

Gerrit M. Pronske
State Bar No. 16351640
Vickie L. Driver
Texas Bar No. 24026886
Christina W. Stephenson
State Bar No. 24049535
PRONSKE & PATEL, P.C.
2200 Ross Avenue, Suite 5350
Dallas, Texas 75201
(214) 658-6500 – Telephone
(214) 658-6509 – Telecopier
Email: gpronske@pronskepatel.com
Email: vdriver@pronskepatel.com
Email: cstephenson@pronskepatel.com

COUNSEL FOR JEFFREY BARON

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

In re: §
§
ONDOVA LIMITED COMPANY, § **CASE NO. 09-34784-SGJ-11**
§
Debtor. § **Chapter 11**

**JEFFREY BARON’S OBJECTION TO PROOF OF CLAIM NO. 2
OF RANDAL C. SHAFFER D/B/A THE LAW OFFICE OF RANDAL C. SHAFFER**

Jeffrey Baron (“Baron”), a creditor and party in interest in this case, hereby files his *Objection to Proof of Claim No. 2 of Randal C. Shaffer d/b/a The Law Office of Randal C. Shaffer* (the "Objection"), and in support thereof respectfully represents as follows:

I. JURISDICTION

1. The Court has jurisdiction over the Objection pursuant to 28 U.S.C. §§ 157 and 1334. Venue over the Objection is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The Objection is a core proceeding under 11 U.S.C. § 157(b)(2).

II. FACTUAL BACKGROUND

2. On July 27, 2009 (the “Petition Date”), the Debtor filed for bankruptcy protection

under chapter 11 of title 11 of the Bankruptcy Code.

3. On September 17, 2009, the Court entered an order approving the appointment of a chapter 11 trustee (Docket No. 98).

4. The Court set the bar date for filing proofs of claim for all creditors other than governmental units as November 25, 2009 (the "Bar Date").

5. Baron files this Objection pursuant to Section 502 of the United States Bankruptcy Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

III. OBJECTION TO CLAIM

6. Pursuant to Section 502 of the Bankruptcy Code, Baron objects to Randall C. Shaffer d/b/a The Law Office of Randal C. Shaffer's ("Shaffer") Proof of Claim. 11 U.S.C.A. § 502(b)(1). Attached to Shaffer's Proof of Claim are invoices which have previously been paid, as reflected upon those invoices, as well as invoices based upon an hourly rate that the Debtor had not agreed to.

7. A claimant's Proof of Claim is deemed allowed unless a party in interest objects. 11 U.S.C.A. § 502(a). A creditor is a party in interest. *Id.*; *see also*, *Industrial Bank, N.A. v. City Bank*, 549 U.S. 1019 (2005). An objection, upon filing, initiates a contested matter by notifying the parties that litigation is required to determine the allowance or disallowance of a claim. *Matter of Taylor*, 132 F.3d 256, 260 (5th Cir. 1998). Once filed, the bankruptcy judge may examine the conscionability of a claim asserted against the estate and to disallow it if the claim is without lawful existence. *In re Hinkley*, 58 B.R. 339, 343 (Bankr. S.D.Tex. 1986).

8. Section 101 of the Bankruptcy Code defines a "creditor" as an "entity that has a claim against the debtor." U.S.C.A. § 101(10)(A). "To be a creditor in bankruptcy, the debtor

must owe a debt to the claimant.” *In re Internet Navigator, Inc.*, 289 B.R. 133, 136 (Bankr. N.D. Iowa 2003); *see also, In re Colonial Poultry Farms*, 177 B.R. 291, 299 (Bankr. W.D. Mo. 1995); *Diasonics v. Ingalls*, 121 B.R. 626, 630 (Bankr. N.D. Fla. 1990). There was no formal fee agreement between Shaffer and the Debtor. Rather, the parties had contemplated a monthly flat fee. Later, Shaffer proposed a contingency fee agreement that included Shaffer associating with another firm, but the Debtor never entered into such agreement. As reflected in the invoices attached to Shaffer’s Proof of Claim, the Debtor paid Shaffer \$27,000.00 in 2006. After those payments were made, Shaffer sent invoices based on an hourly rate. However, the Debtor never agreed to the rate, or hourly billing at such rate. Accordingly, Shaffer’s claim should be disallowed.

WHEREFORE, PREMISES CONSIDERED, Baron requests that the Court enter an order sustaining his objection to Shaffer’s Proof of Claim and granting Baron such other and further relief, general or special, at law or in equity, to which he may show himself justly entitled.

Dated: February 22, 2010

Respectfully submitted

By: /s/ Gerrit M. Pronske
Gerrit M. Pronske
Texas Bar No. 16351640
Vickie L. Driver
Texas Bar No. 24026886
Christina W. Stephenson
Texas Bar No. 24049535
PRONSKE & PATEL, P.C.
2200 Ross Avenue, Suite 5350
Dallas, Texas 75201
Telephone: 214.658.6500
Facsimile: 214.658.6509
Email: gpronske@pronskepatel.com
Email: vdriver@pronskepatel.com
Email: cstephenson@pronskepatel.com

COUNSEL FOR JEFFREY BARON

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 22, 2010 I caused to be served the foregoing pleading upon the service list attached hereto via the Court's electronic transmission facilities and/or United States mail, first class delivery.

/s/ Gerrit M. Pronske
Gerrit M. Pronske

SERVICE LIST

Ondova Limited Company
P. O. Box 111501
Carrollton, TX 75011-1501

Friedman & Feiger, L.L.P.
5301 Spring Valley Road
Suite 200
Dallas, Tx 75254-2488

ABC Liquors, Inc.
Allen Dyer Doppelt Milbrath &
Gilchrist
Attention: Allison Imber
255 South Orange Avenue, Suite
1401
Orlando, FL 32801-3460

Aldous Law Firm
Attention: Charla Aldous
2305 Cedar Springs Rd, Suite 200
Dallas, TX 75201-6953

Attorney General of Texas
Taxation Division-Bankruptcy
P.O. Box 12548
Capitol Station
Austin, TX 78711-2548

BMF IT Services, LLC
610 E Main St No. 403
Allen, TX 75002-3089

Bickel and Brewer
Attention: John Bickel
1717 Main Street, Suite 4800
Dallas, TX 75201-7362

Brinks Network, Inc.
CO Thompson Coburn, LLP
Attention: Mark Sableman
One US Bank Plaza
St. Louis, MO 63101

Bullwinkel Partners, Ltd.
19 South La Salle Street Suite 1300
Chicago, IL 60603-1406

Carrington, Coleman, Sloeman &
Blumenthal, L
CO Tim Gavin
901 Main Street, Suite 5500
Dallas, TX 75202-3767

Comerica Incorporated
CO Miller Canfield
Attention: Kristen Spano
150 West Jefferson, Suite 2500
Detroit, MI 48226-4415

DaVita, Inc.
CO Mintz Lerin
Attention: Susan Weller
701 Pennsylvania Avenue, N.W.
Washington, DC 20004-2608

Dennis Klienfeld
CO Tom Bolt and Associates
Attention: Rosh Alger
5600 Royal Dane Mall
St. Thomas, U.S. Virgin Islands
00802-6410

Digital Discovery
8131 LBJ Freeway, Suite 325
Dallas, TX 75251-4603

Elizabeth Morgan Schurig
Schurig Jetel Beckett Tackett
100 Congress Avenue, 22nd Floor
Austin, TX 78701-2747

Equivalent Data
325 St. Paul Street
Dallas, TX 75201-3801

F. Hoffman-LaRoche AG
Attention: Jerome Rhein
Grenzacherstrasse 124
CH-4070
Basel, Switzerland

Fee, Smith, Sharp & Vitullo, LLP
Attention: Louie Vitullo
13155 Noel Road, Suite 100
Dallas, TX 75240-5050

Four Points Management, LLP
CO Tom Bolt and Associates
Attention: Rosh Alger
5600 Royal Dane Mall
St. Thomas, U.S. Virgin Islands
00802-6410

Friedman & Feiger, L.L.P.
c/o Ryan K. Lurich, Esq.
5301 Spring Valley Road, Suite
200
Dallas, Texas 75254-2488

Friedman & Feiger, LLP
Attention: Jim Krause
5301 Spring Valley Road, Suite
200
Dallas, TX 75254-2488

Graebel Van Lines, Inc.
16346 Airport Circle
Aurora, CO 80011-1558

HCBC, LLC
CO Payne & Blanchard, LLP
Attention: Frank Perry
Plaza of the Americas, 500 North
Tower
700 N. Pearl Street, LB 393
Dallas, TX 75201-2824

Howard and Morissa Hamburger
CO Wolf Rifkin
Attention: Charles Harder, Esq.
11400 W. Olympic Blvd, 9th Floor
Los Angeles, CA 90064-1550

Iguana Consulting, LLC
CO West & Associates, LLP
Attention: Royce West
P.O. Box 3960
Dallas, TX 75208-1260

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY
OPERATIONS
PO BOX 21126
PHILADELPHIA PA 19114-0326

Kapalua Land Company, Ltd.
CO Cades Schutte
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4202

Kennametal, Inc.
Attention: Mathew Gordan
1600 Technology Way
Latrobe, PA 15650-4647

Kwik-Sew Pattern Co., Inc.
CO Kovalchuk Law Offices, P.A.
Attention: Mark P. Kovalchuk
P.O. Box 32371
Minneapolis, MN 55432-0371

Laurie Spindler Huffman, Esq.
Linebarger, Goggan, Blair &
Sampson, LLP
2323 Bryan St., Ste 1600
Dallas, TX 75201-2644

Liberty Media Holdings, Inc.
CO A. Dale Manicom
1205 J Street, Suite B
San Diego, CA 92101-7500

Marshden, LLC
CO Tom Bolt and Associates
Attention: Rosh Alger
5600 Royal Dane Mall
St. Thomas, U.S. Virgin Islands
00802-6410

Mateer and Shaffer
325 Saint Paul Stree
Dallas, TX 75201-3801

Maui Land & Pineapple Company,
Inc.
CO Cades Schutte
Attention: Martin Hsla
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4202

Munish Krishan
CO Locke, Lord, Bissell &
Liddell, LLP
Attention: John MacPete
2200 Ross Avenue, Suite 2200
Dallas, TX 75201-2748

Netsphere, Inc.
CO Locke, Lord, Bissell &
Liddell, LLP
Attention: John MacPete
2200 Ross Avenue, Suite 2200
Dallas, TX 75201-2748

Novo Point, LLC
CO West & Associates, LLP
Attention: Royce West
P.O. Box 3960
Dallas, TX 75208-1260

Oleg Cassini, Inc.
CO Reppert Kelly LLC
Attention: J. Vincent Reppert
403 King George Road, Suite 201
Basking Ridge, NJ 07920-2821

Owens, Clary & Aiken, L.L.P.
700 North Pearl Street
Suite 1600
Dallas, TX 75201-4148

P. H. Glatfelter Company
Attention: Lynn Rzonca
96 South George Street, Suite 500
York, PA 17401-1434

Protega
7801 Alamo Drive
Plano, TX 75025

Quantec, LLC
CO West & Associates, LLP
Attention: Royce West
P.O. Box 3960
Dallas, TX 75208-1260

Randal Shaffer
PO Box 5129
Dallas, TX 75208-9129

Rasanksy Law Firm
Attention: Jeff Rasansky
2525 McKinnon Street, Suite 625
Dallas, TX 75201-1550

Realty Investment Management,
LLC
CO Payne & Blanchard, LLP
Attention: Frank Perry
Plaza of the Americas, 500 North
Tower
700 North Pearl Street, LB 393
Dallas, TX 75201-2824

Rowbotham and Associates
101 Second Street, Suite 1200
San Francisco, CA 94105-3653

Securities and Exchange
Commission
100 F Street NE
Washington, DC 20549-0213

Securities and Exchange
Commission
175 W. Jackson Boulevard
Suite 900
Chicago, IL 60604-2615

ServiceMaster Brands, L.L.C.
Attention: Kevin S. MacKinnon
860 Ridge Lake Boulevard A3-
4008
Memphis, TN 38120-9434

Simple Solutions
CO Payne & Blanchard, LLP
Attention: Frank Perry
Plaza of the Americas, 500 North
Tower
700 North Pearl Street, LB 393
Dallas, TX 75201-2824

Texas Employment Commission
TEC Building - Taxation
Department
Austin, TX 78778-0001

The University of Texas at Austin
Office of the V.P. for Legal Affairs
Box R
Austin, TX 78713-8918

Tramortina USA, Inc.
12955 West Airport Blvd
Sugar Land, TX 77478-6119

Travelers Indemnity Company
CO Oppenheimer Law Firm
Attention: Aaron M. Scott
Plaza VAII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1614

Western & Southern Financial
Group
Attention: Jonathon D. Niemeyer
400 Broadway
Cincinnati, OH 45202-3312

Edwin Paul Keiffer
Wright Ginsberg Brusilow, PC
1401 Elm Street, Suite 4750
Dallas, TX 75202-2992

Kim E. Moses
Wright Ginsberg Brusilow, PC
1401 Elm Street, Suite 4750
Dallas, TX 75202-2992

United States Trustee
1100 Commerce Street, Rm. 976
Dallas, TX 75242-1011

Craig A. Capua
West & Associates, LLP
PO Box 3960
Dallas, TX 75208-1260