

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. | § |
| | § Motion for Expedited Relief |
| JEFFREY BARON, and | § |
| ONDOVA LIMITED COMPANY, | § |
| Defendants. | § |

MOTION FOR LEAVE TO FILE: MOTION PURSUANT TO 28 U.S.C. 144

TO THE HONORABLE JUDGE ROYAL FURGESON:

COMES NOW JEFF BARON, and moves this Court to grant leave to file the following motion pursuant to 28 U.S.C. §144:

Based upon a careful review of the record of the case, and based upon the Court’s ruling with respect to the ‘unfounded’ nature of the statements made with respect to Peter Barrett, the undersigned counsel certifies that Jeff Baron’s affidavit and statements that he cannot receive fair and impartial treatment nor a fair and impartial hearing before Judge Furgeson with respect to attorneys’ claims has been made in good faith.

WHEREFORE, the SECTION 144 AFFIDAVIT OF JEFFREY BARON is presented to this Court, for a determination of whether the facts and reasons set out in the affidavit give fair support to the charge of a bent of mind that *may* prevent or impede impartiality of judgment with respect the claims of attorneys and the respective defenses thereto.

Respectfully submitted,

/s/ Gary N. Schepps

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**COURT ORDERED TRIAL
COUNSEL FOR JEFF BARON**

CERTIFICATE OF SERVICE

This is to certify that this brief was served this day on all parties who receive notification through the Court's electronic filing system.

CERTIFICATE OF GOOD FAITH

DATED: April 27, 2011.

Based upon a careful review of the record of the case, and based upon the Court's ruling with respect to the 'unfounded' nature of the statements made with respect to Peter Barrett, the undersigned counsel certifies that Jeff Baron's affidavit and statements that he cannot receive fair and impartial treatment nor a fair and impartial hearing before Judge Furgeson with respect to attorneys' claims has been made in good faith.

I am a solo practitioner and this motion was presented as quickly as I was able after the Court's ruling with respect to the Barrett issues. I carefully reviewed the material to provide this certificate and present this motion and there was delay due to 5 intervening days for which I have a firm religious commitment not to work (4 days of Passover and a Sabbath). The prior two business days have been religious holidays, and that is why this motion is filed now and not on Monday. This motion has been made in good faith and is not intended as a surprise or as a procedural maneuver.

/s/ Gary N. Schepps
Gary N. Schepps