

**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 FUND, LTD,
VIKING IRA FUND, LLC,
VIKING FUND, LLC, AND
VIKING MANAGEMENT, LLC.

Relief Defendants.

**RECEIVER'S MOTION (1) TO LIQUIDATE CERTAIN PERSONAL
PROPERTY & (2) FOR AUTHORIZATION TO LIQUIDATE ITEMS
OF \$5,000 OR LESS IN VALUE WITHOUT FURTHER ORDER**

Pursuant to 28 U.S.C. § 754, Fed. R. Civ. P. 66, and Rule 3.01 of the Local Rules of the Middle District of Florida, Burton W. Wiand, as Receiver, moves the Court for permission to (1) liquidate, donate, or otherwise dispose of certain personal property that belongs to receivership entities and (2) liquidate, donate, or otherwise dispose of, without prior approval from the Court, any other personal property that belongs to receivership entities and that has a value of \$5,000 or less.

On January 21, 2009, the Securities and Exchange Commission (“Commission”) initiated this action to prevent the defendants from further defrauding investors of hedge funds managed by them. That same day, the Court entered an order appointing Burton W. Wiand as Receiver for Defendants Scoop Capital, LLC (“Scoop Capital”) and Scoop Management, Inc. (“Scoop Management”) and Relief Defendants Scoop Real Estate, L.P.; Valhalla Investment Partners, L.P.; Valhalla Management, Inc.; Victory Fund, Ltd.; Victory IRA Fund, Ltd.; Viking IRA Fund, LLC; Viking Fund, LLC; and Viking Management, LLC (the “Order Appointing Receiver”). (*See generally* Order Appointing Receiver (Doc. 8).)

The Court subsequently granted four motions to expand the scope of the receivership and appointed the Receiver as receiver over the following:

- Venice Jet Center, LLC, and Tradewind, LLC (Order, Jan. 27, 2009 (Doc. 17));
- Laurel Mountain Preserve, LLC; Laurel Preserve, LLC; the Marguerite J. Nadel Revocable Trust UAD 8/2/07; and the Laurel Mountain Preserve Homeowners Association, Inc. (Order, Feb. 11, 2009 (Doc. 44));
- The Guy-Nadel Foundation, Inc. (Order, Mar. 9, 2009 (Doc. 68)); and
- Lime Avenue Enterprises, LLC, and A Victorian Garden Florist, LLC (Amended Order, March 17, 2009 (Doc. 81)).

All of the entities and the trust in receivership are hereinafter referred to collectively as the “Receivership Entities.”

Pursuant to the Order Appointing Receiver, the Receiver has the 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.” (Order Appointing Receiver at 1-2.) In particular, the Receiver was directed to:

[t]ake immediate possession of all property, assets and estates of every kind of the [Receivership Entities], whatsoever and wheresoever located belonging to or in the possession of the [Receivership Entities], including but not limited to all offices maintained by the [Receivership Entities], rights of action, books, papers, data processing records, evidences of debt, bank accounts, savings accounts, certificates of deposit, stocks, bonds, debentures and other securities, mortgages, furniture, fixtures, office supplies and equipment, and all real property of the [Receivership Entities] wherever situated, and to administer such assets as is required in order to comply with the directions contained in this Order, and to hold all other assets pending further order of this Court

(*Id.* at 2.) In accordance with that Order, the Receiver has taken possession of property of the Receivership Entities and seeks this Court’s permission to sell or otherwise dispose of certain of this property.

Specifically, the Receiver has come into possession of a variety of furniture, fixtures, and miscellaneous supplies and items located at the office of Scoop Management, Inc., at 1618 Main Street, Sarasota, Florida (the “Scoop Office”). A list of those items (excluding computers, computer-related hardware, and a few other electronic items) is attached hereto as Exhibit A. The Receiver has solicited bids to sell those items, and as of March 23, 2009, the highest bid the Receiver has received is a bid solely for the office furniture and fixtures in the amount of \$3,400 submitted by Buckco’s Office Furniture, located in Sarasota, Florida.

The Receiver requests authorization from this Court to sell all or some of the furniture, fixtures, and miscellaneous supplies and items located at the Scoop Office

(including any similar items that may have been inadvertently left off the attached list) for the highest amount reasonably obtainable. Due to their age and condition, the value of many of those items is believed to be minimal. However, the Receiver will endeavor to obtain the highest amount possible in the most cost-effective manner. If the Receiver is unable to sell any of those items following a reasonable attempt, he requests authorization to donate or otherwise dispose of them.

Further, in order to minimize the expense and burden on the Receivership and this Court, the Receiver requests that this Court authorize him to sell, donate, or otherwise dispose of any other personal property of the Receivership Entities for the highest amount reasonably obtainable without further order from the Court provided that the property has an individual resale value of \$5,000.00 or less.

MEMORANDUM OF LAW

The Court's power to supervise an equity receivership and to determine the appropriate actions to be taken in the administration of the receivership is extremely broad. *Securities Exchange Comm'n v. Elliott*, 953 F.2d 1560, 1566 (11th Cir. 1992); *Securities Exchange Comm'n v. Hardy*, 803 F.2d 1034, 1038 (9th Cir. 1986). The Court's wide discretion derives from the inherent powers of an equity court to fashion relief. *Elliott*, 953 F.2d at 1566; *Securities Exchange Comm'n v. Safety Finance Service, Inc.*, 674 F.2d 368, 372 (5th Cir. 1982). The relief sought by the Receiver falls squarely within those powers.

WHEREFORE, the Receiver requests this Court enter an Order granting this motion to sell, donate, or otherwise dispose of (1) the personal property specified above and (2)

any other personal property of the Receivership Entities which has an individual resale value of \$5,000 or less.

LOCAL RULE 3.01(G) CERTIFICATION OF COMPLIANCE

Counsel for the Receiver has conferred with counsel for the SEC and is authorized to represent to the Court that this motion is unopposed.

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participant:

Arthur G. Nadel
Register No. 50690-018
MCC New York
Metropolitan Correctional Center
150 Park Row
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s/ Gianluca Morello

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Scoop Management, Inc. - 1618 Office Furniture Inventory

Item	Type/Brand (If Known)	Description/Color
TV	Konika	black
Floor Lamp		Bronze
Desk Lamp		T-shaped / black with glass shades
Waste basket		Plastic
Desk Chair		Black Leather
Small Conference Table		Round / marble-type top
Chairs (2)		Grey fabric with arms; round conference table
Desk		Brown faux wood - U-shaped Desk with Hutch (3 drawers; 2 cabinets)
File Cabinet		Brown faux wood - cabinet with 2 drawers
Phone	NEC	
Desk		Brown faux wood - U-shaped Desk with Hutch (2 drawers; 2 cabinets)
File cabinet		silver - 3-drawer
Bookshelf		brown faux wood - 5 shelves
Chairs (2)		brown cloth covered with arms
Desk lamp		brass
Floor lamp		white
Phone	NEC	
Desk chair		black with arms and electric massage pad
Desk chair		yellow
Desk		brown faux wood - 4 drawers
Phone	NEC	
Waste basket		brown/plastic
Chairs (2)		brown leather
Rug		round red/yellow design
Umbrella holder		metal with 2 umbrellas
Filing cabinet		2 drawer (long) - black
Filing cabinet		3 drawer - black
Filing cabinet		white - 2 drawer
Cubicle dividers w/ attached desk and file cabinets		black/white with shelves
Desk chair		black with arms
Waste basket		wire
Phone	NEC	
Cubicle dividers with attached desk and file shelves		white/black
File cabinet		3 drawer - black
Waster basket		small brown
Phone	NEC	
Bookshelf		faux brown wood - 4 shelves
Desk		grey/white
Chairs (4)		black leather with arms
Cubicle dividers with attached desk and hanging files shelves		white U-shaped desk
Desk lamp		brass
File cabinets (2)		black
Phone	NEC	
Waste basket		blue
Desk chair		black/yellow
Chair		red / cushion

Item	Type/Brand (If Known)	Description/Color
Floor lamp		silver
Space heater	Lasko	
Phone	NEC	
Cubicle dividers (partial glass) with attached desk and file shelves		black
Desk lamp		brown
TV/VCR combo	Magnavox	small silver with remote
Desk chair		black leather
Desk chair		black/yellow
Arm chair		blue
Floor lamp		bronze/yellow
Chair		green wooden kitchen table like
Chest		brown 3-drawer
Table		foldable / long plastic top
Chairs (10)		various table chairs
Trash can		tall / gray
Trash can		black
Trash can		yellow/tan
Table		round
File cabinet		tall / black
Refrigerator		cream with freezer
Microwave	Samsung	white
Toaster		
Coffeemaker		
Desk		tan with credenza/shelves
Food/kitchen supplies		various
Phone	NEC	
Waste basket		blue
File cabinets (3)		5 drawer / cream
File cabinet		multi-drawer
Desk		faux brown wood grain with multi-drawers and credenza
File cabinet		grey / 3 shelves & 2 drawers
Rolling cart		plastic
Cabinet		floor type with no doors
Phone	NEC	
Round tables (2)		grey top
Chair		black
Folding chair		bronze
Wall sculpture		geometric / metal
Cabinet/shelves		faux white wood
File cabinet		black - 2 drawer
Waste baskets (4)		small / brown or black
Tables (2)		foldable / long plastic top - white top
File cabinets (3)		black - 5-drawer
Desk chairs (3)		
Desk		cream / u-shaped
Christmas tree		fake
Phone	NEC	
Phone	Nitsuka	
Desk Chair		black
Bookshelf		brown faux wood / 5 shelves
TV	Kionka	small gray
Desk		metal/ white-top L-shaped
Desk		L-shaped with hanging file cabinet - gray & white
File cabinets (2)		3-drawer - gray
File cabinet		2-drawer

Item	Type/Brand (If Known)	Description/Color
File cabinet		4-drawer - cream
Floor lamp		black
Plant		fake
Phone	NEC	
Desk chair	yellow & black	
Phone	NEC	
LCD TV	Samsung	510MP
Desk chair		yellow & black
File cabinet		2-drawer - gray & silver
Bookshelf		faux brown - 5 shelves
Plant		fake
Desk		white top - L-shaped
Waste basket		black
Conference table		oval shaped - marble type-top
Conference table chairs (10)		light brown leather
TV Stand		2 drawer with cabinet for TV - brown faux wood
Heater/Fan	Lasko	
Credenza		2 cabinet long
Plant Arrangement		art deco
Serving tray		art deco
Waste basket		
Wall sculpture		large square shaped / art deco
Wall sculptures (4)		small square shaped / art deco
Phone	Nitsuka	
Waste basket		
File cabinet		2-drawer/ silver
Desk chair		black leather
Chair		grey & white
Clock		small wall clock
Floor lamp		black
Desk with credenza		U-shaped faux brown wood with drawers and cabinets
File cabinet		cabinet with 2 drawers
File cabinet		2-drawer / black
Lamp		
Phone	NEC	
Phone	NEC	
Desk chair		brown leather
TV/VCR combo TV	Quasar	white with remote
Desk chair		U-shaped faux brown wood with hutch 92 cabinet)
Cabinet		2-drawer faux brown wood
Wood Bookshelf		brown
Chairs (2)		Leopard print
Chair		Striped fabric high-back
Coffee table		stone top with metal legs
Stand		glass & metal
Bookshelf		tall brown wood
Misc Photos and Art		