

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-CV-80 (CEJ)
)	
BURTON DOUGLAS MORRISS, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on motions related to plaintiff's attempts to obtain discovery from relief defendant Morriss Holdings, LLC. Specifically, plaintiff has filed a motion for order to show cause why defendant should not be held in contempt for failure to provide a court-ordered sworn accounting, a motion to compel production of documents, and a motion for sanctions for failure to appear at Rule 30(b)(6) depositions. Morris Holdings filed a motion for protective order to quash plaintiff's last deposition notice.

Defendant Morris Holdings has consistently maintained to the Court that it is unable to produce an accounting and discovery or appear for a deposition because it has no employees.¹ Morris Holdings also asserts that because the Court has frozen its assets, it lacks the funds to hire professionals to respond on its behalf. Also, after Morris Holdings failed to pay for the legal services it received, the Court granted its counsell leave to withdraw. Morris Holdings was given until November 16, 2012, to

¹Dixon Brown, then-president of Morriss Holdings, testified at deposition on January 5, 2012, Morriss Holdings had no employees after November 2011. Dep. at 24-25 [Doc. #143-1]. Mr. Brown resigned as president effective January 8, 2012, and Burton Douglas Morriss resigned as agent on Sept. 12, 2012. [Docs. # 42-3 and #195-3].

obtain new counsel; it did not meet that deadline and continues to be unrepresented.

Because Morris Holdings is not represented by counsel, it is barred from filing motions or pleadings on its own behalf. Ackra Direct Mktg. Corp. v. Fingerhut Corp., 86 F.3d 853, 857 (8th Cir. 1996). Based on the record before the Court, it is highly unlikely that Morris Holdings will cooperate with discovery, whether pursuant to the Federal Rules of Civil Procedure or to court directive. Until it retains counsel and complies with discovery demands, defendant Morris Holdings is foreclosed from presenting any evidence or argument in opposition to plaintiff's claims. This result is equivalent to the relief plaintiff seeks in its motions.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for order to show cause [Doc. #119] is denied as moot.

IT IS FURTHER ORDERED that plaintiff's motion to compel production [Doc. #147] is denied as moot.

IT IS FURTHER ORDERED that plaintiff's motion for sanctions [Doc. #201] is denied as moot.

IT IS FURTHER ORDERED that defendant's motion and amended motion for protective order [Docs. #194 and #196] are denied as moot.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 20th day of February, 2013.