

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

NETSPHERE, INC., Et. Al.	§	
<i>Plaintiffs,</i>	§	
vs.	§	Civil Action No. 3-09CV0988-F
	§	
JEFFREY BARON, Et. Al.	§	
<i>Defendants</i>	§	

COUNTER NOTICE OF FIFTH CIRCUIT ORDER

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

Out of an abundance of caution Defendant Jeff Baron files this counter notice of the Fifth Circuit’s Order and raises to the attention of this Honorable Court the following aspect of the Fifth Circuit’s ruling the Receiver’s notice omitted:

“[A]ll fees and expenses need to be re-evaluated in light of our holding that the Receivership should not have been created. That conclusion neither authorizes nor prevents further necessary disbursements. The import of our order of November 9, 2012, has not changed, which said this: "Disbursement of any other assets of the Receivership should be as limited as possible ...”

“[T]he only expenditures should be those appropriate for the Receiver to make until relinquishment of control of assets. It is for the district court to make the initial determination of whether approval of additional fees and expenses is appropriate at this time in light of the re-evaluation of all fees and expenses of the Receivership.”

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