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16 Attorneys for Worldplaza Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

14 SECURITIES AND EXCHANGE)
15 COMMISSION,)

Case No. CV-S-05-1006-PMP-GWF

16 Plaintiff,)

(Formerly MS-S-05-0036)

17 vs.)

**WORLDPLAZA CORPORATION'S
MOTION FOR STAY
PENDING APPEAL**

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

22 Defendants,)

23 and)

24 MARGARET F. SPENCER, OMNIBUS)
25 LLC, VECTRA RESOURCES, LLC, and)
26 ENVIRONMENTAL SOLUTIONS, INC.,)

27 Relief Defendants.)

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1 Worldplaza Corporation (“Worldplaza”), by and through its undersigned counsel, and
2 pursuant to Federal Rule of Appellate Procedure 8(a), hereby respectfully requests a stay pending
3 its appeal of the Court’s order granting the turnover motion (Doc. 40).

4 1. On January 12, 2006, the Court heard arguments in connection with the Motion of
5 Receiver *Pendente Lite*, Larry E. Cook, for Turnover of Property of the Receivership Estate
6 Transferred to Worldplaza Corporation (Doc. 12). The Court granted the Turnover Motion and
7 thereafter signed a Proposed Order drafted by Receiver’s counsel. (Doc. 40).

8 2. After the subject Order was signed by the Court, counsel received the transcript of
9 the hearing held on January 12, 2006. Consistent with statements made by the Court at the
10 hearing, Worldplaza submitted a Motion for Modification of the Order. (Doc. 42). In response to
11 Worldplaza’s Motion for Modification of the Order, the Receiver acknowledged that he intends to
12 liquidate the subject properties upon receipt of the same, even though the Court plainly prohibited
13 him from doing so. (Doc. 43).

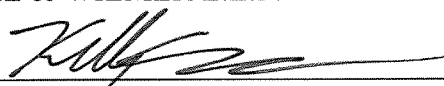
14 3. On February 8, 2006, Worldplaza filed its Notice of Appeal regarding the Order
15 granting the Receiver’s turnover motion. (Doc. 44). Given the Receiver’s stated intention to
16 liquidate the real property this Court ordered Worldplaza to turn over, it is imperative that
17 Worldplaza be afforded a stay pending its appeal to the Court of Appeals for Ninth Judicial
18 Circuit. Absent this relief, the Receiver may choose to improperly liquidate the subject real
19 property before the appeal is heard.

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1 WHEREFORE, for the reasons set forth above, Worldplaza Corporation respectfully
2 requests the Court issue a stay pending appeal the Order for Worldplaza Corporation to turnover
3 real property. (Doc. 40).

4 DATED this 13th day of February, 2006.

5
6 SNELL & WILMER L.L.P.

7 By: 
8 Kelly A. Evans (NV Bar No.7691)
9 Richard C. Gordon (NV Bar No. 9036)
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19 Attorneys for Worldplaza Corporation

20 **ORDER**

21 IT IS SO ORDERED.

22 DATED this _____ day of February, 2006.

23
24 _____
25 U.S. District Court Judge
26
27
28

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CERTIFICATE OF SERVICE

I certify that on February 13 2006, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

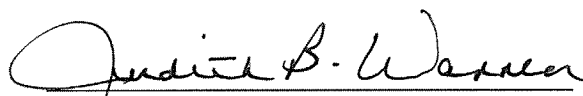
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Attorneys for Larry E. Cook,
Receiver, *Pendente Lite*

I certify that on February 13, 2006, I served the attached document by mail on the following, who are not registered participants in the CM/ECF System:

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