

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.)
)

**RECEIVER’S NOTICE OF NO OBJECTION AND
REQUEST FOR ENTRY OF AN ORDER ON
RECEIVER’S NINTH INTERIM APPLICATION FOR ALLOWANCE
AND PAYMENT OF FEES AND EXPENSES INCURRED BY THE
RECEIVER, RETAINED COUNSEL, AND OTHER PROFESSIONALS**

By Order entered January 17, 2012, the Court appointed Claire M. Schenk as Receiver (“Receiver”) over Acartha Group, LLC, MIC VII, LLC, Acartha Technology Partners, LP and Gryphon Investments III, LLC (collectively, the “Receivership Entities”). On May 20, 2014, in accordance with the Order Appointing Receiver, the Receiver filed her *Ninth Interim Application for Allowance and Payment of Fees and Expenses Incurred by the Receiver, Retained Counsel and Other Professionals* (the “Ninth Application”) (Dkt. No. 326).¹

¹ On September 20, 2012, the Court granted the *Receiver’s First Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel and Other Professionals* (Dkt. No. 199). The Court granted the *Receiver’s Second Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel and Other Professionals* on November 28, 2012 (Dkt. No. 213). The Court granted the *Receiver’s Third Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel and Other Professionals* on February 11, 2013 (Dkt. No. 227). The Court granted the *Receiver’s Fourth Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel and Other Professionals* on May 30, 2013 (Dkt. No. 254). The Court granted the *Receiver’s Fifth Interim Application for Allowance and Payment of Expenses Incurred by the Receiver,*

In the Ninth Application, the Receiver sought an order from the Court authorizing (i) a total award of fees and costs in the amount of \$126,468.12 and (ii) the Receiver to make payment of eighty percent (80%)² of the total legal and professional fees and one hundred percent (100%) of the incurred costs as follows based upon the authority submitted by the Receiver in support of the Ninth Application: (a) \$92,208.67 in legal fees and \$240.61 in costs for Thompson Coburn LLP, the Receiver's primary counsel; (b) \$3,613.54 in professional fees for Segue Equity Group, LLC, the Receiver's investment fund manager; and (c) \$5,159.80 in professional fees for CliftonLarsonAllen LLP, the Receiver's tax preparer. The Receiver served a copy of the Ninth Application upon all parties receiving notice in this case. Objections to the relief requested in the Ninth Application were due on or before Friday, May 30, 2014. *See* E.D.Mo. L.R. 7-4.01(B); Fed. R. Civ. P. 6. No objections have been filed.

Additionally, on May 20, 2014, the Receiver filed redacted copies of Exhibits C and D-1A through D-3E³ to the Ninth Application.⁴ The Receiver also posted a copy of the Ninth Application, along with redacted Exhibits C and D-1A through D-3E to the Ninth Application,

Counsel and Other Professionals on July 15, 2013 (Dkt. No. 268). The Court granted the *Receiver's Sixth Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel and Other Professionals* on August 27, 2013 (Dkt. No. 281). The Court granted the *Receiver's Seventh Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel and Other Professionals* on December 13, 2013 (Dkt. No. 303). The Court granted the *Receiver's Eighth Interim Application for Allowance and Payment of Expenses Incurred by the Receiver, Counsel and Other Professionals* on April 9, 2014 (Dkt. No. 323).

² The Receiver has agreed, at the request of the Securities and Exchange Commission ("SEC") and pursuant to discussions with the SEC, to request payment of only eighty percent (80%) of the legal and professional fees accrued through March 31, 2014, as opposed to the full amount of the invoiced fees. The Receiver seeks a finding that the total requested fees and costs of \$126,468.12 are reasonable and appropriate. The remaining twenty percent (20%) of accrued legal and professional fees not authorized for payment at this time would be payable upon further application to this Court.

³ Exhibits C and D-1A through D-3E contain individualized and detailed descriptions of the daily services rendered and hours expended by various attorneys, paralegals and professionals employed on behalf of the Receiver in this case during the Application Period.

⁴ Unredacted copies of Exhibits C and D-1A through D-3E were filed with the Court under seal.

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 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:

John Ashcroft, Esq.
Ashcroft Hanaway LLC
222 South Central Ave., Suite 110
St. Louis, Missouri 63105
Counsel for Defendant Burton Douglas Morriss

Robert K. Levenson
Brian T. James
Securities and Exchange Commission
801 Bricknell Avenue, Suite 1800
Miami, Florida 33131
Attorneys for Plaintiff

/s/ Kathleen E. Kraft