

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

NOVO POINT, LLC., et al.	§	
<i>Plaintiffs,</i>	§	
vs.	§	Civil Action No. 3:14-CV-1552-L
	§	
ELISA KATZ, et al.	§	
<i>Defendants</i>	§	

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**APPENDIX INDEX**

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Exhibit A - Baron-McNair Counsel's Threat to Fabulous ..... 2

Exhibit B - Keating's Recent Filing.....5



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11 August 2014

**URGENT**

Mr Erhan Karabardak  
Director  
Cooper Mills Lawyers  
Level 4  
459 Little Collins Street  
MELBOURNE VIC 3000  
erhan.karabardak@coopermills.com.au

Dear Erhan

**Novo Point – Quantec domain names**

We understand that you act for Fabulous, the registrar in relation to the above referenced domain names.

We are solicitors for Novo Point, LLC and Quantec, LLC, both Cook Islands corporations, and on behalf of RPV Ltd, trustee of the Village Trust. The Trust is a Cook Islands trust and owner of both Novo Point and Quantec.

Our clients intend to seek urgent injunctive relief against your client, to prevent your client from unlocking so as to permit transfer or any change to the WHOIS (including name server designation) to any accounts in which Novo Point or Quantec directly or indirectly hold domain names with Fabulous.

While we understand that Fabulous does not wish to be placed in a situation in which it must adjudicate matters, we do not believe Fabulous is being placed in such a position.

With respect to the US Court Orders apparently referenced by Ms. Elissa Katz, such orders merely directed that the Receiver in that action tender assets to Ms. Katz. The Court Orders explicitly stated the Court's refusal to determine control or ownership of the LLCs or whether Ms. Katz had authority going forward. The Orders state in relevant part as follows:

“The court rejects the Receiver’s request for it to conduct a show cause hearing or proceedings to determine the ownership of the Baron or Novo Point/Quantec assets, and will not consider any evidence in this regard. The court therefore denies the Receiver’s request for a scheduling conference. While the ownership of Novo Point and Quantec may have been relevant in the bankruptcy proceeding, such a determination is not relevant or necessary to comply with the Fifth Circuit’s mandate that the receivership, the creation of which was determined to be improper, be wound down expeditiously. Thus, any such determination is outside of the court’s jurisdiction. For the same reason, the court does not and will not have



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11 August 2014

jurisdiction in this case over any claims and disputes regarding the ownership of the receivership.

Accordingly, except for cash currently remaining in the receivership, the Receiver is directed to return without delay by March 7, 2014, all of Baron's receivership assets to Baron, and all receivership assets of Novo Point and Quantec shall be returned to Novo Point's and Quantec's designated and authorized **agent** Lisa Katz."<sup>1</sup>

The Court reiterated its refusal to inquire into authority, control or ownership in the 10 March Order.

Baron contends that there is no evidence before the court that Lisa Katz, the person designated by Novo Point LLC and Quantec LLC, is the current manager of the LLCs, and that steps have been taken to terminate Christopher Payne as counsel for the LLCs. For the reasons previously explained, the court concludes that it would be improper for it to conduct proceedings regarding the ownership of Novo Point LLC and Quantec LLC, that it is unnecessary for the court to engage in such an extensive undertaking to effect the winding down of the receivership, and that such proceedings would unnecessarily delay the winding down of the receivership. Further, as Baron previously requested the Fifth Circuit to clarify that he is not the principal beneficiary of Novo Point LLC and Quantec LLC, it does not appear that he has standing to oppose the manner in which the court has directed the Receiver to return the Novo Point LLC and Quantec LLC receivership assets.<sup>2</sup>

Thus, in any situation, Katz is an *agent* and as such is beholding to the principal. As you know from Mr. Keating's letter to you of 8 August, Ms. Katz is refusing to submit to any principal AND, more egregiously, not undertaking any efforts to seek instruction from any principal. Rather, she is undertaking all efforts to block any attempt by the principals to gain control. Should the accounts be unlocked it is believed that she will undertake to immediately transfer the domain names of our client. This is harm that our client will suffer, where damages may not be an adequate remedy.

In the circumstances, **Fabulous will be taking significant risks if it relies upon the US Court Order references by Ms Katz. In short, as discussed above, the US Court Order is not directly on point, and a US Court does not have the appropriate jurisdiction that can be relied upon by Fabulous in this instance.**

A Declaratory Relief Application is presently pending in the Cook Islands. The Application seeks to confirm the authority of the current trustee of the Trust as well as of the LLCs' manager, Mr. David McNair. These issues are exclusively within the jurisdiction of the Cook Islands Courts as they pertain to Cook Islands entities controlled by Cook Islands laws. The trustee is a Cook Islands entity and Mr. McNair is a Cook Islands resident.

As you know, judges in the Cook Islands Courts are experienced judges and other legal experts usually sourced from either Australia or New Zealand. The application is well underway and I understand you have received a copy of the filings from Mr. Keating, an attorney who also acts for my clients. **There should be no reason why Fabulous should not be satisfied with a judgment from a Cook Islands Court.**

We therefore request that Fabulous consent to retaining the lock on the accounts pending resolution of the Cook Islands application. In the event this is for some reason not satisfactory, we request that the lock

<sup>1</sup> *Netsphere* action, Court Order dated February 28, 2014, Doc 1368, p.9. Emphasis added. A copy was provided to you with Mr. Keating's letter of August 8, 2014.

<sup>2</sup> *Netsphere* action, Court Order dated March 11, 2014, Doc 1397, p. 2. A copy was provided to you with Mr. Keating's letter of August 8, 2014.



Cooper Mills Lawyers

11 August 2014

remain in place for 10 days from the date of this letter, to allow our clients to file for urgent injunctive relief in the Supreme Court of Queensland. In the event such a local action is required, please kindly confirm that you will accept service on behalf of Fabulous?

Our clients reserve all their rights.

Yours sincerely

*John Swinson*

John Swinson  
Partner in Charge, Brisbane  
T +61 7 3244 8050  
john.swinson@au.kwm.com

No. **13-10696**

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

**NETSPHERE, INCORPORATED; ET AL,**  
*Plaintiffs,*

vs.

**JEFFREY BARON,**  
*Defendant-Appellant,*

**QUANTEC L.L.C.; NOVO POINT, L.L.C.,**  
*Movants-Appellants*

vs.

**PETER S. VOGEL,**  
*Appellee,*

---

Appeal from the United States District Court  
for the Northern District of Texas, Dallas Division  
Docket No. 3:09-CV-988

---

**APPELLANTS NOVO POINT, LLC AND QUANTEC, LLC'S  
UNOPPOSED EXPEDITED MOTION TO EXTEND DEADLINE TO  
FILE APPELLANTS' OPPOSITION TO MOTION OF GARDERE  
WYNNE SEWELL LLP TO DISMISS APPEAL OF NOVO  
POINT/QUANTEC; ALTERNATIVE MOTION TO ABATE AND  
REMAND TO DETERMINE APPELLATE JURISDICTION (DOC  
00512724150)**

*/s/ Paul Raynor Keating*  
PAUL RAYNOR KEATING  
173 Balmes 2<sup>o</sup> 2<sup>a</sup>, 08006  
Barcelona, Spain, Tel. (415)  
937.0836, Fax. (415) 358.4450  
*Attorneys for Appellants, Novo  
Point LLC and Quantec LLC*

**TO THE HONORABLE JUDGES OF THIS COURT:**

Novo Point, LLC and Quantec, LLC (“Appellants”) respectfully request that the Court grant a TEN (10) day extension to file Appellants’ Opposition to the Motion Of Gardere Wynne Sewell LLP To Dismiss Appeal Of Novo Point/Quantec; Alternative Motion To Abate And Remand To Determine Appellate Jurisdiction (Doc 00512724150) and would show:

Gardere Wynne Sewell LLP is indicated in the Court’s docket as a non-party in this Appeal.

On August 6, 2014, Appellants’ counsel received notice via the Electronic Court Filing System of the above motion filed by Gardere Wynne Sewell, LLP (“Gardere”).

Appellants’ counsel, a sole practitioner, has been required to respond to a Summary Judgment Motion in Novo Point, filed August 13, 2014 in *Novo Point, LLC And Quantec, LLC, Plaintiffs v. Elisa Katz, et al.*, Civil Action No. 3:14-cv-01552-L, pending in The United States District Court For The Northern District Of Texas, and has been, and remains, in the process of preparing and responding to filings undertaken in an action filed in foreign jurisdictions, including the Cook Islands and in Queensland Australia. When it became apparent that Mr. Keating could not complete the above and timely respond to Gardere’s motion, he consulted with counsel requesting a short extension.

On August 12, 2014, Appellants’ counsel, Mr. Keating, forwarded an email to all relevant counsel in this Appeal requesting a ten (10) day extension in which to file Appellants’ Opposition. A true and correct copy of Mr. Keating’s email is attached as Exhibit “A”.

On August 12, 2014, Mr. Keating received an email from David J. Schenck, counsel for Appellee Mr. Peter S. Vogel, indicating no opposition to the request. A true and correct copy of Mr. Schenck’s email is attached as Exhibit “B”.

During a telephone conference on August 12, 2014, Mr. Leonard Simon of Pendergraft & Simon, LLC, counsel for appellant Jeffery Baron, orally consented to the requested extension.

On August 13, 2014, Mr. Keating received an email from Stacy Obenhaus, one of the counsel listed for Gardere, indicating no opposition to the request. A true and correct copy of Mrs. Obenhaus' email is attached as Exhibit "C".

On August 6, 2014, this Court granted the request of Appellee Mr. Peter S. Vogel, extending the briefing schedule in this matter until September 19, 2014.

On August 6, 2014, Gardere filed a MOTION to extend time to an opening brief until September 19, 2014. Appellants do not oppose Gardere's motion to extend time.

This extension is being requested in good faith and not for purposes of delaying or harassing. It is requested so that Appellants' may have a fair opportunity to respond to the motion seeking dismissal of their appeal.

The instant motion is unopposed by Appellee and by movant, Gardere.

The short extension requested will not act to prejudice any party or this Court.

**WHEREFOR**, Appellants respectfully request that this Court issue an order providing that Appellants' Opposition to Gardere's motion to dismiss shall be due on August 25, 2014.

*/s/ Paul Raynor Keating*  
PAUL RAYNOR KEATING  
173 Balmes 2<sup>o</sup> 2<sup>a</sup>, 08006  
Barcelona, Spain, Tel. (415)  
937.0836, Fax. (415) 358.4450  
Attorneys for Appellants, Novo  
Point LLC and Quantec LLC

*EXHIBIT "A"*



**Subject:** Request for Extension to File Opposition to Motions Re: Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit  
**Date:** Tuesday, August 12, 2014 7:50:44 PM Central European Summer Time  
**From:** Paul Keating <paul@law.es>  
**To:** Obenhaus, Stacy <sobenhaus@gardere.com>, m.tayari@tayarilaw.com <m.tayari@tayarilaw.com>, dschenck@dykema.com <dschenck@dykema.com>, Leonard Simon (LSimon@pendergraftsimon.com) <LSimon@pendergraftsimon.com>, craig.c@westllp.com <craig.c@westllp.com>, whaddock@pendergraftsimon.com <whaddock@pendergraftsimon.com>, mbprobus@w-plaw.com <mbprobus@w-plaw.com>  
**Priority:** High

Dear Ms. Obenhaus and everyone else,

In reference to Gardere Wynne's pending motion set out in Doc 00512724150, I ask that you kindly consent to a 10 day extension of time such that the Opposition for Novo Point and Quantec are due on the 25th of August.

I am currently preparing an opposition in a motion for summary judgment in another action and have a substantial amount of work to do with a filing in the Cook Islands and another in Queensland Australia. Given my workload I will not be able to complete an opposition to your motion on or before its due date of the 15th.

I look forward to hearing from you.

Sincerely,  
Paul Raynor Keating, Esq.  
[Law.es](mailto:paul@law.es)  
Tel. +34 93 368 0247 (Spain)  
Tel. +447531400177 (UK)  
Fax. (Europe) +34 93 396 0810  
Fax. (US)(415) 358.4450  
Skype: Prk-Spain  
email: [Paul@law.es](mailto:Paul@law.es)

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---

**From:** "Obenhaus, Stacy" <[sobenhaus@gardere.com](mailto:sobenhaus@gardere.com)>

**Date:** Thursday, July 31, 2014 5:21 PM

**To:** Paul Keating <[paul@law.es](mailto:paul@law.es)>, "[m.tavari@tavarilaw.com](mailto:m.tavari@tavarilaw.com)" <[m.tavari@tavarilaw.com](mailto:m.tavari@tavarilaw.com)>, "[dschenck@dykema.com](mailto:dschenck@dykema.com)" <[dschenck@dykema.com](mailto:dschenck@dykema.com)>, "Leonard H. Simon" <[lsimon@pendergraftsimon.com](mailto:lsimon@pendergraftsimon.com)>, "[craig.c@westllp.com](mailto:craig.c@westllp.com)" <[craig.c@westllp.com](mailto:craig.c@westllp.com)>, "[whaddock@pendergraftsimon.com](mailto:whaddock@pendergraftsimon.com)" <[whaddock@pendergraftsimon.com](mailto:whaddock@pendergraftsimon.com)>, "[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)" <[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)>, Paul Keating <[paul@law.es](mailto:paul@law.es)>, Paul Keating <[prkeating@renovaltd.com](mailto:prkeating@renovaltd.com)>

**Subject:** Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

Anyone object to Gardere appearing in the appeal to seek the relief requested below? Anyone object to the relief?

---

**From:** Obenhaus, Stacy

**Sent:** Tuesday, July 29, 2014 12:18 PM

**To:** [paul@law.es](mailto:paul@law.es); '[m.tavari@tavarilaw.com](mailto:m.tavari@tavarilaw.com)'; [dschenck@dykema.com](mailto:dschenck@dykema.com); Leonard Simon ([LSimon@pendergraftsimon.com](mailto:LSimon@pendergraftsimon.com)); '[craig.c@westllp.com](mailto:craig.c@westllp.com)'; '[whaddock@pendergraftsimon.com](mailto:whaddock@pendergraftsimon.com)'; '[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)'; '[Paul@law.es](mailto:Paul@law.es)'; '[PRKeating@Renovaltd.com](mailto:PRKeating@Renovaltd.com)'

**Subject:** Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

At your earliest convenience, let me know if your clients will oppose a motion by the Gardere law firm to dismiss the appeals as to Gardere, with regard to both Baron and the Novo Point/Quantec parties.

Also . . .

At your earliest convenience, let me know if your clients will oppose a motion by the Gardere law firm (a) to abate the appeal, and remand to the district court to determine the issues being raised there regarding the attorneys' authority to file the appeal on behalf of Novo Point/Quantec, (b) to abate all briefing deadlines pending that determination, and (c) in the alternative, to extend for 30 days any briefing deadline the Gardere law firm has for filing any principal brief as appellee in this case.

**Stacy R. Obenhaus**

Board Certified - Civil Appellate Law  
Texas Board of Legal Specialization

**Gardere Wynne Sewell LLP**

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1601 Elm Street  
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**GARDERE**

Austin | Dallas | Houston | Mexico City

*EXHIBIT "B"*

**Subject:** RE: Request for Extension to File Opposition to Motions Re: Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit  
**Date:** Tuesday, August 12, 2014 8:26:31 PM Central European Summer Time  
**From:** Schenck, David <DSchenck@dykema.com>  
**To:** Paul Keating <paul@law.es>, Obenhaus, Stacy <sobenhaus@gardere.com>, m.tayari@tayarilaw.com <m.tayari@tayarilaw.com>, Leonard Simon (LSimon@pendergraffsimon.com) <LSimon@pendergraffsimon.com>, craig.c@westllp.com <craig.c@westllp.com>, whaddock@pendergraffsimon.com <whaddock@pendergraffsimon.com>, mbprobus@w-plaw.com <mbprobus@w-plaw.com>

I have no objection one way or the other.

Dykema

David J. Schenck  
Member  
DSchenck@dykema.com

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---

**From:** Paul Keating [mailto:paul@law.es]  
**Sent:** Tuesday, August 12, 2014 12:51 PM  
**To:** Obenhaus, Stacy; m.tayari@tayarilaw.com; Schenck, David; Leonard Simon (LSimon@pendergraffsimon.com); craig.c@westllp.com; whaddock@pendergraffsimon.com; mbprobus@w-plaw.com  
**Subject:** Request for Extension to File Opposition to Motions Re: Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit  
**Importance:** High

Dear Ms. Obenhaus and everyone else,

In reference to Gardere Wynne's pending motion set out in Doc 00512724150, I ask that you kindly consent to a 10 day extension of time such that the Opposition for Novo Point and Quantec are due on the 25th of August.

I am currently preparing an opposition in a motion for summary judgment in another action and have a substantial amount of work to do with a filing in the Cook Islands and another in Queensland Australia. Given my workload I will not be able to complete an opposition to your motion on or before its due date of the 15th.

I look forward to hearing from you.

Sincerely,

Paul Raynor Keating, Esq.

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**Date:** Thursday, July 31, 2014 5:21 PM  
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**Subject:** Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

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**Sent:** Tuesday, July 29, 2014 12:18 PM  
**To:** [paul@law.es](mailto:paul@law.es); '[m.tayari@tavarilaw.com](mailto:m.tayari@tavarilaw.com)'; [dschenck@dykema.com](mailto:dschenck@dykema.com); Leonard Simon ([LSimon@pendergraftsimon.com](mailto:LSimon@pendergraftsimon.com)); '[craig.c@westllp.com](mailto:craig.c@westllp.com)'; '[whaddock@pendergraftsimon.com](mailto:whaddock@pendergraftsimon.com)'; '[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)'; '[Paul@law.es](mailto:Paul@law.es)'; '[PRKeating@Renovaltd.com](mailto:PRKeating@Renovaltd.com)'  
**Subject:** Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

At your earliest convenience, let me know if your clients will oppose a motion by the Gardere law firm to dismiss the appeals as to Gardere, with regard to both Baron and the Novo Point/Quantec parties.

Also . . .

At your earliest convenience, let me know if your clients will oppose a motion by the Gardere law firm (a) to abate the appeal, and remand to the district court to determine the issues being raised there regarding the attorneys' authority to file the appeal on behalf of Novo Point/Quantec, (b) to abate all briefing deadlines pending that determination, and (c) in the alternative, to extend for 30 days any briefing deadline the Gardere law firm has for filing any principal brief as appellee in this case.



**Stacy R. Obenhaus**  
Board Certified - Civil Appellate Law  
Texas Board of Legal Specialization  
**Gardere Wynne Sewell LLP**  
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*EXHIBIT "C"*

**Subject:** RE: Request for Extension to File Opposition to Motions Re: Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit  
**Date:** Wednesday, August 13, 2014 3:38:32 PM Central European Summer Time  
**From:** Obenhaus, Stacy <sobenhaus@gardere.com>  
**To:** Paul Keating <paul@law.es>  
**CC:** Baker, Evan <ebaker@gardere.com>

Do not oppose.

---

**From:** Paul Keating [mailto:paul@law.es]  
**Sent:** Tuesday, August 12, 2014 6:48 PM  
**To:** Schenck, David; Obenhaus, Stacy; m.tayari@tayarilaw.com; Leonard Simon (LSimon@pendergraftsimon.com); craig.c@westllp.com; whaddock@pendergraftsimon.com; mbprobus@wplaw.com  
**Subject:** Re: Request for Extension to File Opposition to Motions Re: Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

Thank you David,

Stacy, could you please let me know?

Sincerely,

Paul Raynor Keating, Esq.

[Law.es](mailto:paul@law.es)

Tel. +34 93 368 0247 (Spain)

Tel. +447531400177 (UK)

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---


**From:** "Schenck, David" <[DSchenck@dykema.com](mailto:DSchenck@dykema.com)>  
**Date:** Tuesday, August 12, 2014 8:26 PM



To: Paul Keating <[paul@law.es](mailto:paul@law.es)>, "Obenhaus, Stacy" <[sobenhaus@gardere.com](mailto:sobenhaus@gardere.com)>, "[m.tayari@tayarilaw.com](mailto:m.tayari@tayarilaw.com)" <[m.tayari@tayarilaw.com](mailto:m.tayari@tayarilaw.com)>, "Leonard H. Simon" <[lsimon@pendergraftsimon.com](mailto:lsimon@pendergraftsimon.com)>, "[craig.c@westllp.com](mailto:craig.c@westllp.com)" <[craig.c@westllp.com](mailto:craig.c@westllp.com)>, "[whaddock@pendergraftsimon.com](mailto:whaddock@pendergraftsimon.com)" <[whaddock@pendergraftsimon.com](mailto:whaddock@pendergraftsimon.com)>, "[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)" <[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)>

**Subject:** RE: Request for Extension to File Opposition to Motions Re: Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

I have no objection one way or the other.

	<b>David J. Schenck</b> Member <a href="mailto:DSchenck@dykema.com">DSchenck@dykema.com</a>	214-462-6413 Direct 214-462-6400 Main 855-227-4721 Fax	Comerica Bank Tower 1717 Main Street, Suite 4000 Dallas, Texas 75201 <a href="http://www.dykema.com">www.dykema.com</a>
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**From:** Paul Keating [<mailto:paul@law.es>]

**Sent:** Tuesday, August 12, 2014 12:51 PM

**To:** Obenhaus, Stacy; [m.tayari@tayarilaw.com](mailto:m.tayari@tayarilaw.com); Schenck, David; Leonard Simon ([LSimon@pendergraftsimon.com](mailto:LSimon@pendergraftsimon.com)); [craig.c@westllp.com](mailto:craig.c@westllp.com); [whaddock@pendergraftsimon.com](mailto:whaddock@pendergraftsimon.com); [mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)

**Subject:** Request for Extension to File Opposition to Motions Re: Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

**Importance:** High

Dear Ms. Obenhaus and everyone else,

In reference to Gardere Wynne's pending motion set out in Doc 00512724150, I ask that you kindly consent to a 10 day extension of time such that the Opposition for Novo Point and Quantec are due on the 25th of August.

I am currently preparing an opposition in a motion for summary judgment in another action and have a substantial amount of work to do with a filing in the Cook Islands and another in Queensland Australia. Given my workload I will not be able to complete an opposition to your motion on or before its due date of the 15th.

I look forward to hearing from you.

Sincerely,

Paul Raynor Keating, Esq.

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**From:** "Obenhaus, Stacy" <[sobenhaus@gardere.com](mailto:sobenhaus@gardere.com)>  
**Date:** Thursday, July 31, 2014 5:21 PM  
**To:** Paul Keating <[paul@law.es](mailto:paul@law.es)>, "[m.tayari@tayarilaw.com](mailto:m.tayari@tayarilaw.com)" <[m.tayari@tayarilaw.com](mailto:m.tayari@tayarilaw.com)>, "[dschenck@dykema.com](mailto:dschenck@dykema.com)" <[dschenck@dykema.com](mailto:dschenck@dykema.com)>, "Leonard H. Simon" <[lsimon@pendergrachtsimon.com](mailto:lsimon@pendergrachtsimon.com)>, "[craig.c@westllp.com](mailto:craig.c@westllp.com)" <[craig.c@westllp.com](mailto:craig.c@westllp.com)>, "[whaddock@pendergrachtsimon.com](mailto:whaddock@pendergrachtsimon.com)" <[whaddock@pendergrachtsimon.com](mailto:whaddock@pendergrachtsimon.com)>, "[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)" <[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)>, Paul Keating <[paul@law.es](mailto:paul@law.es)>, Paul Keating <[prkeating@renovaltd.com](mailto:prkeating@renovaltd.com)>  
**Subject:** Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

Anyone object to Gardere appearing in the appeal to seek the relief requested below? Anyone object to the relief?

---

**From:** Obenhaus, Stacy  
**Sent:** Tuesday, July 29, 2014 12:18 PM  
**To:** [paul@law.es](mailto:paul@law.es); '[m.tayari@tayarilaw.com](mailto:m.tayari@tayarilaw.com)'; [dschenck@dykema.com](mailto:dschenck@dykema.com); Leonard Simon ([LSimon@pendergrachtsimon.com](mailto:LSimon@pendergrachtsimon.com)); '[craig.c@westllp.com](mailto:craig.c@westllp.com)'; '[whaddock@pendergrachtsimon.com](mailto:whaddock@pendergrachtsimon.com)'; '[mbprobus@w-plaw.com](mailto:mbprobus@w-plaw.com)'; '[Paul@law.es](mailto:Paul@law.es)'; '[PRKeating@Renovaltd.com](mailto:PRKeating@Renovaltd.com)'  
**Subject:** Netsphere/Baron/Quantec, No. 13-10696, US Court of Appeals, Fifth Circuit

At your earliest convenience, let me know if your clients will oppose a motion by the Gardere law firm to dismiss the appeals as to Gardere, with regard to both Baron and the Novo Point/Quantec parties.

Also . . .

At your earliest convenience, let me know if your clients will oppose a motion by the Gardere law firm (a) to abate the appeal, and remand to the district court to determine the issues being raised there regarding the attorneys' authority to file the appeal on behalf of Novo Point/Quantec, (b) to abate all briefing deadlines pending that determination, and (c) in the alternative, to extend for 30 days any briefing deadline the Gardere law firm has for filing any principal brief as appellee in this case.



Stacy R. Obenhaus

Board Certified - Civil Appellate Law

Texas Board of Legal Specialization

**Gardere Wynne Sewell LLP**

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### CERTIFICATE OF CONFERENCE

The undersigned certifies that he conferred with opposing counsel regarding this Motion as follows:

1. An email exchange occurred with counsel for Appellee, David Schenck, on August 12, 2014, in which Mr. Schenck stated his client did not oppose the requested extension.

2. An email exchange occurred with Stacy Obenhaus, counsel for movant, Gardere on August 12, 2014 and by email dated August 13, 2014, Ms. Obenhaus stated her client did not oppose the requested extension.

3. An email exchange and telephone conference was held on August 12, 2014 with Leonard Simon of Pendergraft & Simon, LLC, counsel for appellant Jeffery Baron, in which Mr. Simon consented to the requested extension.

*/s/ Paul Raynor Keating*  
PAUL RAYNOR KEATING  
173 Balmes 2<sup>o</sup> 2<sup>a</sup>, 08006  
Barcelona, Spain, Tel. (415)  
937.0836, Fax. (415) 358.4450  
Attorneys for Appellants, Novo  
Point LLC and Quantec LLC

### CERTIFICATE OF SERVICE

The undersigned certifies that on this day, August 14, 2014, the *Appellants Novo Point, LLC's And Quantec, LLC's Unopposed Expedited Motion To Extend Deadline To File Appellants' Opposition To Motion Of Gardere Wynne Sewell LLP To Dismiss Appeal Of Novo Point/Quantec; Alternative Motion To Abate And Remand To Determine Appellate Jurisdiction (Doc 00512724150)* was electronically filed with the Clerk of the United States Court of Appeals for the Fifth Circuit using the Appellate CM/ECF system. Accordingly, counsel who have entered an appearance in this case and are registered Appellate CM/ECF users will be served electronically by the Appellate CM/ECF system through their registered e-mail addresses.

*/s/ Paul Raynor Keating*  
PAUL RAYNOR KEATING  
173 Balmes 2<sup>o</sup> 2<sup>a</sup>, 08006  
Barcelona, Spain, Tel. (415)  
937.0836, Fax. (415) 358.4450  
*Attorneys for Appellants, Novo  
Point LLC and Quantec LLC*