

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
TOPEKA DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

DAVID TANNER, Individually, and d/b/a
CAPITAL ENHANCEMENT CLUB,
ROCKY D. SPENCER,
MARROC CORP., and
RICHARD P. KRINGEN,

Defendants,

and

MARGARET F. SPENCER,
OMNIBUS LLC,
VECTRA RESOURCES, LLC, and
DYNAMIC ENVIRONMENTAL SOLUTIONS, INC.,

Relief Defendants.

Civil Action No.
05-4057-RDR

**UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER TO REOPEN
DISCOVERY FOR THE LIMITED PURPOSE OF DETERMINING THE TRUE
IDENTITY OF DAVID TANNER AND OTHER RELIEF**

The Commission moves to modify the Court's August 17, 2005, Scheduling Order [Doc. 89] to permit the Commission to take some limited additional discovery. Additional discovery is needed to determine the true identity of the person or persons who masterminded the CEC scheme and effectively stop defendant "David Tanner" from: (1) defrauding this Court, and (2) using a bogus identity to escape the demands of previously-entered judgments.

Given that this case was recently reassigned and that some of the issues relating to Defendant Tanner are somewhat confusing and novel, to aid the Court the Commission simultaneously submits a *Memorandum of Law in Support of Unopposed Motion to Modify Scheduling Order to Reopen Discovery for the Limited Purpose of Determining the True Identity of David Tanner and Other Relief*.

This motion is based on the arguments and authorities in the Memorandum of Law.

Dated: June 19, 2006.

Respectfully submitted,

s/ Timothy P. Davis
TIMOTHY P. DAVIS
Kansas Bar No. 18647
Texas Bar No. 00798134

Attorney for Plaintiff
Securities and Exchange Commission
Burnett Plaza, Suite 1900
801 Cherry Street, Unit #18
Fort Worth, TX 76102-6882
(817) 978-6438
(817) 978-4927 (fax)
e-mail: davistp@sec.gov

CERTIFICATE OF CONFERENCE

I hereby certify that on June 8 and 12, 2006, I conferred with counsel for David Tanner. I advised Mr. Herskovits of the substance of this motion and the simultaneously filed Memorandum of Law. Mr. Herskovits advised me that Tanner "take[s] no position" on the motion.

s/ Timothy P. Davis
Timothy P. Davis

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2006, I electronically filed the foregoing **UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER TO REOPEN DISCOVERY FOR THE LIMITED PURPOSE OF DETERMINING THE TRUE IDENTITY OF DAVID TANNER AND OTHER RELIEF** and the related Memorandum of Law with the Clerk of the Court for the District of Kansas, Topeka Division, by using the CM/ECF system which will send a notice of electronic filing to the following CM/ECF participants:

Michael Bachner, Robert L. Herskovits and Thomas D. Haney, Counsel for Defendant Tanner;

Christopher M. Joseph & Stephen M. Joseph, Counsel for Spencer Defendants;

Kenneth L. Wertz, Brian M. Holland and Amii N. Castle, Counsel for Receiver;

Jan P. Helder, Jr., Counsel for Defendant Seaforth Meridian, Ltd;

Stephen J. Cohen, Howard Kleinhendler, Douglas J. Schmidt, and Terrance Summers, Counsel for Interested Party, Server To Go.

s/ Timothy P. Davis
Timothy P. Davis