

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

NETSPHERE, INC.,	§	Civil Action No. 3-09CV0988-F
MANILA INDUSTRIES, INC., and	§	
MUNISH KRISHAN,	§	
Plaintiffs.	§	
	§	
v.	§	
	§	
JEFFREY BARON, and	§	
ONDOVA LIMITED COMPANY,	§	
Defendants.	§	

**APPELLANTS' JOINT RESPONSE TO RECEIVER'S MOTION FOR
REIMBURSEMENT OF ADDITIONAL PERSONAL FUNDS [DOC#221]**

TO THE HONORABLE ROYAL FURGESON, U.S. DISTRICT JUDGE:

COMES NOW, Appellant, defendant Jeffrey Baron and Appellants NovoPoint, LLC and Quantec, LLC and make this joint response to Receiver's Motion for Receiver's Motion for Reimbursement of Additional Personal Funds [Doc#221].

1. Appellants adopt and incorporate by reference the argument and authority raised in Appellants' Limited Objection To The Receiver's First Application For Reimbursement Of Fees Incurred By Receivership Professional Joshua Cox [Doc#190] and in Appellants' Joint Objection And Response To (1) The Receiver's First Application For Reimbursement Of Fees And Expenses Incurred By The Receiver [Doc#192] and (2) The Receiver's First Application For Reimbursement Of Fees And Expenses Incurred By Gardere Wynne Sewell LLP

[Doc#193] and Appellants' Joint Response and Motion to Strike the Receiver's Motion For Order Confirming Propriety of Fund Management [Doc#245].

2. In Document #250 the receiver erroneously represents that 28 U.S.C. 2041 applies only to "Moneys Paid into Court." The receiver *redacted* the relevant portion of the law. The un-redacted text is quite opposite that relied upon and 'quoted' by the receiver. The un-redacted text: "All moneys paid into any court of the United States, **or received by the officers thereof**, in any case pending or adjudicated in such court, shall be forthwith deposited with the Treasurer of the United States", 28 U.S.C. 2041 (emphasized portion was redacted by receiver). Notably, a receiver is an officer of the court which appoints him. *E.g., Great Western Mining & Mfg. Co. v. Harris*, 198 U.S. 561, 574 (1905); *United States v. Pollard*, 115 F.2d 134 (5th Cir. 1940).

Respectfully submitted,

/s/ Gary N. Schepps

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NOVOPOINT, LLC, AND

QUANTEC, LLC

CERTIFICATE OF SERVICE

This is to certify that this was served on all parties who receive notification through the Court's electronic filing system.

/s/ Gary N. Schepps
Gary N. Schepps