

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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)	
BANK OF AMERICA, N.A.,)	
)	
Plaintiff,)	No. 4:14-CV-809-JAR
)	
v.)	
)	
MAGRUDER CONSTRUCTION CO., INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter came before the Court for a status conference on October 10, 2014. The Court took up all pending motions. In accordance with the record made,

IT IS HEREBY ORDERED that the Receiver’s Motion for Instructions Regarding Retainer Request [67] is **GRANTED**. The Receiver is hereby authorized to pay a retainer to Steven M. Hamburg, Steven M. Hamburg, P.C., counsel for Defendant Magruder, in the amount of \$25,000 within ten (10) days of this Order.

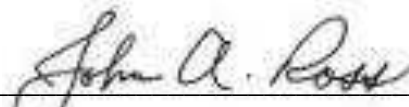
IT IS FURTHER ORDERED that Defendant’s Motion for an Order Directing Receiver to Rescind the Purported Termination of Philip Gali [88] is **DENIED**.

IT IS FURTHER ORDERED that the Receiver is granted fourteen (14) days to review the financing proposals submitted by Utica Leasco, LLC and Heartland Bank and investigate alternate financing proposals. The Receiver shall file its report and recommendation with the Court no later than **October 24, 2014**. Any objections to the Receiver’s report and recommendation shall be filed no later than **October 31, 2014**. The Court will reserve ruling on Defendant’s Motion for Approval of Commitment Letter from Utica Leaseco, LLC and for an

Order directing Mr. Philip Gali to Execute the Commitment Letter on Behalf of Magruder Construction Co., Inc. [90]

IT IS FURTHER ORDERED that Defendant Magruder is granted fourteen (14) days to submit additional briefing on its Motion Directing Receiver to Engage Special Counsel and to Release Funds. [103]

IT IS FINALLY ORDERED that Receiver's Motion to Change Date for Monthly Report [106] is **GRANTED**. The Receiver's monthly reports shall be filed on the 17th day of each month.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 10th day of October, 2014.