

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 4:12-cv-00080-CEJ
BURTON DOUGLAS MORRISS, et al.,)	
)	
Defendants, and)	
)	
MORRISS HOLDINGS, LLC,)	
)	
Relief Defendant.)	
)	

**MOTION FOR LEAVE TO FILE EXHIBITS D-1A THROUGH D-3F TO THE
RECEIVER’S EIGHTH INTERIM APPLICATION FOR ALLOWANCE AND
PAYMENT OF FEES AND EXPENSES INCURRED BY THE RECEIVER, RETAINED
COUNSEL, AND OTHER PROFESSIONALS UNDER SEAL**

Receiver Claire M. Schenk, in her capacity as receiver (“Receiver”) for Acartha Group, LLC, Acartha Technology Partners, L.P., MIC VII, LLC, and Gryphon Investments III, LLC (collectively, the “Receivership Entities”), respectfully requests leave of this Court to file Exhibits D-1A through D-3F to the Receiver’s *Eighth Interim Application for Allowance and Payment of Fees and Expenses Incurred by the Receiver, Retained Counsel, and Other Professionals* (the “Eighth Interim Fee Application”) under seal pursuant to E.D. Mo. L.R. 83-13.05(A). In support of this motion, the Receiver states as follows:

1. In connection with her duty to manage the business affairs of the Receivership Entities, the Receiver has engaged in communications and dealings with third parties, including investment concerns, lenders, and individual investors.

2. To the greatest extent possible, the Receiver wishes to respect the privacy of the investors regarding their financial dealings with the Receivership Entities and has entered into

various nondisclosure agreements with third parties which require the protection of proprietary and confidential information.

3. The Receiver also wishes to protect against the unintentional waiver of any work product privilege, attorney-client privilege, or other potential privilege to the extent that such waiver would not be in the best interests of the Receivership Entities.

4. For these reasons, the Receiver seeks to file Exhibits D-1A through D-3F to the Eighth Interim Fee Application under seal. Exhibits D-1A through D-3F contain individualized and detailed descriptions of the daily services rendered and the hours expended by the various attorneys, paralegals, and professionals employed on behalf of the Receiver in this case during the application period. These descriptions may reveal confidential, proprietary, and/or personal information about third parties and/or reveal privileged attorney work product, including attorney mental processes, and privileged attorney-client communication.

5. However, in order to provide additional information to the investors in the Receivership Entities regarding the Receiver's activities and in the interest of transparency and accountability, the Receiver is filing redacted versions of Exhibits D-1A through D-3F with her Eighth Interim Fee Application. The redactions protect the confidentiality of third parties, as well as protect against waiver of any work product, attorney client, or other potential privileges and against the disclosure of other confidential information. Some of these exhibits also contain Federal tax identification numbers and financial account numbers, which have been redacted in accordance with Local Rule 5-2.17.

WHEREFORE, the Receiver respectfully requests that the Court grant her leave to file Exhibits D-1A through D-3F to the Eighth Interim Fee Application under seal, and for such other and further relief as this Court deems just and proper.¹

Respectfully Submitted,

THOMPSON COBURN LLP

Dated: March 14, 2014

By _____ /s/ Kathleen E. Kraft
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¹ A proposed order is attached hereto as Exhibit 1.

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2014, I electronically filed the foregoing with the Clerk of the Court through the Court's CM/ECF system which will send a notice of electronic filing to the following:

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/s/ Kathleen E. Kraft

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ORDER

This matter is before the Court on the *Motion for Leave to File Exhibits D-1A through D-3F to the Receiver’s Eighth Interim Application for Allowance and Payment of Fees and Expenses Incurred by the Receiver, Counsel, and Other Professionals Under Seal* (the “Motion”) filed by Claire M. Schenk, the court-appointed receiver (the “Receiver”) for Acartha Group, LLC, MIC VII, LLC, Acartha Technology Partners, L.P., and Gryphon Investments III, LLC in this action.

Having fully considered the Motion, being duly advised as to the merits and for good cause shown,

THE COURT DOES HEREBY ORDER THAT

1. The Receiver’s Motion is granted in its entirety; and
2. The Clerk of the Court shall maintain Exhibits D-1A through D-3F to the Receiver’s *Eighth Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel, and Other Professionals* under seal.

EXHIBIT 1

SO ORDERED this the ____ day of _____, 2014.

THE HONORABLE CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE