

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 STAY
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 stay the sale of domain names pending appeal as this Honorable Court advised the Fifth Circuit would be done. [Doc 631]. Baron respectfully moves for the immediate issuance of a stay this date to prevent the sale of the domains pending appeal as this Honorable Court advised 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. 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.

3. For further cause, the argument of appellate briefing is attached hereto as Exhibits "A" and "B" and incorporated herein by reference.

WHEREFORE, Jeff Baron requests the Court to immediately stay the receivership pending resolution of the issues on appeal to the Fifth Circuit.

Respectfully submitted,

/s/ Gary N. Schepps

Gary N. Schepps
Texas State Bar No. 00791608
Drawer 670804
Dallas, Texas 75367
(214) 210-5940 - Telephone
(214) 347-4031 - Facsimile
E-mail: legal@schepps.net
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

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attempted to conferred with counsel for Sherman and Vogel by E-mail.

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