

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

In re:	§	
	§	Case No. 09-34784-SGJ
ONDOVA LIMITED COMPANY,	§	(Chapter 11)
	§	
	§	
Debtor	§	

**APPELLANTJEFFREY BARON’S STATEMENT OF ISSUES ON APPEAL
REGARDING ORDER DENYING APPELLANT’S MOTION TO DISMISS FOR LACK
OF JURISDICTION AND PARIAL SUMMARY JUDGMENT ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Jeffrey Baron, Appellant, in accordance with Rule 8006 of the Bankruptcy Rules and files this, the Appellant’s Statement of Issues on Appeal Regarding Court Order Denying Alleged Debtors’ Motion to Dismiss for Lack of Subject Matter Jurisdiction [112] and Partial Summary Judgment Order. [118]

As to both the Order Denying the Alleged Debtors’ Motion to Dismiss for Lack of Jurisdiction and Partial Summary Judgment Order, Appellant states the following issues for appeal:

1. Whether the bankruptcy court erred by failing to dismiss the involuntary bankruptcy and, instead, ruling that bankruptcy jurisdiction was established over Appellant as a matter of law by District Court Docket 575 (hereafter, the “Claimant Order”).
 - a. Whether the Claimant Order was a Final Order?

- b. Whether the Claimant Order established the personal liability of the Appellant to each of Petitioning Creditors and foreclosed any bona fide disputes as to the validity or amount of the alleged debts?
 - c. Whether District Court Docket 987 stayed, pending appeal, the Claimant Order and therefore renders the Petitioning Creditors' claims subject to a bona fide dispute?
 - e. Whether the Fifth Circuit Court of Appeals stayed the Claimant Order through findings set out and specifically articulated in its Opinion and Order of December 18, 2012 and therefore renders the Petitioning Creditors' claims subject to a bona fide dispute?
 - f. Whether the Fifth Circuit Court of Appeals Order of November 9, 2012 and/or December 31, 2012 stayed the Claimant Order and therefore renders the Petitioning Creditors' claims subject to a bona fide dispute?
 - g. Whether res judicata bars Appellant's bona fide disputes as to the Petitioning Creditors' claims because no final determination was made of either the liability or amount of the claims against Appellant?
 - h. Whether collateral estoppel bars Appellants bona fide disputes as to the Petitioning Creditors' claims because the "facts" determined were not essential to the order, and because the order was not fully and fairly litigated.
2. Whether the bankruptcy court erred in ruling that res judicata bars Appellant from establishing a bona fide dispute as to the claims of the Petitioning Creditors?
 3. Whether the bankruptcy court erred in ruling that collateral estoppel bars Appellant from establishing a bona fide dispute as to the claims of the Petitioning Creditors?
 4. Whether the Fifth Circuit decision dated December 18, 2012 was res judicata and/or collaterally estopped re-litigation of Petitioning Creditors' claim that Docket 575 had "not been reduced to judgment", the current and former lawyers were "nonjudgment creditors" who sought to recover on "unsecured claims...that had not been reduced to judgment" and therefore not a final judgment on the merits?
 5. Whether an order that was part of a vacated receivership proceeding can serve as a basis for collateral estoppel or res judicata in subsequent proceedings?
 6. Whether Petitioning Creditors' Petition was barred and should have been dismissed as a result of District Court's Receivership Order?

As to the Order Denying the Alleged Debtors' Motion to Dismiss for Lack of Jurisdiction, in addition to the issues raised above, Appellant raises the following issues for appeal:

7. Whether Petitioning Creditors acted in bad faith by filing an involuntary bankruptcy petition where, as here, they were fully aware that the Fifth Circuit Court of Appeals ruled that there was no judgment on the merits as to the claims raised by the Petitioning Creditors.
8. Whether Petitioning Creditors' filing of the Involuntary Bankruptcy Petition was an abuse of the bankruptcy Code and a waste of judicial resources?
9. Whether the Petitioning Creditors' filing of the Involuntary Bankruptcy Petition Interfered with the jurisdiction of the District Court in Winding Down the Receivership, as ordered by the Fifth Circuit Court of Appeals?

As to the Partial Summary Judgment Order, in addition to the issues raised above in Issues 1-6, Appellant raises the following issues on appeal:

10. Whether the bankruptcy court erred in failing to grant Appellant's Motion For Continuance to take discovery from Petitioning Creditors prior to ruling on its Motion for Summary Judgment.
11. Whether the bankruptcy court erred in failing to grant the alleged debtor's motion to dismiss as the determination and adjudication of the substantive merits of the Petitioning Creditors' disputes before the bankruptcy court constituted the "prototypical exercise of judicial power" that must be heard by an Article III judge.
12. Whether the bankruptcy court should have dismissed the involuntary bankruptcy petition for insufficient service of process?
13. Whether the bankruptcy court should have dismissed the involuntary bankruptcy petition for denial of due process, including but not limited to the alleged debtor's inability to hire counsel of choice to defend himself and his assets?
14. Whether an order entered in *In re Ondova* granting Pronske & Patel, P.C. substantial contribution constitutes res judicata or collaterally estops

Appellant from establishing a bona fide dispute as to validity or amount of Pronske & Patel, P.C.'s claims?

Respectfully submitted,

/s/ Stephen R. Cochell
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Certificate of Service

On May 3, 2013, I electronically submitted the foregoing document with the clerk of court for the U.S. Bankruptcy Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

/s/Stephen R. Cochell
Stephen R. Cochell