



Suite 3500 Attn: Cheryl Kelly , on or before March 28, 2012, 10:00 a.m. Central Standard Time.

The examination above referenced shall be with respect to those matters described in Federal Bankruptcy Rule of Procedure 2004(b)

**PLEASE TAKE FURTHER NOTICE** that the undersigned intends to serve a subpoena (the "Subpoena") via private process server upon Debtor at the addresses listed above, which Subpoena will request the production of documents specified on the attached **Exhibit A**.

Dated: March 7, 2012

Respectfully submitted,

THOMPSON COBURN LLP

By /s/ Cheryl A. Kelly

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Attorneys for Acartha Group, LLC, Acartha Technology Partners, L.P., MIC VII, LLC, and Gryphon Investments III, LLC, acting by and through Claire M. Schenk, as Receiver

**CERTIFICATE OF SERVICE**

In addition to those parties served with the foregoing document by the Court's CM/ECF system, the undersigned certifies that a true and accurate copy of the foregoing document was served by first class mail on the following parties, this the 7<sup>th</sup> day of March, 2012:

U.S. Trustee  
Office of the U.S. Trustee  
111 South Tenth Street  
Suite 6353  
St. Louis, Missouri 63102

Adam L. Schwartz  
Senior Trial Counsel  
Robert K. Levenson  
Regional Trial Counsel  
Miami Regional Office  
U.S. Securities and Exchange Commission  
801 Brickell Avenue, Suite 1800  
Miami, FL 33131

Jay Samuels, Esq.  
Windels Marx Lane & Mittendorf, LLP  
120 Albany Street Plaza, 6th Floor  
New Brunswick, New Jersey 08901

Catherine L. Hanaway  
Ashcroft Hanaway LLC  
222 South Central Ave., Suite 110  
St. Louis, Missouri 63105

Burton Douglas Morriss  
7820 Maryland Avenue  
Saint Louis, Missouri 63105

Burton Douglas Morriss  
3 St. Andrews Drive  
Saint Louis, Missouri 63124

/s/ Cheryl A. Kelly

## Exhibit A

Debtor Burton Douglas Morriss (“Debtor”) shall produce any and all documents and communications (including correspondence and electronic data) in his custody or control related to the following Examination Topics.

The Examination Topics are those permitted under Federal Rule of Bankruptcy Procedure 2004 and shall include:

- a. Debtor’s assets, including but not limited to the location of such assets and Debtor’s actions with respect to such assets prior to bankruptcy and during the pendency of Case No. 12-40164 (the “Bankruptcy Case”);
- b. The acts and conduct of Debtor;
- c. Debtor’s liabilities;
- d. Debtor’s financial condition;
- e. The operation of any business by or on behalf of Debtor and the desirability of its continuance;
- f. The source(s) of any money or property acquired by Debtor prior to or during the commencement of the Debtor’s Bankruptcy Case and the consideration given or offered therefor; and
- g. Any other matter relevant to the Debtor’s Bankruptcy Case, or which might affect administration of the estate, or the Debtor’s right to a discharge (all such topics collectively, the “Examination Topics”).

For purposes of the requests for documents contained herein, the following definitions shall apply:

1. The term “document” means the original (or an identical duplicate if the original is not available), and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations, or highlighting of any kind) of writings of every kind and description that are fixed in any form of physical media. Physical media include, but are not limited to, paper media, phonographic media, photographic film media (including pictures, films slides and microfilm), magnetic media (including but not limited to hard disks, floppy disks, compact disks, and magnetic tapes of any kind), computer memory, optical media, magneto-optical media, and other physical media on which notations or marking of any kind can be affixed. Documents include, by way of example only, any memorandum, request envelope, correspondence, electronic mail, report, note, Post-It, message, telephone message, telephone log, diary, journal, appointment calendar, calendar, group scheduler calendar, drawing, painting, accounting paper, minutes, working paper, financial report, accounting report, work papers, drafts, facsimile, facsimile transmission, report, contract, invoice, record of purchase or sale, Teletype message, chart, graph, index, directory, computer directory, computer disk, computer tape, or any other written, printed, typed, punched, taped, filmed, or graphic matter however produced or reproduced. Documents also include the file, folder tabs, and labels appended to or containing any documents.

2. When used in this request, the term “electronic data” means the original native file (or identical duplicate when the original is not available), and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations, or highlighting of any kind) of writings of every kind and description whether inscribed by mechanical, facsimile, electronic, magnetic, digital, or other means. Electronic data includes—by way of example only—computer programs (whether private, commercial or work-in-progress), programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files (including descriptive information regarding tables, fields and values), charts, graphs and outlines, electronic mail, operating systems, source code of all types, peripheral drivers, batch files, ASCII files, and any and all

miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether said electronic data consists in an active file, deleted file or file fragment. Electronic data includes any and all items stored on computer memories, hard disks, floppy disks, CD-ROMs, DVDs, removable media such as Zip disks, thumb drives, digital memory cards and their equivalent, magnetic tapes of all types, on or in any other vehicle for digital data storage and/or transmittal. The term electronic data also includes the file, folder tabs and/or containers and labels appended to, or associated with, any physical storage device associated with each original and/or copy.

3. As used herein, the term "communication" or "communications" means all occasions on which information was conveyed from one person to another by any means whether orally, in writing or by other means, including, but not limited to: memoranda of conversations, correspondence, data processing, e-mail, proof-note, pictures or recordings.

4. The terms "relating" or "relate," when used herein, mean in any way related to, containing, contained in, referring to, regarding, embodied in, connected to or part of, in whole or in part.