

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

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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.

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Civil Action No.  
05-4057-RDR

**ORDER EXPANDING TIME TO COMPLETE DISCOVERY**

This matter came before the Court on application of Plaintiff Securities and Exchange Commission. The Commission requests that it be allowed an additional 90 days to conduct discovery related to the identity of Defendant David Tanner and the person or persons who masterminded the CEC investment program. The Commission, who has indicated its interest in deposing Mr. James Tucker, has also asked that it be allowed to serve Mr. Tucker with alternate service under Fed. R. Civ. P. 4(f). The Commission's motion is unopposed by Defendant Tanner.

After a review of the instant motion, the declaration of the Receiver Larry Cook, and the record in this matter, the Court finds there is good cause to grant the motion. As such, the Court will set a new deadline for the parties to submit a joint, or separate,

written status report(s) relating to the prospect of settlement with Defendant Tanner (following discovery relating to his identity).

The Court will issue such orders regarding pretrial scheduling in this matter as it determines to be appropriate after a review of the parties' aforementioned written status report(s).

**IT IS THEREFORE ORDERED**

1. That the unopposed motion of plaintiff to expand time to conduct limited discovery is **GRANTED**. The Commission may conduct discovery as to the true identity of David Tanner, and Mr. James Tucker's involvement in the CEC investment program.

2. The unopposed motion of plaintiff to serve discovery on Mr. Tucker by alternate means is also **GRANTED**. The Commission shall be allowed to serve any discovery on Mr. James Tucker by (a) personal service, (b) regular mail to Tucker's last known address, or (c) e-mail to any e-mail address previously used by Mr. Tucker.

3. That the parties shall, by **September 19<sup>th</sup>, 2006**, submit a joint or separate individual status report(s) to the Court, in writing, notifying the court of the status of their settlement efforts in this matter.

**IT IS SO ORDERED**

DATED and SIGNED this 20<sup>th</sup> day of June, 2006.

s/Richard D. Rogers  
United States District Judge