

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

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

**EMERGENCY MOTION FOR RECONSIDERATION OF MOTION FOR
LEAVE TO FILE: MOTION TO RECONSIDER STAY OF DOMAIN
NAME SALES PENDING APPEAL**

TO THE HONORABLE JUDGE ROYAL FURGESON:

COMES NOW JEFF BARON, and moves this Court to reconsider granting leave to file the following motion to reconsider stay of the sale of domain names pending appeal as this Honorable Court advised the Fifth Circuit would be done. [Doc 631].

1. Review of the ruling of this Honorable Court indicates that this Honorable Court’s ruling was based in the impression that Baron attempted to seek concurrent relief in the appellate court. If relevant to the considerations of this Honorable Court, that impression is in error.

2. Baron filed only for relief before this Honorable Court, and the LLCs filed before the Fifth Circuit in conformity with the directives and orders of this

Honorable Court. **Baron** was not a party to the motion before the Fifth Circuit. See Attached Exhibit A.

3. This motion for reconsideration raises the foregoing to the attention of the Court, if that matter is relevant to the Court's decision regarding stay.

4. Your Honor entered an Advisory order stating that Your Honor "would stay orders concerning the sale of domain names and orders concerning fees to be paid to the Baron attorneys pending appeal." If relevant movant notes that: (1) Baron has no secret off-shore bank accounts; (2) The assets are not being sold at reasonable prices; (3) The assets are not owned by Baron, they are owned by the Village Trust, a medical research trust set up by Baron over half a decade ago; (4) Baron has never received income or taken funds from the trust for his personal use.

WHEREFORE, Jeff Baron respectfully requests his Honorable Court to reconsider granting leave to file for stay of the domain name sales pending resolution of the issues on appeal before the Fifth Circuit.

Respectfully submitted,
/s/ Gary N. Schepps
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COUNSEL FOR JEFF BARON

CERTIFICATE OF SERVICE

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

CERTIFIED BY: /s/ Gary N. Schepps
Gary N. Schepps

TO THE HONORABLE JUSTICES OF THE FIFTH CIRCUIT COURT OF APPEALS:

COMES NOW Novo Point LLC, and Quantec LLC, Appellants, and move for an emergency order to immediately and temporarily stay the order of the District Court to sell *immediately* in private, no-auction sales what appears to be \$60 Million in assets for \$0.02 cents on the Dollar. The District Court had advised this Honorable Court that if allowed to rule on the motions to sell the domain name assets it would stay the sales to allow appeal. SR. v9 p97. Contrary to the District Court's advisory to this Honorable Court, it has not stayed the sales, and has ordered they be conducted *immediately*.

Jurisdiction of the Court of Appeals

When property is placed into a receivership, it is taken into possession by the court through its representative, the receiver. *See Booth v. Clark*, 58 U.S. 322, 331 (1855). When a receivership order is appealed, the effect of the appeal is that the appellate court has “jurisdiction over the res the same as the trial court had”. *Palmer v. Texas*, 212 U.S. 118, 126 (1909). Accordingly, this Honorable Court currently holds possession and jurisdiction over the assets of Novo Point LLC and Quantec, LLC. R. 3934, 4306. Pursuant to 28 U.S.C. §1651, this Honorable Court may issue “all writs necessary or appropriate in aid of their respective jurisdictions”. If the District Court's order authorizing sale of receivership assets—the domain names owned by Novo Point LLC and Quantec LLC—is not