

**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,	:	Civil Action No.
MARROC CORP., and	:	05-4057-RDR
RICHARD P. KRINGEN,	:	
	:	
Defendants,	:	
	:	
and	:	
	:	
MARGARET F. SPENCER,	:	
OMNIBUS LLC,	:	
VECTRA RESOURCES, LLC, and	:	
DYNAMIC ENVIRONMENTAL SOLUTIONS, INC.,	:	
	:	
Relief Defendants.	:	
	:	

**JOINT MOTION TO MODIFY PERMANENT INJUNCTION
AND ORDER OF DISGORGEMENT AGAINST DAVID TANNER**

Plaintiff Securities and Exchange Commission and Receiver Larry E. Cook jointly move to modify the Agreed Order of Permanent Injunction and Order of Disgorgement Against David Tanner (Doc. # 113) entered on September 13, 2005. On June 19, 2006, the Commission filed its Unopposed Motion to Modify Scheduling Order to Reopen Discovery for the Limited Purpose of Determining the True Identity of David Tanner and Other Relief (Doc. # 222). Since that time, the Commission and the Receiver have obtained information to establish “David Tanner” and “James Tucker” are aliases for Scott Klion. In addition, the Commission is prepared to

recommend the amount of disgorgement Klion should be ordered to pay, and to set appropriate amounts of prejudgment interest and civil penalty.

This motion is based on the arguments and authorities in the Memorandum of Law in Support of Joint Motion to Modify Permanent Injunction and Order of Disgorgement Against David Tanner filed contemporaneously with this motion.

Dated: May 10, 2007

Respectfully submitted,

s/ J. Kevin Edmundson

J. Kevin Edmundson
Texas Bar No. 24044020

Attorney for Plaintiff
Securities and Exchange Commission
Burnett Plaza, Suite 1900
801 Cherry Street, Unit #18
Fort Worth, TX 76102-6882
(817) 978-1411
(817) 978-4927 (fax)
edmundsonk@sec.gov

and

Lathrop & Gage L.C.

/s/ Brian M. Holland

Kenneth L. Weltz KS #9134
Brian M. Holland KS #19989
10851 Mastin Boulevard, Suite 1000
Overland Park, KS 66210-1669
Telephone: 913.451.5100
Telecopier: 913.451.0875
bholland@lathropgage.com

Attorneys for Larry E. Cook, Receiver

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2007 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 all CM/ECF participants.

In addition, I certify that on the same day, I caused a copy of the foregoing to be sent via e-mail to Scott Klion aka James Tucker aka David Tanner at:

jtucker52@hotmail.com
1234mnbv@safe-mail.net
fjejhv@mail2world.com

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