

**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, et al.,

Defendants.

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 Emergency Motion for Protective Order (Dkt. 53) is denied without prejudice. However, R. Craig Harrison is relieved of the responsibility of complying with Plaintiff's subpoena for production of documents until further order of this Court. Mr. Harrison shall file and serve on Plaintiff's counsel and the Receiver's counsel on or before **March 16, 2009**, a detailed privilege log with regard to those documents in his file which he claims fall within the ambit of the attorney client privilege. If Plaintiff's counsel and the Receiver's counsel are not satisfied that those documents are in fact covered by the attorney client privilege, they may file a

motion to compel production, following which the Court will direct a response and schedule a hearing.

It is also **ORDERED AND ADJUDGED** for the reasons announced on the record at the hearing held this day that the Plaintiff's Motion for Entry of Clerk's Default Against Defendant Arthur Nadel (Dkt. 58) is denied without prejudice. However, Mr. Nadel, on or before **April 6, 2009**, shall either have counsel file a notice of appearance on his behalf, together with a response to Plaintiff's complaint, or he, proceeding *pro se*, shall file a response to Plaintiff's complaint. Failure to do either will result in the entry of a clerk's default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure upon proper application by Plaintiff.

The clerk is directed to forward a copy of this order to Mr. Nadel at his address of Metropolitan Correctional Center New York, 150 Park Row, New York, New York 10007, and to the law firm of Cohen, Jayson & Foster, P.A., 201 East Kennedy Boulevard, Suite 1000, Tampa, Florida 33602-5827.

DONE AND ORDERED at Tampa, Florida, on March 6, 2009.

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

COPIES FURNISHED TO:

Counsel of Record

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