

**EXHIBIT D 5**

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

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

**DECLARATION OF JEFFREY BARON**

1. My name is Jeffrey Baron. I am a defendant in the above entitled and numbered cause. I am competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct. I have personal knowledge of the stated facts, which I learned as the result of being subjected to the facts and events stated herein.

2. The attached Exhibits are true and correct copies of emails, which were sent by the attorneys (Gary Lyon and Stan Broome) as indicated in the email.

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed this 3rd day of May, 2011, in Dallas, Texas.

/s/ Jeffrey Baron  
Jeffrey Baron

**From:** Stan Broome [mailto:SBroome@broomelegal.com]  
**Sent:** Friday, October 08, 2010 1:57 PM  
**To:** Jeff Baron; Martin Thomas; J cox  
**Subject:** Fwd: PhoneCards.com

Sent from my iPhone

Begin forwarded message:

**From:** "Gary G. Lyon" <[glyon.attorney@gmail.com](mailto:glyon.attorney@gmail.com)>  
**Date:** October 8, 2010 1:50:40 PM CDT  
**To:** "Stan Broome" <[SBroome@broomelegal.com](mailto:SBroome@broomelegal.com)>  
**Subject:** RE: [PhoneCards.com](http://PhoneCards.com)

Stan,

I just wanted you to have a copy of this. I will see if I can work this one out with Jeff and Mark. If it comes to litigation, I will then bring you in. This way Jeff can't keep yelling about attorney fees. If I handle this one then it lets you stay around as needed in litigation. I am \$40 an hour (yeah, I know) so we can get some more bang for the buck and it frees you to concentrate on the Gerrit matter.

I am sorry I didn't clarify myself in the previous email.

Gary

-----Original Message-----

From: Stan Broome [mailto:SBroome@broomelegal.com]  
Sent: Friday, October 08, 2010 1:38 PM  
To: Gary G. Lyon  
Subject: Re: [PhoneCards.com](http://PhoneCards.com)

Ok. I will respond. Please direct him to me for any further communications on fee issues.

Thx  
Stan

Sent from my iPhone

On Oct 8, 2010, at 1:31 PM, "Gary G. Lyon" <[glyon.attorney@gmail.com](mailto:glyon.attorney@gmail.com)> wrote:

Stan,

I am forwarding this to you so that you won't be "surprised" if Jeff

additional monies as the case settled without going to trial. If Mark is arguing that he had a contingency fee agreement, I don't know that a settlement would entitle him to be paid under that contract.

Anyway, just keep this for later use if necessary.

Gary

Gary G. Lyon

Attorney at Law

Post Office Box 1227

Anna, TX 75409

972.977.7221

Fax 214.831.0411

Email: [glyon.attorney@gmail.com](mailto:glyon.attorney@gmail.com)

Skype: gary.g.lyon

This electronic message contains information, from the law firm of Gary G. Lyon, Attorney at Law, which may be privileged and confidential. The information is intended for the use of the addressee(s) only. If you are not an addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at the number or e-mail listed above.

-----Original Message-----

From: mark taylor [mailto:[mark@powerstaylor.com](mailto:mark@powerstaylor.com)]

Sent: Friday, October 08, 2010 8:43 AM

To: Gary G. Lyon

Subject: [PhoneCards.com](http://PhoneCards.com)

Gary:

Our firm is still owed \$2,460 on the hourly portion of our fees. As explained in the attached letter, I have proposed that Mr. Baron pay us an additional \$42,000 to cover the contingency fee portion of our agreement. Mr. Baron has not yet responded to this letter.

Mark

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.862 / Virus Database: 271.1.1/3183 - Release Date: 10/07/10

13:34:00

<10.7.10 Baron Correspondence.pdf>

<mark.tiff>

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.862 / Virus Database: 271.1.1/3183 - Release Date: 10/07/10

13:34:00

From: mark taylor [mailto:mark@powerstaylor.com]

Sent: Thursday, August 26, 2010 4:16 PM

To: Jeff Baron

Subject: Powers Taylor

Jeff:

I know you've got a hundred things on your plate right now, but we have an invoice that is approaching 60 days old. Could you check on getting both of our outstanding invoices paid now? We'll probably have a very small bill that will go out at the first of September, but that should be the last one. Thanks.