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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: §
§
ONDOVA LIMITED COMPANY §
§
§ **CASE NO. 09-34784-SGJ-11**
§ **Chapter 11**
Debtor. §

**PRONSKE & PATEL, P.C.’S MOTION FOR ORDER
HOLDING JEFFREY BARON IN CONTEMPT OF COURT**

TO THE HONORABLE STACEY G. JERNIGAN,
UNITED STATES CHIEF BANKRUPTCY JUDGE:

Pronske & Patel, P.C. (“Pronske & Patel”) hereby files this Motion for Order Holding Jeffrey Baron (“Baron”) in Contempt of Court (the “Motion”) and would respectfully show as follows:

1. On September 14, 2012, Pronske & Patel filed its Amended Application for Payment of Fees as an Administrative Expense for a Substantial Contribution to the Estate (the “Amended Application”) [Docket No. 814], seeking compensation for fees and expenses incurred in representing Baron in the above-referenced bankruptcy case and additional

compensation for fees and expenses incurred since the entry of the District Court Fee Order¹ to collect on the fees and expenses allowed therein.

2. In preparation for the hearing on the Amended Application, Pronske & Patel noticed Baron for a deposition on October 11, 2012. Late in the day on October 10, 2012, Baron filed his Emergency Motion for Protective Order (the “Motion for Protective Order”) [Docket No. 850] to quash Pronske & Patel’s notice of deposition.

3. After conducting an emergency hearing on October 12, 2012, this Court granted the Motion for Protective Order and ordered that Pronske & Patel’s deposition of Baron take place between November 9, 2012 and November 13, 2012, unless otherwise mutually agreed upon between Baron and Pronske & Patel. *See* October 12, 2012 Hearing Transcript, attached hereto as **Exhibit A**, p. 156, ln.24 – p.157, ln.10. *See also* Docket Text re Hearing Held filed on October 16, 2012.

4. On October 16, 2012, Pronske & Patel circulated its Amended Notice of Intention to Take Oral Deposition of Jeffrey Baron (the “Notice of Deposition”) via email to counsel for Baron. A true and correct copy of the Notice of Deposition is attached hereto as **Exhibit B** and incorporated by reference herein.

5. In connection with its Notice of Deposition, the undersigned counsel also reached out to counsel for Baron via telephone on October 16, 2012, and email on October 16, 2012, to seek mutual agreement on a date and time for the Baron deposition. A true and correct copy of email correspondence from Gerrit Pronske to Stephen Cochell is attached hereto as **Exhibit C** and incorporated by reference herein. Baron was not responsive to the undersigned counsel’s efforts to obtain a mutually agreeable date and time for the court-ordered deposition.

¹ The Findings of Fact, Conclusions of Law, and Order on Assessment and Disbursement of Former Attorney Claims entered by the United States District Court for the Northern District of Texas, Dallas Division in *Netsphere, Inc., et al v. Baron*, Civil Action No. 3:09-CV-0988-F.

6. Without any explanation or notice to the undersigned counsel (including the filing of a Motion for Protective Order, the sending of an email, or even a phone call or phone message), Baron simply violated this Court's directive and failed to appear at the noticed deposition on the morning of November 12, 2012. A true and correct copy of the court reporter's Certificate of Nonappearance of Jeffrey Baron dated November 12, 2012 is attached hereto as **Exhibit D** and incorporated by reference herein. Baron did not file a motion to quash the Notice of Deposition or take any other legal steps to obtain a protective order excusing him from appearing at the November 12, 2012 deposition.

7. The Affidavit of Gerrit M. Pronske (the "Pronske Affidavit") is attached hereto as **Exhibit E** and incorporated by reference herein. As set forth in the Pronske Affidavit, Pronske & Patel estimates that it has incurred \$3,575.00 in attorney's fees and \$368.10 in expenses preparing for the Baron deposition and preparing this Motion.

8. Baron has violated this Court's order directing him to cooperate with Pronske & Patel's efforts to obtain discovery related to its Amended Application. Pronske & Patel has incurred attorney's fees and costs in preparing for and attending a deposition that never occurred because of Baron's actions taken in bad faith. Pronske & Patel hereby requests that the Court award appropriate sanctions against Baron based upon his civil contempt of this Court's orders, including monetary sanctions in an amount equal to the fees and expenses Pronske & Patel has incurred in connection with the deposition and procedural sanctions prohibiting Baron from putting on evidence opposed to Pronske & Patel's Amended Application at the hearing scheduled for November 13, 2012.

WHEREFORE Pronske & Patel respectfully requests that this Court grant this Motion and enter an order directing Baron to appear before this Court and show cause why he should not be held in contempt of court, and, upon such hearing, the Court find that Baron has committed a

civil contempt of court and impose such sanctions as may be appropriate, including monetary sanctions equal to the amount of attorney's fees and expenses that Pronske & Patel has incurred as a result of Baron's contempt of court and procedural sanctions prohibiting Baron from putting on evidence opposed to Pronske & Patel's Amended Application.

Dated: November 12, 2012.

Respectfully submitted,

/s/ Gerrit M. Pronske

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CERTIFICATE OF CONFERENCE

I hereby certify that, on November 12, 2012, I attempted to confer with counsel for Jeffrey Baron, Mr. Stephen Cochell, via email and telephone regarding the relief requested in this Motion. As of the time of filing, however, Mr. Cochell has not responded to my attempts to confer.

/s/ Gerrit M. Pronske

Gerrit M. Pronske

CERTIFICATE OF SERVICE

The undersigned does hereby certify that, on November 12, 2012, a true and correct copy of the above and foregoing pleading was served upon the counsel listed below via email and facsimile and also via ECF email upon all parties accepting such service.

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/s/ Melanie P. Goolsby
Melanie P. Goolsby