

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

SECURITIES EXCHANGE COMMISSION)

Plaintiff,)

vs.)

DAVID TANNER, et al.,)

Defendants,)

and)

MARGARET F. SPENCER, et al.,)

Relief Defendants.)

Civil Action No.: 05-4057-RDR

**MOTION OF RECEIVER *PENDENTE LITE*, LARRY E. COOK, FOR
EXPEDITED ORDER SUPPLEMENTING THE COURT’S AUGUST 11, 2005
STIPULATED ORDER GRANTING RECEIVER’S MOTION FOR TURNOVER OF
PROPERTY OF THE RECEIVERSHIP ESTATE TRANSFERRED TO MARK D.
ZARUBI AND DIVERSIFIED PARTNERS LIMITED F/K/A CEDAX LIMITED**

COMES NOW the Receiver *Pendente Lite* Larry E. Cook (the “Receiver”), by and through counsel, and for his Motion for Expedited Order Supplementing the Court’s August 11, 2005 Stipulated Order Granting Receiver’s Motion for Turnover, respectfully states as follows:

1. On July 21, 2005, the Receiver filed his Motion for Turnover of Property and Records of the Receivership Estate Transferred to Mark D. Zarubi, et. al. (the “Turnover Motion”) (Docket #69).

2. The Turnover Motion sought the Court’s Order directing Mark D. Zarubi (“Zarubi”), Diversified Partners Limited f/k/a Cedax Limited (“Cedax”), Seaforth Meridian, Limited (“Seaforth”), and J. B. “Benton” Moore, III (“Moore”) to return property of the receivership estate transferred to Zarubi, Cedax, Seaforth, and Moore.

3. On August 11, 2005, the Court entered a Stipulated Order Granting, in part, the Turnover Motion (the “Stipulated Order”) (Docket # 84).

4. The Stipulated Order provided, *inter alia*, that Mark D. Zarubi and/or Diversified Partners Limited f/k/a Cedax Limited were ordered to request the return to the Receiver investor funds at Diversified Partners Limited f/k/a Cedax Limited's accounts at VEF Bank in an amount not less than \$3,015,703 (the "Cedax Funds"). The Stipulated Order further provided that Zarubi and Cedax consented to the release of the Cedax bank account records at VEF Bank.

5. The Receiver, in conjunction with the Securities and Exchange Commission (the "Commission"), the Commission's Office of International Affairs, the United States Department of Justice, the Latvian Financial and Capital Markets Commission, and the Latvian Prosecutor General's Office, has been working to obtain the repatriation of the investor funds at VEF Bank.

6. On May 10, 2006, the Latvian Prosecutor's Office for the Investigation of Financial and Economic Crimes entered a Ruling directing the Cedax Funds be released to the Receiver. A true and correct copy of the Latvian Ruling is attached hereto as **Exhibit A**.

7. On August 25, 2006, the Receiver's Latvian counsel met with VEF Bank to discuss the repatriation of the Cedax Funds to the Receiver.

8. On August 30, 2006, the Receiver's Latvian counsel reported to the Receiver that VEF Bank is willing to cooperate in order to effect the repatriation of the investor funds. However, VEF Bank informed Receiver's Latvian counsel that it requires a modification to the Stipulated Order. Specifically, VEF Bank asked for an Order directing VEF Bank to return the investor funds to the Receiver.

9. Accordingly, the Receiver requests the Court enter the Supplemental Order Granting Motion for Turnover attached hereto as **Exhibit B**.

10. The Receiver submits that the Supplemental Order does not change the substance of the Stipulated Order and that no party to the Stipulated Order will be affected by the

Supplemental Order. Accordingly, the Receiver submits the Supplemental Order may be entered on an expedited basis.

11. Upon entry of the Supplemental Order, the Receiver will obtain an Apostile copy of the Supplemental Order from the Kansas Secretary of State's Office so that the Supplemental Order may be filed in the appropriate Latvian court. The Receiver's Latvian counsel has advised the Receiver that ten days after the filing of the Supplemental Order in the appropriate Latvian court, an ex parte order by the Latvian court adopting a decision on enforcing the order should be entered. There is then a sixty day appeal period after which VEF Bank will transfer the investor funds to the Receiver.

12. Counsel for the Commission has reviewed this Motion and concurs with the relief sought herein.

WHEREFORE, the Receiver respectfully requests the Court enter the Supplemental Order attached hereto and for such other and further relief as the Court deems just and appropriate.

Dated: September 18, 2006

Respectfully submitted,

Lathrop & Gage L.C.

By: /s/ Brian M. Holland

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September, 2006, I electronically filed the foregoing, 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:

Timothy P. Davis, SEC;

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

Roger N. Walter, Co-Counsel for Relief Defendant Vectra Resources, LLC;

Christopher Bebel, Co-Counsel for Relief Defendant Vectra Resources, LLC; and

Jan Helder, Counsel for Seaforth Meridian, Ltd.

/s/ Brian M. Holland
An attorney for Larry E, Cook, Receiver