

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.	§	MOTION FOR <u>EMERGENCY RELIEF</u>
	§	
JEFFREY BARON, and	§	
ONDOVA LIMITED COMPANY,	§	
Defendants.	§	

**MOTION FOR EMERGENCY RULING ON MOTION TO STAY
PENDING APPEAL**

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

COMES NOW, Jeffrey Baron, Appellant, and in light of Mr. Urbanik's motion filed Friday [Doc. 151] moving this Court to consider evidence and adjudicate newly raised claims and factual issues, requests the Court to rule today on [Doc. 137] Mr. Baron's Motion to Stay.

Appellate Counsel for Mr. Baron has been retained strictly with respect to appeal of the order appointing receiver entered by this Court now on appeal to the Fifth Circuit. Mr. Baron is in need of an attorney to file proper legal objections to the timing and form of the relief requested by Mr. Urbanik, to object to the standing of Mr. Urbanik to request such relief, as well as seek a more definite statement of the relief sought.

Mr. Baron needs experienced and specialized counsel to conduct discovery and prepare to defend the very serious new charges Mr. Urbanik brings in his motion. As Mr. Urbanik has maneuvered his motion to be a part of the hearing set only 4 days from now, Mr. Baron needs an attorney to represent him on these matters *immediately*.

The limited scope of Appellate Counsel's representation is strictly limited to matters of appeal and does not cover defense of Mr. Urbanik's newly raised claims, nor any other matter in the district court beyond staying the order appointing receiver pending appeal, or declaring that order void.

Mr. Urbanik's motion seeks determination of matters including whether:

1. Mr. Baron is in breach of an injunction order,
2. Mr. Baron is violation of Federal Rule of 13 (sic),
3. Mr. Baron engaged in a bad faith bankruptcy filing,
4. Mr. Baron refused to testify, and
5. Mr. Baron is the owner of Ondova.

Mr. Urbanik also seeks the determination of substantive rights between Mr. Baron and former attorneys and judicial determination:

6. Declaring Mr. Baron a vexatious litigant,
7. Finding Mr. Baron in breach of the settlement agreement,
8. Determining Mr. Baron's liability to attorneys for fees.

Mr. Urbanik further seeks adjudication on serious allegations including:

9. Whether Mr. Urbanik's attorneys fees in the bankruptcy court are legitimate and attributable to Mr. Baron's obstructive tactics, (or conversely, if not, were unreasonable, improper, unjustified, and excessive),
10. That Mr. Baron has acted with contempt for the court,
11. Whether Mr. Baron has incurred debts without regard to the financial implication of doing so,
12. Whether Mr. Baron has engaged in fraud and is attempted to fraudulently insulate himself from judgment,

These allegations were not made in the motion to appoint receiver, and by their timing appear clearly to be in retaliation for Mr. Baron's objection to Mr. Urbanik's fees in the bankruptcy court.

Mr. Baron is currently unable to retain counsel to defend or even object to the motion raised by Mr. Urbanik because his money has been seized and this Court has ordered him not to retain any counsel to represent him in this Court. Moreover, Mr. Baron's personal papers have been seized as well as **the materials of his prior counsel**. Unless the receivership is stayed and his money, right to retain and consult with counsel, and his and his lawyer's papers are immediately

returned to him, Mr. Baron will be irreparably harmed in his defense of Mr. Urbanik's motions set only 4 days from now.

Accordingly Mr. Baron seeks an immediate stay of the receivership so that he may retain counsel to properly object and defend the very serious motion filed by Mr. Urbanik.

Mr. Urbanik has refused to withdraw his motion. Short of an order from this Court striking Mr. Urbanik's motion or expressly removing it from the docket Friday, his motion necessitates immediate stay of the receivership order.

Respectfully submitted,

/s/ Gary N. Schepps _____
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**APPELLATE COUNSEL FOR
JEFFREY BARON**

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

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned conferred with Mr. Raymond J. Urbanik, attorney for DANIEL J. SHERMAN, Trustee for ONDOVA LIMITED COMPANY, and they opposed the motion.

/s/ Gary N. Schepps
Gary N. Schepps