

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

In re:) **Case No. 12-40164-659**
) **Chapter 7**
BURTON DOUGLAS MORRISS,)
) **Judge Kathy A. Surratt-States**
)
) **Debtor.**) **Initial Hearing Date: February 13, 2012**
) **(10:00 a.m.)**
) **Continued Hearing Date: March 5, 2012**
) **(10:00 a.m.) #34, #35**

**ORDER GRANTING EMERGENCY MOTION FOR ORDER DIRECTING EXAMINATION OF
DEBTOR BURTON DOUGLAS MORRISS PURSUANT TO BANKRUPTCY RULE 2004 AND
COMMANDING THE PRODUCTION OF CERTAIN DOCUMENTS
IN CONNECTION THEREWITH**

This matter comes before the Court on the *Emergency Motion For Order Directing Examination Of Debtor Burton Douglas Morriss Pursuant To Bankruptcy Rule 2004 And Commanding The Production Of Certain Documents In Connection Therewith* (the “Motion”) filed on behalf of Acartha Group, LLC, Acartha Technology Partners, L.P., MIC VII, LLC, and Gryphon Investments III, LLC (the “Receivership Entities”), by and through Claire M. Schenk, as Receiver (“Receiver”), which Motion was initially called for hearing on February 13, 2012 during the Court’s 10:00 a.m. docket (the “Initial Hearing”), and continued upon notice for hearing on March 5, 2012 during the Court’s 10:00 a.m. docket (the “Continued Hearing”).

At the Initial Hearing, Counsel for the Receiver, counsel for the Office of the U.S. Trustee and counsel for creditor and party in interest Holly Morriss appeared in person to support the Motion. Counsel to the Securities and Exchange Commission additionally appeared at the Initial Hearing by telephone to support the Motion. Counsel for the Debtor also appeared at the Initial Hearing by telephone and objected to the relief sought by the Motion. The Court determined to grant the relief requested by the Motion, provided that the examination under Federal Rule of Bankruptcy Procedure 2004 (the “2004 examination”) and related document production requested pursuant to the Motion be held following the date established for the Debtor’s Section 341 “Meeting of Creditors”. In light of the conversion of the

Debtor's case at the Initial Hearing from one under Chapter 11 to one under Chapter 7, the date for the Debtor's Section 341 Meeting of Creditors was not then known, and hence the Motion was continued from the Initial Hearing to the Continued Hearing to enable the setting of a date for the examination and document production that would post-date the date for the rescheduled Section 341 Meeting of Creditors. The Debtor's Section 341 Meeting of Creditors was ultimately rescheduled to March 8, 2012 at 10:00 a.m. CT.

Counsel to the Receivership Entities, acting by and through the Receiver, appeared at the Continued Hearing. No other parties in interest appeared. The Court, being fully advised in the premises having reviewed the record as a whole, finds proper notice of the Motion was given to all parties entitled to same and good cause exists to grant the relief requested by the Motion.

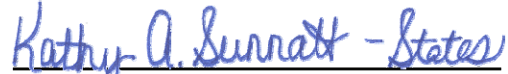
WHEREFORE, IT IS ORDERED that the Motion is hereby **GRANTED** as to the relief requested thereby; and

IT IS FURTHER ORDERED that Debtor Burton Douglas Morriss shall appear for examination under oath pursuant to Federal Rule of Bankruptcy Procedure 2004 by and on behalf of the Receiver and other parties in interest at the Offices of Thompson Coburn LLP, One U.S. Bank Plaza, 35th Floor, St. Louis, Missouri 63101, (314) 552-6000, on March 28, 2012, beginning at 10:00 a.m. (CST), or at such other place and time as is agreed upon in writing among counsel to the Receiver and counsel to the Debtor; and

IT IS FURTHER ORDERED that Debtor Burton Douglas Morriss shall produce to counsel for the Receiver at One U.S. Bank Plaza, 35th Floor, St. Louis, Missouri 63101 at or prior to 10:00 a.m. (CST) on March 28, 2012, any and all documents and communications (including correspondence and electronic data), in his custody or control related to the Examination Topics listed on **Exhibit A** attached hereto and made a part hereof; and

IT IS FURTHER ORDERED that the Receiver, acting on behalf of the Receivership Entities, may cause the issuance of subpoenas to Debtor Burton Douglas Morriss commanding his appearance for examination and production of documents as required under this Order and as provided under Federal

Rule of Bankruptcy Procedure 2004; provided, however, that failure to procure the issuance of such subpoenas shall not relieve Debtor from compliance with this Order. Motion to expedite hearing is Granted.


KATHY A. SURRATT-STATES
U.S. Bankruptcy Judge

DATED: March 6, 2012
St. Louis, Missouri 63102
jij

Order Prepared by:
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Exhibit A

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 Debtor's 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").