

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:
Burton Douglas Morriss a/k/a
B. Douglas Morriss a/k/a Doug Morriss

Chapter 7
Case No. 12-40164-A659

Debtor,

**SECOND MOTION TO EXTEND DEADLINE TO OBJECT TO
DEBTOR'S DISCHARGE OR CHALLENGE
DISCHARGEABILITY OF CERTAIN DEBTS**

COMES NOW Eric Sarasin, by and through his attorney of record, and moves this Court for an Order extending the deadline to object to Debtor's discharge or to challenge the dischargeability of certain debts, and as grounds shows unto the Court as follows:

1. Burton Douglas Morriss ("Debtor") originally filed for relief under Chapter 11 of the Bankruptcy Code on January 9, 2012. His case was converted to a Chapter 7 on February 13, 2012.
2. Under the Order and Notice of the First Meeting (Doc. 52), the First Meeting of Creditors was scheduled for March 8, 2012. Under that same Order the deadline to object to Debtor's discharge or to challenge dischargeability of certain debts is set for May 7, 2012.
3. On or about February 9, 2012, Debtor, through his attorney, filed a Statement Concerning Debtor's Schedules and Statement of Financial Affairs ("Statement"). In said Statement, Debtor disclosed that he is the subject of an ongoing criminal investigation and as such was asserting his Fifth Amendment privilege under the U.S. Constitution. He further stated that he would not file his Schedules "unless and until he can be certain that they are true and complete." (Doc. 44 at 4).

4. On motions duly made by Mr. Sarasin and others to extend the deadline of objecting to discharge and dischargeability, and by order of this Court entered April 26, 2012, the deadline for objecting to discharge and dischargeability was extended to February 8, 2012.

5. Debtor has failed to assist the Trustee and other parties in interest in fully identifying his assets and liabilities. Asserting the privilege against self-incrimination afforded under the Fifth Amendment to the Constitution, Debtor still has not filed schedules and statements in this Case or provided testimony at any meeting of creditors or the 2004 examination conducted in this Case. For these reasons, the Trustee and Mr. Sarasin have not had sufficient opportunity to evaluate their respective rights, interests and remedies, particularly as to the dischargeability of claims against the Debtor.

6. Pursuant to Bankruptcy Rules 4004(b), 4007(c) and 9006(b), this Court may upon the Motion of a creditor or party in interest filed prior to the deadline for objecting to discharge and dischargeability, extend such deadline for cause shown.

7. The Debtor has failed to assist the Trustee and other parties in interest in fully identifying his assets and liabilities. Asserting the privilege against self-incrimination afforded under the Fifth Amendment to the Constitution, Debtor has not filed schedules and statements in this Case or provided testimony at any meeting of creditors or the 2004 examination conducted in this Case. The Trustee and other creditors have not had sufficient opportunity to evaluate their respective rights, interests and remedies, particularly as to the dischargeability of claims against the Debtor.

8. Mr. Sarasin continues to work with both the Trustee and Receiver in trying to get a handle on this case and what all happened to Mr. Sarasin's funds as well as others. More time is needed to develop and understand all causes of actions that might be available to the creditors

with respect to dischargeability. The interests of justice are best served by affording the parties additional time to fully determine the nature and scope of their rights relative to the discharge and dischargeability of claims against Debtor.

WHEREFORE, Eric Sarasin, by and through his counsel of record, respectfully requests the Court to enter an Order:

- A. Extending the deadlines to object to discharge and dischargeability to at least August 8, 2013 (preserving the opportunity to pursue further extensions of such deadline); and
- B. Grant such other and further relief as is just.

Respectfully submitted

/s/Frank H. Tomlinson

Frank H. Tomlinson (ASB-7042-T66F)
2100 First Avenue North, Suite 600
Birmingham, AL 35203
Telephone: (205) 326-6626
Facsimile: (205) 328-2889
htomlinson@bellsouth.net

*Attorney for Eric Sarasin
Pro-hac vice*

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and accurate copy of the Notice of Hearing on Motion for Order Extending the Time to Object to Discharge and Dischargeability was served on all parties receiving service through the Court's CMIECF system on the 15th day of January, 2013, and by regular mail on the following parties:

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

United States Department of Justice
U.S. Trustee's Office
111 S. 10th Street, Ste. 6353
St. Louis, MO 63102

ATEC, Inc.
1188 Walters Way Lane
Olivette, MO 63132

Paul Hastings LLP
191 N. Wacker Drive
Thirtieth Floor
Chicago, IL 60606

Jay Samuels
120 Albany St. Plaza, Ste. 100
New Brunswick, NJ 08901

Tech Partners, LLC
RDV Corporation
126 Ottawa Ave. NW
Suite 500
Grand Rapids, MI 49503

/s/ Frank H. Tomlinson