

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 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 grant 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. This Honorable Court has ordered that any motions filed on behalf of Baron be filed as motions for leave.

2. 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.” Baron requested such an order and this Honorable Court granted such an order.

3. However, this Honorable Court has now entered an order that the stay will not be allowed pending appeal because Novo Point LLC and Quantec LLCs

motion before the Fifth Circuit was denied. Accordingly, this Honorable Court is denying relief this Honorable Court Advised would be ordered, and is penalizing relief granted to Baron because of appellate motions made on behalf of Novo Point LLC and Quantec LLC.

4. This Honorable Court advised the Fifth Circuit that the orders to liquidate and pay attorneys would be stayed by this Honorable Court pending appeal. Baron requested from this Honorable Court that relief. (This Court instructed the LLCs not to file motions with this Honorable Court, and therefore filed in the Fifth Circuit.). Both Baron and the LLCs have honored the orders of this Honorable Court. This motion respectfully prays that this Honorable Court will reconsider the issue and stay the asset sales pending appeal, as this Honorable Court Advised would be done.

5. Jointly and in the alternative, emergency temporary stay is prayed for to allow for alternative purchases to be found to raise the same net revenue from 1/50th of the amount of assets. If each asset is worth over a million dollars, selling a single asset at a higher price will accomplish the purpose of paying fees, if that is the purpose. Sherman has acknowledged on the record that individual domains can be sold for over a million dollars.

6. The domain names are unique, and if lost through sales the damage would be irreparable. Sherman and Vogel have taken the position that sale of domains are

non-appealable. If that is correct, allowing the sales of unique names wrongfully would be irreparable. That is because once an asset is sold, might not be subsequently restored and appeal might be made moot as Sherman and Vogel argue. *See, e.g., American Grain Ass'n v. Lee-Vac, Ltd.*, 630 F.2d 245, 247 (5th Cir. 1980). Additionally, there is no party with sufficient assets to cover the loss should the sales be found to be wrongful.

WHEREFORE, Jeff Baron requests the Court to reconsider the 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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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