

**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.,  
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.**

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**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S  
DEFAULT AGAINST DEFENDANT ARTHUR NADEL**

Plaintiff, Securities and Exchange Commission, pursuant to Fed R. Civ. P. 55(a), asks the Clerk of Court to enter a default against Defendant Arthur Nadel ("Nadel") for failure to plead or otherwise defend, and states:

1. On January 21, 2009, the Commission filed a Complaint for injunctive and other relief against Nadel (D.E. 1).
2. The Commission served Nadel with a summons and copy of the Commission's Complaint on January 21, 2009 through substitute service at his residence. See Affidavit of Service filed on January 23, 2009 (D.E.14), attached as Exhibit A to this motion.

3. To date, Nadel has not filed a response to the Commission's Complaint as required by Rule 12, Fed. R. Civ. P., thereby failing to plead or otherwise defend against this action.<sup>1</sup>

WHEREFORE, the Commission moves the Clerk of Court for entry of a Clerk's Default against Nadel.

March 5, 2009

Respectfully submitted,

By: s/ Scott A. Masel  
Scott A. Masel  
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*Lead and Trial Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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Email: [bwiaand@fowlerwhite.com](mailto:bwiaand@fowlerwhite.com)  
*Court-appointed Receiver for Corporate Defendants  
and Relief Defendants*

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<sup>1</sup> Nadel has written the Commission's counsel stating he is still seeking legal counsel and his criminal defense counsel previously had indicated they would not be appearing for Nadel in the Commission's civil case. The Commission understands Nadel's criminal defense counsel may now be reconsidering appearing, however, the Commission already has waited additional time for an attorney appearance for Mr. Nadel and therefore felt it now must seek a default.

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I further certify that on the same date I mailed the foregoing document and the notice of electronic filing by U.S. Mail or as indicated below to the following non-CM/ECF participant:

Arthur G. Nadel  
Register No. 50690-018  
MCC New York  
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150 Park Row  
New York, NY 10007  
Via U.S. Mail

s/ Scott A. Masel  
Scott A. Masel, Esq.