S. Supreme Court
Florida State Courts
U.S. Court of International Trade
U.S. Court of Appeals, Fifth Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida



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Frederick S. Schriels

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FSCHRILS@GRAY-ROBINSON.COM

January 20, 2009

VIA E-MAIL - levensonr@sec.gov

Robert K. Levenson, Esq.
Regional Trial Counsel
Miami Regional Office
United States Securities and Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131

Re: Potential Receivership Involving Arthur Nadel

Dear Mr. Levenson:

This responds to your request earlier today for a proposal from my law firm to serve as Receiver, and Receiver's counsel, in connection with the referenced matter. I greatly appreciate the opportunity to submit this proposal and look forward to the possibility of working with you and your colleagues in connection with this case.

About GrayRobinson

As you know from our previous discussions and submissions, GrayRobinson is a full-service law firm with over 220 attorneys distributed among ten different offices located throughout the State of Florida. In 2000, GrayRobinson expanded into the Tampa market by merging with the law firm of Shackelford, Farrow, Stallings & Evans, a firm with nearly a century of history in the Tampa area. Presently, our Tampa office employs 38 lawyers practicing in a wide variety of specialty areas including, but not limited to, bankruptcy and creditors' rights, securities, litigation, banking, and public finance. In short, GrayRobinson attorneys -- both statewide and in our Tampa office -- possess the skill, experience, and reputation required to serve as Receiver, and Receiver's counsel, for the referenced case.

The Proposed Receiver

I am pleased to offer my services as a Receiver for the referenced case. As reflected in the attached biography, I have been practicing law in Tampa for nearly 23 years and, during that time, have achieved an "AV" rating from Martindale-Hubbell representing a "Very High to Preeminent" legal ability rating as evaluated by my peers. My peers have also designated me as

