

**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 is before the Court on the Motion to Intervene of Philip Gali as Trustee of the Magruder Construction Co., Inc. Employee Stock Ownership Trust. (Doc. No. 72) The Court held a status conference with counsel on August 28, 2014 and ordered the parties to file their responses to the pending motion by September 3, 2014 and any reply by September 4, 2014. (Doc. No. 74) The Court is in receipt of responses filed by Plaintiff Bank of America, Receiver Atec, Inc., and Intervenors Mark Games, as Trustee of the Mark Charles Games Living Trust, Merle McGlasson, as Trustee of the Merle H. McGlasson Living Trust, and Mark Magruder, as Trustee of the Mark H. Magruder Living Trust (collectively referred to as the "Note Holders"). (Doc. Nos. 76, 77, 78) No reply was filed. The motion is, therefore, fully briefed and ready for disposition.

Upon consideration, the Court will grant Gali's motion to intervene as Trustee of the Magruder Construction Co., Inc. Employee Stock Ownership Trust. The Court will also grant Magruder a thirty-day extension to file its responsive pleadings herein.

The Court continues to reserve its ruling on the Receiver's Motion for Instructions Regarding Retainer Request (Doc. No. 67), and directs the Receiver to request details regarding the scope of services that would be provided for the \$25,000 retainer to Stone, Leyton & Gershman for representation of Magruder and report back to the Court.

Although Magruder is currently unrepresented, the Court notes that by extending the deadline for Magruder to file its responsive pleadings, Magruder is not prejudiced at this point. Moreover, the shareholders are represented by the intervention of the Employee Stock Ownership Trust, and the Noteholders are represented by counsel.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Intervene of Philip Gali as Trustee of the Magruder Construction Co., Inc. Employee Stock Ownership Trust [72] is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Magruder is granted 30 days, up to and including **October 16, 2014**, to file its Answer to the Verified complaint.

IT IS FURTHER ORDERED that the Receiver shall request details regarding the scope of services that would be provided for the \$25,000 retainer to Stone, Leyton & Gershman for representation of Magruder and report back to the Court by **September 26, 2014**.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 15th day of September, 2014.