

CAUSE NO. 10-11915

JEFF BARON, Plaintiff,	§	IN THE DISTRICT COURT,
	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
GERRIT M. PRONSKE, INDIVIDUALLY AND PRONSKE & PATEL, P.C.	§	
	§	
Defendants.	§	193 rd JUDICIAL DISTRICT
	§	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’
RESPONSE AND MOTION TO STRIKE SUGGESTION OF STAY BY
VIRTUE OF FEDERAL COURT INJUNCTION AND FOR CLARIFICATION
REGARDING ABTEMENT AND DISTRICT COUT INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Jeffrey Baron (“Baron”), and files *Plaintiff’s Response to Defendants’ Response and Motion to Strike Suggestion of Stay by Virtue of Federal Court Injunction and for Clarification Regarding Abatement and District Court Injunction and Request for Payment of Attorneys’ Fees*, and for cause would represent.

INTRODUCTION

1. PG&K’s Response to and Motion to Strike Suggestion of Stay by Virtue of Federal Court Injunction and Request for Payment of Attorneys’ Fees filed on June 5, 2014, should be denied in all respects. Pronske and PG&K’s continued attempts to paint Mr. Baron as a “crazed vexatious litigant” is belied by record. Rather than stoop to alleging hyperbolic rhetoric that Pronske and PG&K have continually presented to court after court, losing on each of their attempts, Baron would advise this Court of the truth, as follows:

- a. Pronske and PG&K made representations to Bankruptcy Judge Jernigan in early September 2010, which the Fifth Circuit Court of Appeals found to be false.

- b. By engaging in such conduct, Pronske and PG&K participated in and aided and abetted the appointment of a receiver over Baron's person and his assets that was reversed by the Fifth Circuit Court of Appeals, but not before causing millions of dollars of damages to be incurred by Baron.
- c. On September 15, 2010, Baron filed the captioned cause against Gerrit M. Pronske ("Pronske") and Pronske and Patel, PC, n/k/a Pronske, Goolsby & Kathman, PC ("PG&K") seeking declaratory judgment relief, damages and injunctive relief including a Temporary Restraining Order. Pronske and PG&K removed the captioned case to the Bankruptcy Court and Judge Jernigan ultimately remanded it back to this Court on Mr. Baron's motion finding that there was no jurisdiction over the matter.
- d. The Fifth Circuit Court of Appeals reversed the receivership and remanded the case to the Federal District Court with instructions to wind down the receivership and then vacate the Receivership Order.
- e. Two hours after the Fifth Circuit Court of Appeals reversed the receivership, Pronske and PG&K caused an involuntary bankruptcy to be filed against Baron, and an order for relief was granted, which the Federal District Court, Judge Sam Lindsay presiding, reversed a year after it was filed, causing millions of dollars of damages to Baron.
- f. Pronske and PG&K then filed an application for prejudgment writ of garnishment against Baron and asked for the abatement that had been ordered by Judge Jernigan be lifted while this case was pending before Bankruptcy Judge Jernigan, and Judge Jernigan refused to grant Pronske's requested relief.
- g. Pronske then instituted a new action in the 68th Judicial District Court in and for Dallas County, Texas, and was able to obtain a prejudgment garnishment on an ex parte basis, failing to advise the District Judge that the very same emergency relief was requested before Bankruptcy Judge Jernigan and was denied.

2. Indeed, if there is anyone in this case that is a crazed, vexatious litigant, it is Pronske and his law firm, PG&K. The detailed facts supporting the above allegations appear in Plaintiff's Response to PG&K's Motion for Partial Summary Judgment filed on June 30, 2014.

FACTS

3. The captioned case was filed by Baron on September 15, 2010. On the same date, while Baron was waiting the requisite 2 hour notice period prior to seeking the TRO relief, Pronske and PG&K removed the lawsuit to the Bankruptcy Court, where it was pending as

Adversary Proceeding No. 10-03281 before Bankruptcy Judge Jernigan, related to the Ondova Chapter 11 Case. A true and correct copy of the Adversary Proceeding Docket Sheets are attached hereto as **Exhibit “1”** and incorporated herein for all purposes.

4. On September 29, 2010, PG&K filed an answer and counterclaim against Baron. *See* **Exhibit “1”** at Docket Entry 5.

5. Baron filed a Motion to Remand this case. *See* **Exhibit “1”**, at docket entries 9 and 10.

6. Thereafter, beginning on November 3, 2010, the Bankruptcy Court entered a series of orders abating the Adversary Proceeding and continuing such abatement. *See* **Exhibit “1”**, Orders at docket entries 13 and 26. Ultimately, by docket entry on January 9, 2012, the Bankruptcy Court continued the abatement indefinitely. *See* **Exhibit “1”**, at p 9, docket entry for January 9, 2012.

7. On March 13, 2014, Pronske filed an Emergency Motion before Bankruptcy Judge Jernigan in the Adversary Proceeding to Lift the Abatement of the case, and a Motion for Emergency Hearing thereon. Judge Jernigan denied PG&K and Pronske’s Emergency Motion for Hearing the following day, March 14, 2014. *See* **Exhibits “2”, “3” and “4”** attached hereto and incorporated herein by reference for all purposes, and **Exhibit “1”** hereto as p10, docket entries 36, 37 and 39. Pronske also filed an Application for Prejudgment Garnishment.

8. Three days later, having failed to obtain relief before Judge Jernigan, Pronske then filed a new state court lawsuit in the 68th Judicial District Court in and for Dallas County, Texas, Cause Nos. DC14-02619 and DC14-02622, where Pronske made identical allegations as were made in this cause. Pronske then arranged for an *ex parte* hearing before Judge Hoffman of the 68th Judicial District Court, without notice to Baron. In his pleadings before Judge Hoffman,

Pronske failed to disclose to Judge Hoffman that PG&K had attempted to have Judge Jernigan enter an emergency hearing on PG&K's prejudgment garnishment application filed in the Bankruptcy Court on March 13, 2014, and that Judge Jernigan refused to grant PG&K's Emergency Motion for Hearing the following day. Baron believes that Pronske did not advise Judge Hoffman of these events, before Judge Hoffman entered an *ex parte* prejudgment garnishment order against Baron on the 17th of March 2014.

9. On March 27, 2014, Bankruptcy Judge Jernigan set for hearing PG&K's Motion to Lift Abatement and Application for Prejudgment Garnishment. The Court also set Baron's Motion for Remand, *sua sponte*, for hearing. The hearing date was April 28, 2014. A true and correct copy of Judge Jernigan's Order setting hearing is attached hereto as **Exhibit "5"**.

10. Before the hearing occurred, on April 8, 2014, PG&K filed a Notice of Withdrawal of its Emergency Motion to Lift Abatement. On the same date PG&K also filed a Notice of Withdrawal of PG&K's Application for Writ of Garnishment. See **Exhibit "1"** hereto at p11, docket entries 44 and 45.

11. Judge Jernigan conducted a hearing on the only remaining motion on the docket, Baron's Motion to Remand, on April 28, 2014. Judge Jernigan granted the Motion to Remand finding and concluding that the Bankruptcy Court lacked subject matter jurisdiction over the Adversary Proceeding. Judge Jernigan entered an Order Remanding Case on May 5, 2014, a true and correct copy of which is attached hereto as **Exhibit "6"**. See also **Exhibit "1"** hereto at p11, docket entry for April 28, 2014, and Docket Entries 47 and 49.

12. The Adversary Proceeding was remanded on or about May 21, 2014, but the abatement was never lifted.

13. On June 3, 2014, Baron filed with this Court a Suggestion of Stay by Virtue of

Federal Court Injunction. In said Suggestion, Baron alerted the Court to the fact that on November 24, 2010, in the case styled *Netsphere Inc., et al, v. Jeffrey Baron, et al*, in the United States District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3-09-cv-0988-F, the District Court entered an Order Appointing Receiver as to Jeff Baron, Defendant in this cause. A true and correct copy of the Order Appointing Receiver is attached hereto as **Exhibit "7"** and incorporated herein by reference. The pertinent part of the Order Appointing Receiver states as follows:

"A Except by leave of this Court, during the pendency of the receivership ordered herein, all other persons and entities aside from the Receiver are hereby stayed from taking any action to establish or enforce any claim, right, or interest for, against, on behalf of, in, or in the name of, the Receivership Party (Defendant Baron), any of their partnerships, assets, documents, or the Receiver or the Receiver's duly authorized agents act in the capacities as such, including by not limited to, the following actions: 1. Commencing, prosecuting, continuing, entering, or enforcing any suit or proceeding, except that such actions may be filed to toll any applicable statute of limitations;"

See **Exhibit "7"**, Page 12.

14. On December 28, 2012, the Fifth Circuit Court of Appeals reversed the receivership and remanded the case to the District Court for the purpose of winding up the receivership and entering an order vacating the receivership. *Netspherre v Baron*, 703 F3d 296, 315 (5th Cir 2012) ("The judgment appointing the receiver is reversed with directions to [on remand] vacate the receivership and discharge the receiver, his attorneys and employees, and to charge against the cash in the receivership fund the remaining receivership fees in accordance with this opinion.")¹ In a subsequent order entered by the Fifth Circuit on December 31, 2012, a true and correct copy of which is attached as **Exhibit "9"**, the Court stated:

"We point out that our opinion did not dissolve the receivership immediately. We

¹ For convenience, the Fifth Circuit Opinion is attached as **Exhibit "9"**.

ordered a remand for an expeditious winding up of the receivership. No assets that were brought under the control of the receiver will be released immediately from that control even when the mandate is issued. The district court will thereafter have the authority to manage the process for ending the receivership as quickly as possible.”

Id., at page 7.

15. The wind down has not has not been completed as of this date, and the Receivership Order has not been vacated. *See* email exchange with the Receiver’s attorney attached hereto as **Exhibit “10”**.

16. Finally, attached hereto as **Exhibit “11”** is a true and correct copy of the docket sheets for the Receivership Action from December 18, 2012, the date of the Fifth Circuit decision reversing the receivership, to present. As the Court can see, there is no entry where the Receivership Order has been vacated. Furthermore, Pronske and PG&K have participated in and have filed pleadings regarding the wind down of the receivership. *See Id.*, Docket Entry 1403, at p___. In this pleading, a true and copy of which is attached as **Exhibit “12”**.

RELIEF REQUESTED

17. It appears that this case still remains abated pursuant to the orders of Judge Jernigan. It also appears that this case is stayed by the Receivership Order, which has not been vacated as of this date.

18. Therefore, Pronske’s and PG&K’s various motions that are set on July 7, 2014, should be taken off the calendar so that this Court does not need to spend any unnecessary time preparing to consider such motions and considering such motions at the hearing on July 7, 2014. Specifically, the Motions that are set for July 7, 2014 are as follows:

- PG&K’s Motion for Partial Summary Judgment filed on May 16, 2014; and

- PG&K's Response to and Motion to Strike Suggestion of Stay by Virtue of Federal Court Injunction and Request for Payment of Attorneys' Fees filed on June 5, 2014.

19. In addition, Pronske and PG&K have served Baron with paper discovery in this case which is also in violation of the abatement, in violation of the District Court injunction and in violation of Tex. R. Civ. P. 47(c)(5).

20. The relief requested in Pronske and PG&K's PG&K's Response to and Motion to Strike Suggestion of Stay by Virtue of Federal Court Injunction and Request for Payment of Attorneys' Fees filed on June 5, 2014, should be denied in all respects and the hearing set for July 7, 2014, on PG&K's Motion for Partial Summary Judgment filed on May 16, 2014, should be continued.

WHEREFORE, Baron prays for clarification as to whether this case remains abated and/or whether the case is enjoined from proceeding forward by virtue of the Federal Court Injunction. If the case is abated and/or stayed from proceeding, Baron would ask that the Court remove the motions referenced above from the hearing docket for June 7, 2014, and that the Court order that all discovery is abated until both the abatement of this case is lifted and the Receivership Order is vacated. Baron prays for such other and further relief, at law or in equity, to which Baron is justly entitled.

Respectfully submitted on July 1, 2014.

Pendergraft & Simon, LLP

/s/ Leonard H. Simon

Leonard H. Simon
Texas Bar No. 18387400
S.D.Tex. Adm. No. 8200
William P. Haddock
Texas Bar No. 00793875
S.D.Tex. Adm. No. 19637
2777 Allen Parkway, Suite 800
Houston, Texas 77019
Tel. (713) 528-8555
Fax. (713) 868-1267

Counsel for Jeffrey Baron

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2014, I electronically filed the foregoing with the Clerk of the Court using the Court's electronic filing system, which will send notification of such filing to all counsel of record.

/s/ Leonard H. Simon

EXHIBIT "1"

**U.S. Bankruptcy Court
Northern District of Texas (Dallas)
Adversary Proceeding #: 10-03281-sgj**

Assigned to: Stacey G. Jernigan
Lead BK Case: [09-34784](#)
Lead BK Title: Ondova Limited Company
Lead BK Chapter: 11
Demand:

Date Filed: 09/15/10
Date Removed From State: 09/15/10

Nature[s] of Suit: 01 Determination of removed claim or cause

Plaintiff

Jeff Baron

represented by **Stanley D. Broome**
The Broome Law Firm, PLLC
105 Decker Court
Suite 850
Irving, TX 75062
(214)574-7500
Fax : (214)574-7501
Email: sbroome@broomelegal.com
TERMINATED: 07/11/2011

Leonard H. Simon
Pendergraft & Simon L.L.P.
The Riviana Building, Suite 800
2777 Allen Parkway
Houston, TX 77019
713-528-8555
Fax : 832-202-2810
Email: lsimon@pendergrachtsimon.com

V.

Defendant

Gerrit M. Pronske, P.C.

represented by **Melanie Pearce Goolsby**
Pronske Goolsby & Kathman, P.C.
2200 Ross Avenue, Suite 5350
Dallas, TX 75201
214-658-6500
Fax : 214-658-6509
Email: mgoalsby@pgkpc.com

Rakhee V. Patel

Shackelford, Melton & McKinley LLP
3333 Lee Parkway
Tenth Floor
Dallas, TX 75219
214-780-1400
Fax : 214-780-1401
Email: rpatel@shacklaw.net

Gerrit M. Pronske
Pronske Goolsby & Kathman, P.C.
2200 Ross Avenue
Suite 5350
Dallas, TX 75201
(214) 658-6500
Fax : 214-658-6509
Email: gpronske@pgkpc.com

Christina Walton Stephenson
Shackelford, Melton & McKinley, LLP
3333 Lee Parkway
10th Floor
Dallas, TX 75219
2147801400
Fax : 2147801401
Email: cstephenson@shacklaw.net

Defendant

Pronske & Patel, P.C.
2200 Ross Ave. Ste. 5350
Dallas, TX 75201
(214) 658-6500

represented by **Melanie Pearce Goolsby**
(See above for address)

Rakhee V. Patel
(See above for address)

Gerrit M. Pronske
(See above for address)

Christina Walton Stephenson
(See above for address)

Counter-Defendant

Jeff Baron

represented by **Jeff Baron**
PRO SE

Stanley D. Broome
The Broome Law Firm, PLLC

105 Decker Court
 Suite 850
 Irving, TX 75062
 (214)574-7500
 Fax : (214)574-7501
 Email: sbroome@broomelegal.com
TERMINATED: 07/11/2011

3rd Party Plaintiff

Gerrit M. Pronske, P.C.

represented by **Melanie Pearce Goolsby**
 (See above for address)

Gerrit M. Pronske
 (See above for address)

Christina Walton Stephenson
 (See above for address)

3rd Party Plaintiff

Pronske & Patel, P.C.
 2200 Ross Ave. Ste. 5350
 Dallas, TX 75201
 (214) 658-6500

represented by **Melanie Pearce Goolsby**
 (See above for address)

Gerrit M. Pronske
 (See above for address)

Christina Walton Stephenson
 (See above for address)

V.

3rd Pty Defendant

The Village Trust
 c/o Adrian Taylor
 Asiaciti Trust Pacific, Ltd.
 Level 2, BCI House
 Rarotonga
 Cook Islands

Filing Date	Docket Text
09/15/2010	

	1 (4 pgs) Adversary case 10-03281. Complaint by Jeff Baron against Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. Fee Amount \$250. Nature(s) of suit: 01 (Determination of removed claim or cause). (Patel, Rakhee)
09/15/2010	Receipt of filing fee for Complaint(10-03281-sgj) [cmp,cmp] (250.00). Receipt number 12462138, amount \$ 250.00. (U.S. Treasury)
09/15/2010	2 (2 pgs) Adversary proceeding cover sheet without signature filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C. (RE: related document (s) 1 Complaint). (Patel, Rakhee) Modified text on 9/16/2010 (Jones, A.).
09/15/2010	3 (23 pgs) State court pleading: Original petition filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. (Patel, Rakhee)
09/16/2010	4 (2 pgs) Adversary proceeding cover sheet filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C. (RE: related document(s) 1 Complaint). (Patel, Rakhee)
09/27/2010	5 (15 pgs) Answer to complaint , Counterclaim by Gerrit M. Pronske, P.C., Pronske & Patel, P.C. against Jeff Baron , Third-Party complaint by Gerrit M. Pronske, P.C., Pronske & Patel, P.C. against The Village Trust . filed by Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. (Pronske, Gerrit)
09/30/2010	6 (2 pgs) Notice of Status Conference filed by Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. (Patel, Rakhee)
09/30/2010	7 (2 pgs) Notice of hearing filed by Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. Status Conference to be held on 10/27/2010 at 09:30 AM at Dallas Judge Jernigan Ctrm for # 1 complaint. (Patel, Rakhee) Modified on 10/1/2010 to create link to related document (Ward, J).
10/05/2010	8 (3 pgs) Certificate of service re: Notice of Status Conference filed by Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C. (RE: related document(s) 7 Notice of hearing). (Pronske, Gerrit)
10/15/2010	9 (3 pgs) Motion for remand <i>and Motion to Strike</i> filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron (Broome, Stanley)
10/15/2010	10 (31 pgs) Brief in support filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron (RE: related document(s) 9 Motion for remand <i>and Motion to Strike</i>). (Broome, Stanley)
10/15/2010	11 (12 pgs; 4 docs) Support/supplemental document <i>Appendix</i> filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron (RE: related document(s) 9 Motion for

	remand <i>and Motion to Strike</i>). (Attachments: 1 Exhibit Exhibit 1 to Appendix 2 Exhibit Exhibit 2 to Appendix 3 Exhibit Exhibit 3 to Appendix) (Broome, Stanley)
10/15/2010	Proposed order regarding Motion to Remand <i>and Motion to Strike</i> (RE: related document(s) 9 Motion for remand <i>and Motion to Strike</i> filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron). Document uploaded on 10/15/2010 (Ref-ID: 1286311015373_2840). (Broome, Stanley)
10/21/2010	12 (2 pgs) Notice of hearing filed by Plaintiff Jeff Baron, Counter-Defendant Jeff Baron (RE: related document(s) 9 Motion for remand filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 10 Brief filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 11 Support/supplemental document filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron). Hearing to be held on 12/1/2010 at 09:30 AM Dallas Judge Jernigan Ctrm for 11 and for 10 and for 9 , (Broome, Stanley)
10/27/2010	Status conference held on 10/27/2010. (RE: related document(s) 1 Adversary case 10-03281. Complaint by Jeff Baron against Gerrit M. Pronske, P.C., Pronske & Patel, P.C.) Appearances: G. Pronske for himself and his firm; S. Broome for J. Baron. Nonevidentiary hearing. Announcement that parties are discussing mediation (before global mediation of attorneys fees issues). Court ruled it will enter order: (a) abating adversary proceeding until at least middle of December; (b) set another status conference in or shortly after the middle of December; (c) continue the 11/29/10 hearing on Mr. Pronskes Section 503(b) application in the Ondova case (and objection the deadline relating thereto) and also continue the 12/1/10 hearing on the motion for remand of J. Baron in this Adv. Proc., with these matters to be rescheduled as necessary at the next status conference. Court to issue order reflecting this ruling. (Harden, D.) (Entered: 11/04/2010)
11/03/2010	13 (2 pgs) Order Abating Adversary Proceeding and Setting Status Conference. Entered on 11/3/2010 (RE: related document(s) 1 Complaint). Status Conference to be held on 12/16/2010 at 09:30 AM at Dallas Judge Jernigan Ctrm. (Moroles, D.)
11/05/2010	14 (3 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 13 Order Abating Adversary Proceeding and Setting Status Conference. Entered on 11/3/2010 (RE: related document(s) 1 Complaint). Status Conference to be held on 12/16/2010 at 09:30 AM at Dallas Judge Jernigan Ctrm.) No. of Notices: 1. Service Date 11/05/2010. (Admin.) (Entered: 11/06/2010)
11/23/2010	15 (4 pgs) Motion to withdraw as attorney (Stan Broome) filed by Plaintiff Jeff Baron, Counter-Defendant Jeff Baron (Broome, Stanley)
11/23/2010	Proposed order regarding Motion to Withdraw (RE: related document(s) 15 Motion to withdraw as attorney). Document uploaded on 11/23/2010 (Ref-ID: 1288986969630_4132). (Broome, Stanley)
11/24/2010	

	16 (4 pgs) Motion for leave <i>Agreed Motion to Mediate</i> Filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit M. Pronske, P.C., Pronske & Patel, P.C. (Stephenson, Christina)
11/24/2010	Proposed order regarding <i>Agreed Order to Mediate</i> (RE: related document(s) 16 Motion for leave <i>Agreed Motion to Mediate</i> Filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit M. Pronske, P.C., Pronske & Patel, P.C.). Document uploaded on 11/24/2010 (Ref-ID: 1288986969630_4294). (Stephenson, Christina)
12/16/2010	Hearing held on 12/16/2010. (RE: related document(s) 1 Adversary case 10-03281. Complaint by Jeff Baron against Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. Fee Amount \$250. Nature(s) of suit: 01 (Determination of removed claim or cause).) Appearances: R. Urbanik for Trustee; B. Golden for Receiver; G. Pronske for himself; S. Broome (telephonically), for himself and with a pending motion to withdraw for J. Baron. Nonevidentiary hearing. Court heard reports, particularly with regard to Receiver developments. Court will continue with abatement of this matter and the Section 503 substantial contribution claims in the underlying case until at least letting of the stay under the Receivership Order. Court to hold a status conference on 1/25/11. Mr. Urbanik to upload order. (Harden, D.) (Entered: 12/17/2010)
12/16/2010	17 Status conference continued (RE: related document(s) 1 Adversary case 10-03281. Complaint by Jeff Baron against Gerrit M. Pronske, P.C., Pronske & Patel, P.C.) Status Conference to be held on 1/25/2011 at 09:30 AM at Dallas Judge Jernigan Ctrm. (Harden, D.) (Entered: 12/17/2010)
12/20/2010	Proposed order regarding <i>Scheduling Order</i> (RE: related document(s) 1 Adversary case 10-03281. Complaint by Jeff Baron against Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. Fee Amount \$250. Nature). Document uploaded on 12/20/2010 (Ref-ID: 1291646361376_4241). (Urbanik, Raymond)
12/23/2010	18 (3 pgs) Order setting a status conference hearing Entered on 12/23/2010 (RE: related document(s) 1 Complaint filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 9 Motion for remand and motion to strike filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron). Status Conference to be held on 1/25/2011 at 09:30 AM at Dallas Judge Jernigan Ctrm. (Simpson, B)
12/25/2010	19 (4 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 18 Order setting a status conference hearing Entered on 12/23/2010 (RE: related document(s) 1 Complaint filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 9 Motion for remand and motion to strike filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron). Status Conference to be held on 1/25/2011 at 09:30 AM at Dallas Judge Jernigan Ctrm.) No. of Notices: 1. Service Date 12/25/2010. (Admin.)
01/06/2011	20 (2 pgs) Order resetting status conference hearing Entered on 1/6/2011 (RE: related document(s) 9 Motion for remand and motion to strike filed by Counter-

	Defendant Jeff Baron, Plaintiff Jeff Baron). Status Conference to be held on 1/31/2011 at 09:30 AM. (Simpson, B)
01/08/2011	21 (3 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 20 Order resetting status conference hearing Entered on 1/6/2011 (RE: related document(s) 9 Motion for remand and motion to strike filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron). Status Conference to be held on 1/31/2011 at 09:30 AM.) No. of Notices: 1. Service Date 01/08/2011. (Admin.)
01/31/2011	23 Status Conference held on 1/31/2011., Status Conference continued (RE: related document(s) 1 Adversary case 10-03281. Complaint by Jeff Baron against Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. Nature(s) of suit: 01 (Determination of removed claim or cause). filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron) Appearances: R. Urbanik for Trustee Sherman; Trustee Sherman; B. Golden for Receiver Vogel; Receiver Vogel; J. MacPete for Manilla/NetSphere; M. Goolsby for Pronske Patel; S. Broome, for J. Baron in AP # 10-3281 (subject to a motion to withdraw); E. Taube (telephonically) for his firm and Shurig and West firms; R. Puri for Manilla. Nonevidentiary hearing. Court heard status report from various parties. Matter continued to 4/4/11 at 11:30 am. Status Conference to be held on 4/4/2011 at 11:30 AM at Dallas Judge Jernigan Ctrm. (Womack, Jennifer) (Entered: 02/08/2011)
01/31/2011	24 Status Conference held on 1/31/2011., Status Conference continued (RE: related document(s) 9 Motion for remand and Motion to Strike filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron) Appearances: R. Urbanik for Trustee Sherman; Trustee Sherman; B. Golden for Receiver Vogel; Receiver Vogel; J. MacPete for Manilla/NetSphere; M. Goolsby for Pronske Patel; S. Broome, for J. Baron in AP # 10-3281 (subject to a motion to withdraw); E. Taube (telephonically) for his firm and Shurig and West firms; R. Puri for Manilla. Nonevidentiary hearing. Court heard status report from various parties. Matter continued to 4/4/11 at 11:30 am. Status Conference to be held on 4/4/2011 at 11:30 AM at Dallas Judge Jernigan Ctrm. (Womack, Jennifer) (Entered: 02/08/2011)
02/07/2011	22 (1 pg) Order Continuing Hearings. Entered on 2/7/2011 (RE: related document(s) 1 Complaint , 9 Motion for Remand and Motion to Strike Notice of Removal). Status Conference reset and to be held on 4/4/2011 at 11:30 AM at Dallas Judge Jernigan Ctrm. (Moroles, D.)
02/09/2011	25 (2 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 22 Order Continuing Hearings. Entered on 2/7/2011 (RE: related document(s) 1 Complaint , 9 Motion for Remand and Motion to Strike Notice of Removal). Status Conference reset and to be held on 4/4/2011 at 11:30 AM at Dallas Judge Jernigan Ctrm.) No. of Notices: 1. Service Date 02/09/2011. (Admin.)
04/04/2011	Status Conference held on 4/4/2011. (RE: related document(s) 9 Motion for remand and Motion to Strike filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron) Appearances: R. Urbanik for Trustee D. Sherman; Trustee D. Sherman

	(Ondova estate); B. Golden for Receiver P. Vogel; Receiver P. Vogel (over J. Baron); M. Keen for Powers Taylor; R. Patel for Pronske Patel; E. Taube (telephonically) for Hohmann, Taube & Summers, L.L.P.; M. Thomas for J. Baron; S. Broome for J. Baron in AP # 10-3281), subject to pending motion to withdraw; G. Lyons, another counsel for J. Baron, subject to pending motion to withdraw. Court heard reports regarding receivership action, attorneys fees issues, and pending matters in Ondova case. Court will continue with abatement of adversary proceeding for another 90 days. Court to issue order. (Womack, Jennifer) (Entered: 04/05/2011)
04/06/2011	26 (2 pgs) Order Abating Adversary and Setting Status Conference hearing Entered on 4/6/2011 (RE: related document(s) 9 Motion for remand and motion to strike filed by Plaintiff Jeff Baron). Status Conference to be held on 7/11/2011 at 02:30 PM at Dallas Judge Jernigan Ctrm. (Simpson, B)
04/08/2011	27 (3 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 26 Order Abating Adversary and Setting Status Conference hearing Entered on 4/6/2011 (RE: related document(s) 9 Motion for remand and motion to strike filed by Plaintiff Jeff Baron). Status Conference to be held on 7/11/2011 at 02:30 PM at Dallas Judge Jernigan Ctrm.) No. of Notices: 0. Service Date 04/08/2011. (Admin.)
07/11/2011	28 (2 pgs) Order granting motion of Stanley D. Broome to withdraw as attorney (related document # 15). Entered on 7/11/2011. (Moroles, D.)
07/11/2011	29 (2 pgs) Notice to service order (RE: related document(s) 28 Order granting motion of Stanley D. Broome to withdraw as attorney (related document # 15). Entered on 7/11/2011.) (Moroles, D.)
07/11/2011	Status conference held on 7/11/2011. (RE: related document(s) 9 Motion for remand <i>and Motion to Strike</i> filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron) Appearances: R. Urbanik for Trustee; B. Golden for Receiver Vogel; Receiver Vogel; S. Broome for himself and subject to a motion to withdraw as counsel to Jeff Baron; G. Pronske for himself; E. Taube (telephonically) for his law firm and Shurig law firm. Nonevidentiary hearing. Court heard status reports. Court will set another status conference in approximately 90 days, in light of delays in receivership and overlapping issues it has in Ondova case. Mr. Urbanik should coordinate next setting with CRD. (Harden, D.) (Entered: 07/12/2011)
07/12/2011	30 (2 pgs) Notice of hearing <i>Notice of Continued Hearing</i> filed by Interested Party Daniel J. Sherman, Trustee (RE: related document(s) 9 Motion for remand filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron). Hearing to be held on 10/13/2011 at 09:30 AM Dallas Judge Jernigan Ctrm for 9 and for 9 , (Urbanik, Raymond)
07/13/2011	31 (3 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 28 Order granting motion of Stanley D. Broome to withdraw as attorney (related

	document # 15). Entered on 7/11/2011.) No. of Notices: 0. Service Date 07/13/2011. (Admin.)
07/13/2011	32 (3 pgs) BNC certificate of mailing. (RE: related document(s) 29 Notice to service order (RE: related document(s) 28 Order granting motion of Stanley D. Broome to withdraw as attorney (related document # 15). Entered on 7/11/2011.)) No. of Notices: 1. Service Date 07/13/2011. (Admin.)
10/13/2011	Hearing held on 10/13/2011. (RE: related document(s) 9 Status conference re: Motion for Remand and Motion to Strike Notice of Removal filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron) Appearances: R. Urbanik for Chapter 11 Trustee; P. Loh for Baron Receiver; G. Pronske for Pronske Patel firm; M. Taylor for Powers Taylor firm; E. Taube for West firm and Hohmann Taube firm. Nonevidentiary hearing. Court heard reports about continued pendency of Fifth Circuit appeals and inactivity in District Court Receivership Action in light of Fifth Circuit appeals. Court to set another status conference in approximately 90 days (Mr. Urbanik to contact CRD for setting). Mr. Pronske announced he may file a motion for scheduling order and seek to move to dismiss claims in this action (court announced it would consider such a motion on>NNL). (Garrison, Krystyl)
11/08/2011	33 (8 pgs; 2 docs) Motion for leave <i>Motion to Enter Scheduling Order</i> filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit M. Pronske, P.C., Pronske & Patel, P.C. Objections due by 12/2/2011. (Attachments: # 1 Exhibit A) (Pronske, Gerrit)
11/30/2011	34 (143 pgs; 7 docs) Response opposed to (related document(s): 33 Motion for leave <i>Motion to Enter Scheduling Order</i> filed by 3rd Party Plaintiff Gerrit M. Pronske, P.C., Defendant Gerrit M. Pronske, P.C., 3rd Party Plaintiff Pronske & Patel, P.C., Defendant Pronske & Patel, P.C.) filed by Other Professional Peter S. Vogel. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F) (Ruckman, Deirdre)
12/02/2011	35 (3 pgs) Notice of hearing & <i>Status Conference</i> filed by 3rd Party Plaintiff Gerrit M. Pronske, P.C., Defendant Pronske & Patel, P.C. (RE: related document (s) 33 Motion for leave <i>Motion to Enter Scheduling Order</i> filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit M. Pronske, P.C., Pronske & Patel, P.C. Objections due by 12/2/2011. (Attachments: # 1 Exhibit A)). Hearing to be held on 1/9/2012 at 02:30 PM Dallas Judge Jernigan Ctrm for 33 , (Pronske, Gerrit)
01/09/2012	Hearing held on 1/9/2012. (RE: related document(s) 33 Motion to Enter Scheduling Order filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C.) Appearances: G. Pronske for Defendant; P. Loh for Receiver P. Vogel (w/ P. Vogel); R. Urbanik for Trustee D. Sherman. Nonevidentiary hearing. Motion denied. Court will continue with abatement of this adversary proceeding indefinitely, in light of District Court Stay Order, but this is without prejudice to any partys motion to move forward in adversary proceeding if District Court lifts

	stay. Court will set another statu conference in approximately 90 days if there is no activity sooner. (Garrison, Krystyl)
01/09/2012	Hearing held on 1/9/2012. (RE: related document(s) 1 Status conference) Appearances: G. Pronske for Defendant; P. Loh for Receiver P. Vogel (w/ P. Vogel); R. Urbanik for Trustee D. Sherman. Nonevidentiary hearing. Court heard status reports. Court will continue with abatement of this adversary proceeding indefinitely, in light of District Court Stay Order, but this is without prejudice to any partys motion to move forward in adversary proceeding if District Court lifts stay. Court will set another statu conference in approximately 90 days if there is no activity sooner. (Garrison, Krystyl)
03/13/2014	36 (7 pgs) Motion for leave (<i>Defendants' Emergency Motion to Lift Abatement</i>) filed by Pronske Goolsby & Kathman, P.C., Gerrit Pronske Objections due by 4/7/2014. (Pronske, Gerrit)
03/13/2014	37 (5 pgs) Motion for expedited hearing(related documents 36 Motion for leave) <i>Motion for Emergency Hearing</i> filed by Defendant Gerrit M. Pronske, P.C., Creditor Pronske Goolsby & Kathman, P.C. (Pronske, Gerrit)
03/13/2014	38 (19 pgs; 2 docs) Application for writ of garnishment filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit Pronske, Pronske Goolsby & Kathman, P.C. (Attachments: # 1 Exhibit A) (Pronske, Gerrit)
03/14/2014	39 (2 pgs) Order denying motion for expedited hearing (Related Doc# 37 Expedited hearing and # 36 Defendants' Emergency Motion to Lift Abatement) Entered on 3/14/2014. (Mathews, M.)
03/16/2014	40 (3 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 39 Order denying motion for expedited hearing (Related Doc# 37 Expedited hearing and # 36 Defendants' Emergency Motion to Lift Abatement) Entered on 3/14/2014. (Mathews, M.)) No. of Notices: 0. Notice Date 03/16/2014. (Admin.)
03/27/2014	41 (3 pgs) Order Setting hearing on motions and setting general status conference. Entered on 3/27/2014 (RE: related document(s) 1 Complaint filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 9 Motion for remand filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 36 Motion for leave filed by Creditor Pronske Goolsby & Kathman, P.C., Creditor Gerrit Pronske, 38 Application for writ of garnishment filed by 3rd Party Plaintiff Gerrit M. Pronske, P.C., Defendant Gerrit M. Pronske, P.C., 3rd Party Plaintiff Pronske & Patel, P.C., Defendant Pronske & Patel, P.C., Creditor Pronske Goolsby & Kathman, P.C., Creditor Gerrit Pronske). Hearing to be held on 4/28/2014 at 01:30 PM Dallas Judge Jernigan Ctrm for 38 and for 1 and for 36 and for 9 , (Blanco, J.) Modified TEXT on 3/27/2014 (Blanco, J.).
03/29/2014	42 (4 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 41 Order Setting hearing on motions and setting general status conference. Entered

	<p>on 3/27/2014 (RE: related document(s)1 Complaint filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 9 Motion for remand filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron, 36 Motion for leave filed by Creditor Pronske Goolsby & Kathman, P.C., Creditor Gerrit Pronske, 38 Application for writ of garnishment filed by 3rd Party Plaintiff Gerrit M. Pronske, P.C., Defendant Gerrit M. Pronske, P.C., 3rd Party Plaintiff Pronske & Patel, P.C., Defendant Pronske & Patel, P.C., Creditor Pronske Goolsby & Kathman, P.C., Creditor Gerrit Pronske). Hearing to be held on 4/28/2014 at 01:30 PM Dallas Judge Jernigan Ctrm for 38 and for 1 and for 36 and for 9, (Blanco, J.) Modified TEXT on 3/27/2014 (Blanco, J.) No. of Notices: 0. Notice Date 03/29/2014. (Admin.)</p>
04/07/2014	<p>43 (2 pgs) Plaintiff's Verified Objection to (related document(s): 38 Application for writ of garnishment filed by 3rd Party Plaintiff Gerrit M. Pronske, P.C., Defendant Gerrit M. Pronske, P.C., 3rd Party Plaintiff Pronske & Patel, P.C., Defendant Pronske & Patel, P.C., Creditor Pronske Goolsby & Kathman, P.C., Creditor Gerrit Pronske) filed by Plaintiff Jeff Baron . (Brown, D.)</p>
04/08/2014	<p>44 (2 pgs) Withdrawal filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Creditor Pronske Goolsby & Kathman, P.C. (RE: related document(s)36 Motion for leave (<i>Defendants' Emergency Motion to Lift Abatement</i>)). (Goolsby, Melanie)</p>
04/08/2014	<p>45 (2 pgs) Withdrawal filed by Defendants Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Gerrit M. Pronske, P.C., Pronske & Patel, P.C., Creditor Pronske Goolsby & Kathman, P.C. (RE: related document(s)38 Application for writ of garnishment). (Goolsby, Melanie)</p>
04/28/2014	<p>46 (2 pgs) Notice of Appearance and Request for Notice <i>on Behalf of Jeffrey Baron</i> by Leonard H. Simon filed by Plaintiff Jeff Baron. (Simon, Leonard)</p>
04/28/2014	<p>Hearing held on 4/28/2014. (RE: related document(s)9 Motion for remand <i>and Motion to Strike</i> filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron) Appearances: G. Pronske and M. Goolsby for Defendants; L. Simon for Plaintiff (pursuant to a Notice of Appearance filed approximately 1:00 am on 4/28/14; it was represented that Mr. Baron was ill and would not attend hearing). Motion granted, for reasons stated on the record. Mr. Simon instructed to submit Order remanding action to state court. (Harden, D.)</p>
04/28/2014	<p>Status conference held on 4/28/2014. (RE: related document(s)1 Adversary case 10-03281. Complaint by Jeff Baron against Gerrit M. Pronske, P.C., Pronske & Patel, P.C.. Fee Amount \$250. Nature(s) of suit: 01 (Determination of removed claim or cause). filed by Counter-Defendant Jeff Baron, Plaintiff Jeff Baron) Appearances: G. Pronske and M. Goolsby for Defendants; L. Simon for Plaintiff (pursuant to a Notice of Appearance filed approximately 1:00 am on 4/28/14; it was represented that Mr. Baron was ill and would not attend hearing). Court will remand action, for reasons stated on the record. Mr. Simon instructed to submit Order remanding action to state court. (Harden, D.)</p>

05/05/2014	47 (2 pgs) Order granting motion for remand case back to the 193rd Judicial District Court, Dallas County, Texas (related document # 9) Entered on 5/5/2014. (Moroles, D.)
05/07/2014	48 (4 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 47 Order granting motion for remand case back to the 193rd Judicial District Court, Dallas County, Texas (related document 9) Entered on 5/5/2014. (Moroles, D.)) No. of Notices: 1. Notice Date 05/07/2014. (Admin.)
05/21/2014	49 (1 pg) Notice of remand (Bibbs, P.)
06/18/2014	50 Request for transcript (ruling only) regarding a hearing held on 4/28/2014. The requested turn-around time is 7-day expedited (Baird, Dennis)

PACER Service Center			
Transaction Receipt			
06/19/2014 10:20:51			
PACER Login:	ls1001	Client Code:	
Description:	Docket Report	Search Criteria:	10-03281-sgj Fil or Ent: filed From: 6/5/2010 To: 6/19/2014 Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
Billable Pages:	9	Cost:	0.90

EXHIBIT "2"

Gerrit M. Pronske
State Bar No. 16351640
Melanie P. Goolsby
State Bar No. 24059841
PRONSKE GOOLSBY & KATHMAN, PC
2200 Ross Avenue, Suite 5350
Dallas, Texas 75201
(214) 658-6500 - Telephone
(214) 658-6509 – Telecopier
Email: gpronske@pgkpc.com
Email: mgoolsby@pgkpc.com

**COUNSEL FOR GERRIT M. PRONSKE AND
PRONSKE GOOLSBY & KATHMAN, PC,
F/K/A PRONSKE & PATEL, PC**

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

In re:	§	
	§	CASE NO. 09-34784-SGJ-11
ONDOVA LIMITED COMPANY,	§	
	§	CHAPTER 11
Debtor.	§	
<hr/>		
JEFF BARON,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	ADVERSARY NO. 10-03281-SGJ
GERRIT M. PRONSKE,	§	
INDIVIDUALLY, AND PRONSKE &	§	
PATEL, P.C.,	§	
	§	
Defendants.	§	
<hr/>		
GERRIT M. PRONSKE AND	§	
PRONSKE & PATEL, P.C.,	§	
	§	
Counter-Plaintiffs and Third-	§	
Party Plaintiffs,	§	
	§	
v.	§	
	§	
JEFF BARON,	§	
	§	
Counter-Defendant, and	§	

THE VILLAGE TRUST,

Third-Party Defendant.

§
§
§
§
§
§
§

DEFENDANTS’ EMERGENCY MOTION TO LIFT ABATEMENT

TO THE HONORABLE STACEY G.C. JERNIGAN,
UNITED STATES BANKRUPTCY JUDGE:

Gerrit M. Pronske (“Pronske”) and Pronske Goolsby & Kathman, PC, f/k/a Pronske & Patel, PC (“PGK” and, together with Pronske, the “Defendants”), defendants, cross-plaintiffs, and third party plaintiffs in the above-captioned adversary proceeding, hereby file this Emergency Motion to Lift Abatement (the “Motion”), and in support of this Motion, state as follows:

I. BACKGROUND

A. The Involuntary Case

1. On December 18, 2012 (the “Petition Date”), PGK and other petitioning creditors (together, the “Petitioning Creditors”) filed an involuntary bankruptcy petition against Jeffrey Baron (“Baron” or the “Debtor”) under Chapter 7 of the Bankruptcy Code [Docket No. 1, later amended at Docket No. 45].

2. On June 26, 2013, after conducting an involuntary trial over two days, the Court entered an Order for Relief in an Involuntary Case (the “Order for Relief”) [Docket No. 240].

3. On January 2, 2014, the United States District Court for the Northern District of Texas (the “District Court”) entered an Amended Memorandum Opinion and Order reversing this Court’s Order for Relief and remanding the matter to this Court the

limited purpose of considering potential claims for attorney's fees under 11 U.S.C. § 303(i) and dismissal of the case.

4. PGK and the other Petitioning Creditors have appealed the District Court's reversal of the Order for Relief to the United States Court of Appeals for the Fifth Circuit. They also requested stay of the District Court's order pending appeal, which was denied by the Fifth Circuit on March 6, 2014.

5. The District Court has recently entered an order requiring the Baron Receiver to return receivership assets to Baron, Novo Point LLC, and Quantec LLC on or before March 14, 2014. *See* Order entered February 28, 2014 at Document No. 1368 in *Netsphere, Inc., et al v. Baron, et al*, Civil Action No. 3:09-CV-0988-L.

B. The Ondova Adversary Proceeding

6. Prior to the Petition Date, on September 15, 2010, Baron filed his Original Petition for Declaratory Judgment, Original Petition, Application for Temporary Restraining Order and Request for Disclosure (the "Complaint") against Gerrit M. Pronske, individually, and Pronske & Patel, PC (together, the "Defendants") in the 193rd Judicial District Court of Dallas County, Texas (the "State Court").

7. On that same date, the Defendants filed a Notice of Removal of the Complaint to the United States Bankruptcy Court for the Northern District of Texas in the bankruptcy case styled *In re Ondova Limited Company*, Case. No. 09-34784-SGJ-11 (the "Ondova Case").

8. On September 27, 2010, the Defendants filed their Original Answer and Counter-Claim and Third Party Complaint (the "Answer"). The Answer states claims against Baron and The Village Trust for theft of services, breach of contract, quantum meruit, attorney's fees, fraud, and alter ego.

9. On November 3, 2010, this Court entered its Order Abating Adversary Proceeding and Setting Status Conference temporarily abating the adversary proceeding to December 16, 2010.

10. The adversary proceeding has continued to be abated and/or stayed by the intervening involuntary bankruptcy case against Baron since November 3, 2010, and the Court has not conducted a hearing or entered an order on Baron's Motion to Remand and Motion to Strike Notice of Removal.

II. REQUEST FOR RELIEF

11. There is no longer cause to abate the adversary proceeding because of intervening proceedings that address the subject matter of the parties' dispute. The adversary proceeding was first abated after the appointment of the Receiver by the District Court, and the abatement continued throughout the duration of the Baron Receivership. Yet the circumstances have changed substantially since November 2010. The Fifth Circuit has reversed and vacated the appointment of the Receiver, and the District Court is taking steps to expeditiously wind-down the Receivership, including the return of Baron's assets on or before March 14, 2014. As a result, Baron is soon to be in possession of his assets, and the Receiver will soon be discharged from his duties under the Receivership Order. These significant changes in circumstances support lifting the abatement of the removed State Court lawsuit so that the parties may be free to pursue their claims against each other.

12. Although never expressly articulated by the Court, the abatement of the adversary proceeding continued past the Fifth Circuit's reversal of the Receivership Order because of the intervening involuntary bankruptcy petition filed against Baron immediately after the Fifth Circuit's opinion reversing the Receivership Order was released. As before, the circumstances of the involuntary bankruptcy against Baron have also materially

changed. The District Court reversed the Order for Relief on appeal entered against Baron in the involuntary matter, and although that reversal has been appealed to the Fifth Circuit, the Fifth Circuit has declined to stay the reversal pending resolution of the appeal. Although the involuntary case is still open, all that remains to be resolved prior to dismissal of the case is the potential assessment of attorneys' fees against the Petitioning Creditors under 11 U.S.C. § 303(i). The Defendants have filed a motion for relief from the bankruptcy automatic stay in Baron's individual bankruptcy case contemporaneously with the filing of this Motion, although the Defendants believe Baron is judicially estopped from opposing relief from the automatic stay given his prior positions and arguments during the course of the appeal of the Order for Relief. For these reasons, the intervening involuntary bankruptcy case against Baron no longer supports abatement of the adversary proceeding.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court grant this Motion, lift the abatement of the above-captioned adversary proceeding, and grant Defendants such other, further relief to which they may be entitled.

Dated: March 13, 2014.

Respectfully submitted,

/s/ Gerrit M. Pronske

Gerrit M. Pronske

State Bar No. 16351640

Melanie P. Goolsby

State Bar No. 24059841

PRONSKE GOOLSBY & KATHMAN, PC

2200 Ross Avenue, Suite 5350

Dallas, Texas 75201

(214) 658-6500 - Telephone

(214) 658-6509 – Telecopier

Email: gpronske@pgkpc.com

Email: mgoolsby@pgkpc.com

**COUNSEL FOR GERRIT M. PRONSKE
AND PRONSKE GOOLSBY &
KATHMAN, PC, F/K/A PRONSKE &
PATEL, PC**

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on March 11, 2014, I conferred with Leonard Simon, proposed counsel for Baron, regarding the relief sought in this Motion, who indicated that Baron is opposed to the relief requested herein.

/s/ Gerrit M. Pronske

Gerrit M. Pronske

CERTIFICATE OF SERVICE

The undersigned does hereby certify that, on March 13, 2014, a true and correct copy of the above and foregoing Motion was served upon the Debtor via email as identified below, and also via ECF email on all parties accepting such service. Any party may request a copy of the attached exhibits to the undersigned counsel.

Stephen Cochell
The Cochell Law Firm
7026 Old Katy Road, Suite 259
Houston, Texas 77024
srcochell@cochellfirm.com

COUNSEL FOR THE DEBTOR

Leonard H. Simon
Pendergraft & Simon, LLP
The Riviana Building, Suite 800
2777 Allen Parkway
Houston, Texas 77019
lsimon@pendergraftsimon.com

**PROPOSED COUNSEL FOR THE
DEBTOR**

/s/ Melanie P. Goolsby
Melanie P. Goolsby

EXHIBIT “3”

Gerrit M. Pronske
State Bar No. 16351640
Melanie P. Goolsby
State Bar No. 24059841
PRONSKE GOOLSBY & KATHMAN, PC
2200 Ross Avenue, Suite 5350
Dallas, Texas 75201
(214) 658-6500 - Telephone
(214) 658-6509 – Telecopier
Email: gpronske@pgkpc.com
Email: mgoolsby@pgkpc.com

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

In re:	§
	§ CASE NO. 12-37921-7
JEFFREY BARON,	§
	§ INVOLUNTARY CHAPTER 7
Debtor.	§ PROCEEDING
<hr/>	
In re:	§
	§ CASE NO. 09-34784-SGJ-11
ONDOVA LIMITED COMPANY,	§
	§ CHAPTER 11
Debtor.	§
<hr/>	
GERRIT M. PRONSKE AND PRONSKE & PATEL, P.C.,	§
	§
	§
Counter-Plaintiffs and Third-Party Plaintiffs,	§
	§
v.	§
	§
JEFF BARON,	§
	§
Counter-Defendant, and	§
	§
THE VILLAGE TRUST,	§
	§
Third-Party Defendant.	§
	§

MOTION FOR EMERGENCY HEARING

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Gerrit Pronske and Pronske Goolsby & Kathman, PC, f/k/a Pronske & Patel, P.C. (“PGK” and, together with Gerrit Pronske, the “Movants”) file this Motion for Emergency Hearing (the “Motion for Emergency Hearing”) on their: (i) Emergency Motion for Relief from stay filed in *In re Jeffrey Baron*, Case No. 12-37921-7, and (ii) Emergency Motion to Lift Abatement filed in *Baron v. Pronske, et al*, Adversary Proceeding No. 10-03281-SGJ. In support of the Motion for Emergency Hearing, Movants respectfully show the Court as follows:

1. On December 18, 2012 (the “Petition Date”), PGK and other petitioning creditors (together, the “Petitioning Creditors”) filed an involuntary bankruptcy petition against Jeffrey Baron (“Baron” or the “Debtor”) under Chapter 7 of the Bankruptcy Code [Baron Docket No. 1, later amended at Docket No. 45].

2. On June 26, 2013, after conducting an involuntary trial over two days, the Court entered an Order for Relief in an Involuntary Case (the “Order for Relief”) [Baron Docket No. 240].

3. On January 2, 2014, the United States District Court for the Northern District of Texas (the “District Court”) entered an Amended Memorandum Opinion and Order reversing this Court’s Order for Relief and remanding the matter to this Court the limited purpose of considering potential claims for attorney’s fees under 11 U.S.C. § 303(i) and dismissal of the case.

4. PGK and the other Petitioning Creditors have appealed the District Court’s reversal of the Order for Relief to the United States Court of Appeals for the Fifth Circuit. They also requested stay of the District Court’s order pending appeal, which was denied by the Fifth Circuit on March 6, 2014.

5. The District Court has recently entered an order requiring the Baron Receiver to return receivership assets to Baron, Novo Point LLC, and Quantec LLC on or before March 14, 2014. See Order entered February 28, 2014 at Document No. 1368 in *Netsphere, Inc., et al v. Baron, et al*, Civil Action No. 3:09-CV-0988-L. Upon information and belief, this includes possession, custody, and control over certain investment accounts Baron, some of which accounts Baron alleges to be qualified IRA accounts.

6. The Movants are gravely concerned that, immediately upon the imminent return of Baron's personal assets from the Receivership, Baron intends to remove those assets beyond the reach of his creditors, possibly to off-shore trusts in The Cook Islands. Movants therefore seek emergency relief in the *Baron* bankruptcy case for relief from the bankruptcy automatic stay and emergency relief in the *Baron v. Pronske* adversary case to lift the abatement of that proceeding and move forward with any and all rights and remedies available to Movants under applicable law to protect their interests vis-à-vis Baron and his personal assets.

7. Movants respectfully request that the Court set emergency hearings on these matters on Friday, March 14, 2014, the date Movants expect Baron to regain possession of his personal assets from the Receiver, or otherwise at the earliest convenience of the Court. Movants are seeking emergency relief at the earliest possible moment after learning of the District Court's orders concerning objections to the March 14, 2014 distribution date and confirming the Receiver's intent to return possession of Receivership assets to Baron by tomorrow.

8. Notice of the Motion is being given to counsel for Baron and the Chapter 7 Trustee by email, as set forth in the Certificate of Service below.

WHEREFORE, Movants respectfully request that the Court: (i) grant this Motion for Emergency Hearing; (ii) set an emergency hearing to consider the Motions; and (iv) grant the Movants such other and further relief to which they may be justly entitled.

Dated: March 13, 2014.

Respectfully submitted,

/s/ Gerrit M. Pronske

Gerrit M. Pronske

Texas Bar No. 16351640

Melanie P. Goolsby

State Bar No. 24059841

PRONSKE GOOLSBY & KATHMAN, PC

2200 Ross Avenue, Suite 5350

Dallas, Texas 75201

Telephone: 214.658.6500

Facsimile: 214.658.6509

Email: gpronske@pgkpc.com

Email: mgoolsby@pgkpc.com

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on March 11, 2014, I conferred with Leonard Simon, proposed counsel for Baron, regarding the relief sought in this Motion, who indicated that Baron is opposed to the relief requested herein.

/s/ Gerrit M. Pronske

Gerrit M. Pronske

CERTIFICATE OF SERVICE

The undersigned does hereby certify that, on March 13, 2014, a true and correct copy of the above and foregoing Motion was served upon the Debtor and counsel for the Trustee via email as identified below, and also via ECF email on all parties accepting such service. Any party may request a copy of the attached exhibits to the undersigned counsel.

Stephen Cochell
The Cochell Law Firm
7026 Old Katy Road, Suite 259
Houston, Texas 77024
srcochell@cochellfirm.com

COUNSEL FOR THE DEBTOR

Leonard H. Simon
Pendergraft & Simon, LLP
The Riviana Building, Suite 800
2777 Allen Parkway
Houston, Texas 77019
lsimon@pendergraftsimon.com

PROPOSED COUNSEL FOR THE DEBTOR

Kevin McCullough
Kathryn Reid
Rochelle McCullough, LLP
325 N. St. Paul Street, Ste. 4500
Dallas, Texas 75201
kdm@romclawyers.com
kreid@romclawyers.com

**ATTORNEYS FOR JOHN LITZLER, CH.
7 TRUSTEE**

/s/ Melanie P. Goolsby
Melanie P. Goolsby

EXHIBIT "4"



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

TAWANA C. MARSHALL, CLERK

THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 14, 2014

United States Bankruptcy Judge

**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)
<hr/>		
JEFF BARON,	§	
	§	
Plaintiff,	§	Adversary No. 10-03281
	§	
v.	§	
	§	
GERRIT M. PRONSKE AND PRONSKE & PATEL, P.C.,	§	
	§	
Defendants, Counter-Plaintiffs, and Third-Party Plaintiffs,	§	
	§	

v. §
§
§
JEFF BARON, §
§
Counter-Defendant, and §
§
THE VILLAGE TRUST, §
§
Third-Party Defendant. §

ORDER DENYING MOTION FOR EMERGENCY HEARING [DE # 37]

Came on for consideration the Motion for Emergency Hearing (the “Motion”) [DE # 37] filed March 13, 2014, by Gerrit Pronske and Pronske Goolsby & Kathman, PC, f/k/a Pronske & Patel, P.C. in the above-referenced adversary proceeding. After a review of the Motion, the court does not find good cause to grant the relief.

Accordingly,

IT IS ORDERED that the Motion is **DENIED**.

END OF ORDER

EXHIBIT "5"



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

TAWANA C. MARSHALL, CLERK

THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 27, 2014

United States Bankruptcy Judge

**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)
<hr/>		
JEFF BARON,	§	
	§	
Plaintiff,	§	Adversary No. 10-03281
	§	
v.	§	
	§	
GERRIT M. PRONSKE AND PRONSKE & PATEL, P.C.,	§	
	§	
Defendants, Counter-Plaintiffs, and Third-Party Plaintiffs,	§	
	§	

v.	§
	§
	§
JEFF BARON,	§
	§
Counter-Defendant, and	§
	§
THE VILLAGE TRUST,	§
	§
Third-Party Defendant.	§

ORDER: (1) SETTING HEARING ON DEFENDANTS’ EMERGENCY MOTION TO LIFT ABATEMENT [DE # 36]; (2) SETTING HEARING ON PLAINTIFF’S MOTION FOR REMAND AND MOTION TO STRIKE NOTICE OF REMOVAL [DE # 9]; (3) SETTING HEARING ON APPLICATION FOR PRE-JUDGMENT WRIT OF GARNISHMENT AGAINST DEFENDANTS [DE # 38]; AND (4) SETTING GENERAL STATUS CONFERENCE

On September 15, 2010, Jeff Baron (the “Plaintiff”) filed Plaintiff’s Original Petition for Declaratory Judgment, Original Petition, Application for Temporary Restraining Order and Request for Disclosure in the 193rd Judicial District Court of Dallas County, Texas, Cause No. 10-11915 (the “State Court Case”). On September 15, 2010, Gerrit M. Pronske, Individually and Pronske & Patel, P.C., filed a Notice of Removal [DE # 1] of the State Court Case thereby initiating the above-referenced adversary proceeding (the “Adversary Proceeding”). On October 15, 2010, Jeff Baron filed a Motion for Remand and Motion to Strike Notice of Removal and Brief in Support in the Adversary Proceeding (the “Motion for Remand”) [DE ## 9, 10, and 11]. On November 3, 2010, this court entered an Order Abating Adversary Proceeding and Setting Status Conference [DE # 13] which abated the Adversary Proceeding until December 16, 2010 and also set a status conference in the Adversary Proceeding for December 16, 2010. After several continued status conferences, the court abated the Adversary Proceeding indefinitely at a hearing held on January 9, 2012 without prejudice to any party’s motion to move forward in the

Adversary Proceeding. On March 13, 2014, Gerrit M. Pronske and Pronske Goolsby & Kathman, PC, f/k/a Pronske & Patel, P.C. (collectively, the “Pronske Firm”) filed Defendants’ Emergency Motion to Lift Abatement (the “Motion to Lift Abatement”) [DE # 36].¹ Additionally, the Pronske Firm filed an Application for Pre-Judgment Writ of Garnishment Against Defendant (the “Writ of Garnishment”) [DE # 38]. Having reviewed the relief requested in the Motion for Remand, the Motion to Lift Abatement, and the Writ of Garnishment, it is

ORDERED that a hearing will be held on the Motion to Lift Abatement on **April 28, 2014 at 1:30 p.m.**; it is further

ORDERED that a hearing will be held on the Writ of Garnishment on **April 28, 2014 at 1:30 p.m.**; it is further

ORDERED that a hearing will be held on the Motion for Remand on **April 28, 2014 at 1:30 p.m.**; and it is further

ORDERED that a general status conference will be held on the Adversary Proceeding on **April 28, 2014 at 1:30 p.m.**

END OF ORDER

¹ The court denied the Defendants’ request for an expedited hearing on the Motion to Lift Abatement. *See* DE # 39.

EXHIBIT "6"

conducted a hearing on April 28, 2014, at 1:30 pm. Plaintiff, Jeffrey Baron, appeared through his counsel, Leonard H. Simon, who made an appearance earlier that day, and Defendants appeared through their counsel, Gerrit Pronske. The Court Considered the arguments of counsel and the pleadings on file, and recited certain findings of fact and conclusions of law into the record, which are incorporated herein by reference for all purposes. The Court determined that the captioned adversary proceeding should be remanded. Accordingly, it is

ORDERED that the captioned adversary proceeding be, and it hereby is, remanded back to the 193rd Judicial District Court in and for Dallas County, Texas, Cause No. 10-11915, where the case was pending before it was removed.

###END OF ORDER###

ORDER PREPARED AND SUBMITTED BY:

/s/ Leonard H. Simon

Leonard H. Simon, Esq.

TBN: 18387400; SDOT: 8200

PENDERGRAFT & SIMON, L.L.P.

The Riviana Building

2777 Allen Parkway, Suite 800

Houston, Texas 77019

(713) 727-8207 (Direct Line)

(832) 202-2810 (Direct Telecopy)

lsimon@pendergraffsimon.com

ATTORNEY IN CHARGE FOR

JEFFREY BARON

EXHIBIT "7"

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

NETSPHERE INC.,	§	
MANILA INDUSTRIES, INC.; and	§	
MUNISH KRISHAN	§	
	§	
Plaintiffs,	§	
vs.	§	CIVIL ACTION NO. 3-09CV0988-F
	§	
JEFFREY BARON and	§	
ONDOVA LIMITED COMPANY,	§	
Defendants	§	

ORDER APPOINTING RECEIVER

The Court hereby appoints a receiver and imposes an ancillary relief to assist the receiver as follows:

APPOINTMENT OF RECEIVER

IT IS HEREBY ORDERED that Peter S. Vogel is appointed Receiver for Defendant Jeffrey Baron with the full power of an equity receiver. The Receiver shall be entitled to possession and control over all Receivership Assets, Receivership Parties and Receivership Documents as defined herein, and shall be entitled to exercise all powers granted herein.

RECEIVERSHIP PARTIES, ASSETS, AND RECORDS

IT IS FURTHER ORDERED that the Court hereby takes exclusive jurisdiction over, and grants the Receiver exclusive control over, any and all "Receivership Parties", which term shall include Jeffrey Baron and the following entities:

- Village Trust, a Cook Islands Trust
- Equity Trust Company IRA 19471
- Daystar Trust, a Texas Trust
- Belton Trust, a Texas Trust
- Novo Point, Inc., a USVI Corporation
- Iguana Consulting, Inc., a USVI Corporation
- Quantec, Inc., a USVI Corporation
- Shiloh, LLC, a Delaware Limited Liability Company
- Novquant, LLC, a Delaware Limited Liability Company

Manassas, LLC, a Texas Limited Liability Company
Domain Jamboree, LLC, a Wyoming Limited Liability Company
ID Genesis, LLC, a Utah Limited Liability Company

and any entity under the direct or indirect control of Jeffrey Baron, whether by virtue of ownership, beneficial interest, a position as officer, director, power of attorney or any other authority or right to act. The Court hereby enjoins any person from taking any action based upon any presently existing directive from any person other than the Receiver with regard to the affairs and business of the Receivership Parties, including but not limited to proceeding with the transfer of a portfolio of internet domain names ("Domain Names") for which Ondova Limited Company ("Ondova") acted as registrar. Specifically, but without limitation, VeriSign Inc and The Internet Corporation for Assigned Names and Numbers ("ICANN"), and any other entity connected to the transfer of the Domain Names, shall immediately cease such efforts and shall terminate any movement of the Domain Names.

IT IS FURTHER ORDERED that the Court hereby takes exclusive jurisdiction over, and grants the Receiver exclusive control over, any and all "Receivership Assets", which term shall include any and all legal or equitable interest in, right to, or claim to, any real or personal property (including "goods," "instruments," "equipment," "fixtures," "general intangibles," "inventory," "checks," or "notes" (as these terms are defined in the Uniform Commercial Code)), lines of credit, chattels, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and all cash, wherever located, and further including any legal or equitable interest in any trusts, corporations, partnerships, or other legal entities of any nature, that are:

1. owned, controlled, or held by, in whole or in part, for the benefit of, or subject to access by, or belonging to, any Receivership Party;
2. in the actual or constructive possession of any Receivership Party; or
3. in the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, or belonging to, any other corporation, partnership, trust, or any

other entity directly or indirectly owned, managed, or controlled by, or under common control with, any Receivership Party, including, but not limited to, any assets held by or for any Receivership Party in any account at any bank or savings and loan institution, or with any credit card processing agent, automated clearing house processor, network transaction processor, bank debit processing agent, customer service agent, commercial mail receiving agency, or mail holding or forwarding company, or any credit union, retirement fund custodian, money market or mutual fund, storage company, trustee, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, or other financial institution or depository of any kind, either within or outside of the State of Texas.

IT IS FURTHER ORDERED that the Receiver shall be entitled to any document that any Receivership Party is entitled to possess as of the signing of this order ("Receivership Documents").

IT IS FURTHER ORDERED that all persons who receive actual notice of this Order by personal service or otherwise are hereby restrained and enjoined from:

A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any Receivership Assets.

B. Opening or causing to be opened any safe deposit boxes, commercial mail boxes, or storage facilities titled in the name of any Receivership Party, or subject to access by any Receivership Party or under any Receivership Party's control, without providing the Receiver prior notice and an opportunity to inspect the contents in order to determine that they contain no assets covered by this Section;

C. Cashing any checks or depositing any payments from customers or clients of a Receivership Party;

D. Incurring charges or cash advances on any credit card issued in the name, singly or jointly, of any Receivership Party; or

E. Incurring liens or encumbrances on real property, personal property, or other assets in the name, singly or jointly, of any Receivership Party or of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Receivership Party.

F. The funds, property, and assets affected by this Order shall include both existing assets and assets acquired after the effective date of this Order.

IT IS FURTHER ORDERED that any financial institution, business entity, or person maintaining or having custody or control of any account or other asset of any Receivership Party, or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by, or under common control with any Receivership Party, which is served with a copy of this Order, or otherwise has actual or constructive knowledge of this Order, shall:

A. Hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, conversion, sale, liquidation, or other disposal of any of the assets, funds, documents, or other property held by, or under its control:

1. on behalf of, or for the benefit of, any Receivership Party;
2. in any account maintained in the name of, or for the benefit of, or subject to withdrawal by, any Receivership Party; and
3. that are subject to access or use by, or under the signatory power of, any Receivership Party.

B. Deny any person other than the Receiver or his designee access to any safe deposit boxes or storage facilities that are either:

1. titled in the name, individually or jointly, of any Receivership Party; or
2. subject to access by any Receivership Party.

C. Provide the Receiver an immediate statement setting forth:

1. The identification number of each account or asset titled in the name, individually or jointly, of any Receivership Party, or held on behalf thereof, or for the benefit thereof, including all trust accounts managed on behalf of any Receivership Party or subject to any Receivership Party's control;

2. The balance of each such account, or a description of the nature and value of such asset;

3. The identification and location of any safe deposit box, commercial mail box, or storage facility that is either titled in the name, individually or jointly, of any Receivership Party, whether in whole or in part; and

4. If the account, safe deposit box, storage facility, or other asset has been closed or removed, the date closed or removed and the balance on said date.

D. Immediately provide the Receiver with copies of all records or other documentation pertaining to each such account or asset, including, but not limited to, originals or copies of account applications, account statements, corporate resolutions, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs; and

E. Immediately honor any requests by the Receiver with regard to transfers of assets to the Receiver or as the Receiver may direct.

DUTIES OF DEFENDANTS REGARDING ASSETS AND DOCUMENTS

IT IS FURTHER ORDERED that Defendants shall:

A. Within three business days following service of this Order, take such steps as are necessary to turn over control to the Receiver and repatriate to the Northern District of Texas all Receivership Documents and Receivership Assets that are located outside of the Northern District of Texas and are held by or for the Receivership Parties or are under the Receivership Parties' direct or indirect control, jointly, severally, or individually;

B. Within three business days following service of this Order, provide Plaintiff and the Receiver with a full accounting of all Receivership Documents and Receivership Assets wherever located, whether such Documents or Assets held by or for any Receivership Party or are under any Receivership Party's direct or indirect control, jointly, severally, or individually, including the addresses and names of any foreign or domestic financial institution or other entity holding the Receivership Documents and Receivership Assets, along with the account numbers and balances; and

D. Immediately following service of this Order, provide Plaintiff and the Receiver access to Defendants' records and Documents held by Financial Institutions or other entities, wherever located.

POWERS AND DUTIES OF RECEIVER

IT IS FURTHER ORDERED that the Receiver shall immediately present a sworn statement that he will perform his duties faithfully and shall post a cash deposit or bond in the amount of \$1,000.

IT IS FURTHER ORDERED that in addition to all powers granted in equity to receivers, the Receiver shall immediately have the following express powers and duties:

A. To have immediate access to any business premises of the Receivership Party, and immediate access to any other location where the Receivership Party has conducted business and where property or business records are likely to be located.

B. To assume full control of the Receivership Party by removing, as the Receiver deems necessary or advisable, any director, officer, independent contractor, employee or agent of the Receivership Party, including any Defendant, from control of, management of, or participation in, the affairs of the Receivership Party;

C. To take exclusive custody, control, and possession of all assets and documents of, or in the possession, custody or under the control of, the Receivership Party, wherever

situated, including without limitation all paper documents and all electronic data and devices that contain or store electronic data including but not limited to computers, laptops, data storage devices, back-up tapes, DVDs, CDs, and thumb drives and all other external storage devices and, as to equipment in the possession or under the control of the Receivership Parties, all PDAs, smart phones, cellular telephones, and similar devices issued or paid for by the Receivership Party.

D. To act on behalf of the Receivership Party and, subject to further order of the Court, to have the full power and authority to take all corporate actions, including but not limited to, the filing of a petition for bankruptcy as the authorized responsible person as to the Receivership Party, dissolution of the Receivership Party, and sale of the Receivership Party.

E. To divert mail.

F. To sue for, collect, receive, take in possession, hold, and manage all assets and documents of the Receivership Party and other persons or entities whose interests are now held by or under the direction, possession, custody or control of the Receivership Party.

G. To investigate, conserve, hold, and manage all Receivership Assets, and perform all acts necessary or advisable to preserve the value of those assets in an effort to prevent any irreparable loss, damage or injury to consumers or to creditors of the Receivership Party including, but not limited to, obtaining an accounting of the assets, and preventing transfer, withdrawal or misapplication of assets.

H. To enter into contracts and purchase insurance as advisable or necessary.

I. To prevent the inequitable distribution of assets and determine, adjust, and protect the interests of creditors who have transacted business with the Receivership Party.

J. To manage and administer the business of the Receivership Party until further order of this Court by performing all incidental acts that the Receiver deems to be advisable or necessary, which include retaining, hiring, or dismissing any employees, independent contractors, or agents.

K. To choose, engage, and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists (collectively, "Professionals"), as each Receiver deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order.

L. To make payments and disbursements from the receivership estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order.

M. To institute, compromise, adjust, defend, appear in, intervene in, or become party to such actions or proceedings in state, federal or foreign courts that each Receiver deems necessary and advisable to preserve or recover the assets of the Receivership Party or that each Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order, including but not limited to, the filing of a petition for bankruptcy.

N. To conduct investigations and to issue subpoenas to obtain documents and records pertaining to, or in aid of, the receivership, and conduct discovery in this action on behalf of the receivership estate.

O. To consent to the dissolution of the receivership in the event that the Plaintiff may compromise the claim that gave rise to the appointment of the Receiver, provided, however, that no such dissolution shall occur without a motion by the Plaintiff and service provided by the Plaintiff upon all known creditors at least thirty days in advance of any such dissolution.

LIMITATION OF RECEIVER'S LIABILITY

IT IS FURTHER ORDERED that except for an act of gross negligence, the Receiver and the Professionals shall not be liable for any loss or damage incurred by any of the Receivership Parties, their officers, agents, servants, employees and attorneys or any other person, by reason of any act performed or omitted to be performed by the Receiver and the Professionals in connection with the discharge of his or her duties and responsibilities. Additionally, in the

event of a discharge of the Receiver either by dissolution of the receivership or order of this Court, the Receiver shall have no further duty whatsoever.

PROFESSIONAL FEES

IT IS FURTHER ORDERED that each Receiver and his professionals, including counsel to the Receiver and accountants, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them, which compensation shall be derived exclusively from the assets now held by, or in the possession or control of, or which may be received by the Receivership Party or which are otherwise recovered by the Receiver, against which the Receiver shall have a first and absolute administrative expense lien. The Receiver shall file with the Court and serve on the parties a fee application with regard to any compensation to be paid to professionals prior to the payment thereof.

COOPERATION WITH RECEIVER

IT IS FURTHER ORDERED that the Defendants and all other persons or entities served with a copy of this Order shall fully cooperate with and assist the Receiver. This cooperation and assistance shall include, but not be limited to, providing any information to the Receiver that the Receiver deems necessary to exercising the authority and discharging the responsibilities of the Receiver under this Order; providing any password required to access any computer, electronic account, or digital file or telephonic data in any medium; turning over all accounts, files, and records including those in possession or control of attorneys or accountants; and advising all persons who owe money to the Receivership Party that all debts should be paid directly to the Receiver. Defendants are hereby temporarily restrained and enjoined from directly or indirectly:

- A. Transacting any of the business of the Receivership Party;

B. Destroying, secreting, defacing, transferring, or otherwise altering or disposing of any documents of the Receivership Party including, but not limited to, books, records, accounts, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations, electronically-stored records, or any other papers of any kind or nature;

C. Transferring, receiving, altering, selling, encumbering, pledging, assigning, liquidating, or otherwise disposing of any assets owned, controlled, or in the possession or custody of, or in which an interest is held or claimed by, the Receivership Party or the Receiver;

D. Drawing on any existing line of credit available to Receivership Party;

E. Excusing debts owed to the Receivership Party;

F. Failing to notify the Receiver of any asset, including accounts, of the Receivership Party held in any name other than the name of any of the Receivership Party, or by any person or entity other than the Receivership Party, or failing to provide any assistance or information requested by the Receiver in connection with obtaining possession, custody or control of such assets;

G. Doing any act that would, or failing to do any act which failure would, interfere with the Receiver's taking custody, control, possession, or management of the assets or documents subject to this receivership; or to harass or interfere with the Receiver in any way; or to interfere in any manner with the exclusive jurisdiction of this Court over the assets or documents of the Receivership Party; or to refuse to cooperate with the Receiver or the Receiver's duly authorized agents in the exercise of their duties or authority under any Order of this Court; and

H. Filing, or causing to be filed, any petition on behalf of the Receivership Party for relief under the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330 (2002), without prior permission from this Court.

IT IS FURTHER ORDERED that:

A. Immediately upon service of this Order upon them, or within such period as may be permitted by the Receiver, Defendants or any other person or entity shall transfer or deliver possession, custody, and control of the following to the Receiver:

1. All assets of the Receivership Party, including, without limitation, bank accounts, web sites, buildings or office space owned, leased, rented, or otherwise occupied by the Receivership Party;

2. All documents of the Receivership Party, including, but not limited to, books and records of accounts, legal files (whether held by Defendants or their counsel) all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), client lists, title documents, and other papers;

3. All of the Receivership Party's accounting records, tax records, and tax returns controlled by, or in the possession of, any bookkeeper, accountant, enrolled agent, licensed tax preparer or certified public accountant;

4. All loan applications made by or on behalf of Receivership Party and supporting documents held by any type of lender including, but not limited to, banks, savings and loans, thrifts or credit unions;

5. All assets belonging to members of the public now held by the Receivership Party; and

6. All keys and codes necessary to gain or secure access to any assets or documents of the Receivership Party including, but not limited to, access to their business premises, means of communication, accounts, computer systems or other property;

B. In the event any person or entity fails to deliver or transfer any asset or otherwise fails to comply with any provision of this Paragraph, the Receiver may file ex parte an Affidavit of Non-Compliance regarding the failure. Upon filing of the affidavit, the Court may authorize, without additional process or demand, Writs of Possession or Sequestration or other equitable

writs requested by the Receivers. The writs shall authorize and direct the United States Marshal or any sheriff or deputy sheriff of any county, or any other federal or state law enforcement officer, to seize the asset, document or other thing and to deliver it to the Receivers.

IT IS FURTHER ORDERED that, upon service of a copy of this Order, all banks, broker-dealers, savings and loans, escrow agents, title companies, leasing companies, landlords, ISOs, credit and debit card processing companies, insurance agents, insurance companies, commodity trading companies or any other person, including relatives, business associates or friends of the Defendants, or their subsidiaries or affiliates, holding assets of the Receivership Party or in trust for Receivership Party shall cooperate with all reasonable requests of each Receiver relating to implementation of this Order, including freezing and transferring funds at his or her direction and producing records related to the assets of the Receivership Party.

STAY OF ACTIONS

IT IS FURTHER ORDERED that:

A. Except by leave of this Court, during the pendency of the receivership ordered herein, all other persons and entities aside from the Receiver are hereby stayed from taking any action to establish or enforce any claim, right, or interest for, against, on behalf of, in, or in the name of, the Receivership Party, any of their partnerships, assets, documents, or the Receiver or the Receiver's duly authorized agents acting in their capacities as such, including, but not limited to, the following actions:

1. Commencing, prosecuting, continuing, entering, or enforcing any suit or proceeding, except that such actions may be filed to toll any applicable statute of limitations;
2. Accelerating the due date of any obligation or claimed obligation; filing or enforcing any lien; taking or attempting to take possession, custody or control of any asset;

attempting to foreclose, forfeit, alter or terminate any interest in any asset, whether such acts are part of a judicial proceeding or are acts of self-help or otherwise;

3. Executing, issuing, serving or causing the execution, issuance or service of, any legal process including, but not limited to, attachments, garnishments, subpoenas, writs of replevin, writs of execution, or any other form of process whether specified in this Order or not; and

4. Doing any act or thing whatsoever to interfere with the Receiver taking custody, control, possession, or management of the assets or documents subject to this receivership, or to harass or interfere with the Receiver in any way, or to interfere in any manner with the exclusive jurisdiction of this Court over the assets or documents of the Receivership Party;

B. This Order does not stay:

1. The commencement or continuation of a criminal action or proceeding;
and

2. Except as otherwise provided in this Order, all persons and entities in need of documentation from the Receiver shall in all instances first attempt to secure such information by submitting a formal written request to the Receiver, and, if such request has not been responded to within 30 days of receipt by the Receiver, any such person or entity may thereafter seek an Order of this Court with regard to the relief requested.

JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

SO ORDERED, this 24th day of November, 2010



JUDGE/PRESIDING

EXHIBIT "8"

703 F.3d 296

(Cite as: 703 F.3d 296)

9



United States Court of Appeals,
Fifth Circuit.
NETSPHERE, INC., et al., Plaintiffs,
v.
Jeffrey BARON, Defendant–Appellant,
v.
Ondova Limited Company, Defendant–Appellee.
Netsphere, Inc., et al., Plaintiffs,
v.
Jeffrey Baron, et al., Defendants,
v.
Quantec, L.L.C.; Novo Point, L.L.C., Mo-
vants–Appellants,
v.
Peter S. Vogel, Appellee.
Netsphere, Inc., et al., Plaintiffs,
v.
Jeffrey Baron, Defendant–Appellant,
v.
Daniel J. Sherman, Appellee.
Netsphere, Inc., et al., Plaintiffs,
v.
Jeffrey Baron, et al., Defendants,
v.
Quantec, L.L.C.; Novo Point, L.L.C., Mo-
vants–Appellants,
v.
Peter S. Vogel, Appellee.
Netsphere, Inc., et al., Plaintiffs,
v.
Jeffrey Baron, Defendant–Appellant.
Quantec, L.L.C.; Novo Point, L.L.C., Mo-
vants–Appellants,
v.
Ondova Limited Company, Defendant–Appellee.
Peter S. Vogel, Appellee.
Netsphere, Inc., et al., Plaintiffs,
v.

Jeffrey Baron, Defendant–Appellant.
Quantec, L.L.C.; Novo Point, L.L.C., Mo-
vants–Appellants,
Carrington, Coleman, Sloman & Blumenthal, L.L.P.,
Appellant,
v.
Peter S. Vogel; Daniel J. Sherman, Appellees.
Netsphere, Inc., et al., Plaintiffs,
v.
Jeffrey Baron, Defendant–Appellant.
Quantec, L.L.C.; Novo Point, L.L.C., Mo-
vants–Appellants,
Gary Schepps, Appellant,
v.
Peter S. Vogel, Appellee.
In re Novo Point, L.L.C., Petitioner.
Netsphere, Inc., et al., Plaintiffs,
v.
Jeffrey Baron, Defendant–Appellant.
Novo Point, L.L.C.; Quantec, L.L.C., Mo-
vants–Appellants,
v.
Peter S. Vogel; Daniel J. Sherman, Appellees.
Netsphere, Incorporated, et al., Plaintiffs,
v.
Jeffrey Baron, Defendant–Appellant.
Quantec L.L.C.; Novo Point, L.L.C., Mo-
vants–Appellants,
v.
Peter S. Vogel, Appellee.

Nos. 10–11202, 11–10113, 11–10289, 11–10290,
11–10390, 11–10501, 12–10003, 12–10444,
12–10489, 12–10657, 12–10804 and 12–11082.
Dec. 18, 2012.

Background: Plaintiffs brought action to enforce prior settlement agreement against individual defendant, one of defendant's companies, and others. Trustee in intervening bankruptcy case of defendant's

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company filed emergency motion for appointment of receiver over individual defendant's property. The United States District Court for the Northern District of Texas, [W. Royal Furgeson, Jr.](#), J., entered receivership order. Defendant appealed receivership and other orders, and other appeals and petition for writ of mandamus were also filed.

Holdings: The Court of Appeals, [Leslie H. Southwick](#), Circuit Judge, held that:

(1) receivership was not needed to allow district court to take control of property that was subject of litigation;

(2) district court lacked authority to establish receivership to secure pool of assets to pay defendant's former attorneys;

(3) district court could not appoint receiver as means of controlling defendant's vexatious litigation tactics;

(4) charging receivership fund for reasonable receivership expenses, without allowing any additional assets to be sold, was equitable;

(5) determination that appointment of receiver was improper required district court's reconsideration of receivership fees and expenses; and

(6) defendant waived, on appeal, issue of legal sufficiency of his affidavits seeking recusal.

Ordered accordingly.

West Headnotes

[\[1\] Federal Courts 170B](#) 813

[170B](#) Federal Courts

[170BVIII](#) Courts of Appeals

[170BVIII\(K\)](#) Scope, Standards, and Extent

[170BVIII\(K\)4](#) Discretion of Lower Court

[170Bk813](#) k. Allowance of remedy and matters of procedure in general. [Most Cited Cases](#)

Court of Appeals reviews district court's appointment of a receiver for an abuse of discretion.

[\[2\] Receivers 323](#) 9

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(A\)](#) Nature and Subjects of Remedy

[323k9](#) k. Persons entitled to appointment of receiver. [Most Cited Cases](#)

Under procedural rule addressing receivers, appointment of a receiver can be sought by anyone showing an interest in certain property or a relation to the party in control or ownership thereof such as to justify conservation of the property by a court officer. [Fed.Rules Civ.Proc.Rule 66, 28 U.S.C.A.](#)

[\[3\] Receivers 323](#) 16

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(B\)](#) Grounds of Appointment of Receiver

[323k15](#) Preservation of Property Pending Litigation

[323k16](#) k. In general. [Most Cited Cases](#)

District court has authority to place into receivership assets in litigation to preserve and protect the property pending its final disposition. [Fed.Rules Civ.Proc.Rule 66, 28 U.S.C.A.](#)

[\[4\] Receivers 323](#) 1

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(A\)](#) Nature and Subjects of Remedy

[323k1](#) k. Nature and purpose of remedy. [Most Cited Cases](#)

Receivers 323 6

[323](#) Receivers

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[323I](#) Nature and Grounds of Receivership

[323I\(A\)](#) Nature and Subjects of Remedy

[323k6](#) k. Existence of and resort to other remedy. [Most Cited Cases](#)

Receivers 323 🔑14

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(B\)](#) Grounds of Appointment of Receiver

[323k14](#) k. Preservation and protection of property in general. [Most Cited Cases](#)

Receivership is an extraordinary remedy that should be employed with the utmost caution, and is justified only where there is a clear necessity to protect a party's interest in property, legal and less drastic equitable remedies are inadequate, and the benefits of receivership outweigh the burdens on the affected parties. [Fed.Rules Civ.Proc.Rule 66, 28 U.S.C.A.](#)

15I Receivers 323 🔑11

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(A\)](#) Nature and Subjects of Remedy

[323k11](#) k. Property which may be subject of receivership. [Most Cited Cases](#)

Equity does not allow a receivership to be imposed over property that was not the subject of the underlying dispute.

16I Execution 161 🔑405

[161](#) Execution

[161XIV](#) Supplementary Proceedings

[161k404](#) Receivers

[161k405](#) k. In general. [Most Cited Cases](#)

A receivership is a remedy for taking possession

of a judgment debtor's property.

17I Execution 161 🔑405

[161](#) Execution

[161XIV](#) Supplementary Proceedings

[161k404](#) Receivers

[161k405](#) k. In general. [Most Cited Cases](#)

Fraudulent Conveyances 186 🔑305

[186](#) Fraudulent Conveyances

[186III](#) Remedies of Creditors and Purchasers

[186III\(L\)](#) Receiver

[186k305](#) k. In general. [Most Cited Cases](#)

Receivership can be used when a judgment creditor seeks to set aside allegedly fraudulent conveyances by judgment debtor, or who has had execution issued and returned unsatisfied, or who otherwise is attempting to have debtor's property preserved from dissipation until his claim can be satisfied.

18I Securities Regulation 349B 🔑182

[349B](#) Securities Regulation

[349BI](#) Federal Regulation

[349BI\(E\)](#) Remedies

[349BI\(E\)3](#) Receivership

[349Bk182](#) k. In general. [Most Cited Cases](#)

In cases of non-compliance with Securities and Exchange Commission (SEC) regulations, a receiver may be appointed to prevent the corporation from dissipating corporate assets and to pay defrauded investors.

19I Federal Courts 170B 🔑10.1

[170B](#) Federal Courts

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[170BI](#) Jurisdiction and Powers in General

[170BI\(A\)](#) In General

[170Bk10](#) Issuance of Writs

[170Bk10.1](#) k. In general. [Most Cited](#)

[Cases](#)

The All Writs Act empowers a federal court to employ procedures necessary to promote the resolution of issues in a case properly before it; this authority, though, is firmly circumscribed, its scope depending on the nature of the case before the court and the legitimacy of the ends sought to be achieved through the exercise of the power. [28 U.S.C.A. § 1651](#).

[\[10\]](#) [Federal Courts 170B](#)  [10.1](#)

[170B](#) Federal Courts

[170BI](#) Jurisdiction and Powers in General

[170BI\(A\)](#) In General

[170Bk10](#) Issuance of Writs

[170Bk10.1](#) k. In general. [Most Cited](#)

[Cases](#)

Under All Writs Act, court is limited to issuing orders to curb conduct which threatens improperly to impede or defeat the subject matter jurisdiction then being exercised by the court. [28 U.S.C.A. § 1651](#).

[\[11\]](#) [Receivers 323](#)  [16](#)

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(B\)](#) Grounds of Appointment of Receiver

[323k15](#) Preservation of Property Pending

Litigation

[323k16](#) k. In general. [Most Cited Cases](#)

Receivership appointed over individual defendant's personal property and entities that he owned or controlled was not needed to allow district court to take control of property that was subject of litigation,

where underlying action concerned enforcement of global settlement agreement and resulting transfer of internet domain names, and defendant, despite engaging in actions that disrupted, complicated, and made more expensive both action before district court and related bankruptcy case, had not threatened to nullify settlement agreement by transferring domain names outside district court's jurisdiction.


[\[12\]](#) [Receivers 323](#)  [9](#)

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(A\)](#) Nature and Subjects of Remedy

[323k9](#) k. Persons entitled to appointment of receiver. [Most Cited Cases](#)

[Receivers 323](#)  [12](#)

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(B\)](#) Grounds of Appointment of Receiver

[323k12](#) k. Right or interest in property requiring protection. [Most Cited Cases](#)

Receiver may be appointed for a secured creditor who has legitimate fears that his security may be dissipated, but unsecured simple contract creditor has, in the absence of a statute, no substantive right, legal or equitable, in or to the property of his debtor.

[\[13\]](#) [Receivers 323](#)  [9](#)

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(A\)](#) Nature and Subjects of Remedy

[323k9](#) k. Persons entitled to appointment of receiver. [Most Cited Cases](#)

District court lacked authority, in action to enforce settlement agreement, to establish receivership

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over individual defendant's personal property and entities that he owned or controlled to secure pool of assets to pay defendant's former attorneys, who were unsecured contract creditors without judgments against defendant; although attorneys' allegations and claims were delaying district court and related bankruptcy court proceedings, they were not the subject of the underlying litigation.

[\[14\]](#) [Receivers 323](#) 🔑16

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(B\)](#) Grounds of Appointment of Receiver

[323k15](#) Preservation of Property Pending Litigation

[323k16](#) k. In general. [Most Cited Cases](#)

Receivers may be appointed to preserve property pending final determination of its distribution in supplementary proceedings in aid of execution.

[\[15\]](#) [Injunction 212](#) 🔑1231

[212](#) Injunction

[212IV](#) Particular Subjects of Relief

[212IV\(D\)](#) Property in General

[212k1231](#) k. Freezing or protecting assets pending litigation. [Most Cited Cases](#)

General federal rule of equity is that a court may not reach a defendant's assets unrelated to the underlying litigation and freeze them so that they may be preserved to satisfy a potential money judgment.

[\[16\]](#) [Receivers 323](#) 🔑29(2)

[323](#) Receivers

[323II](#) Appointment, Qualification, and Tenure

[323k29](#) Jurisdiction and Authority of Court or Judge

[323k29\(2\)](#) k. Property or owner thereof beyond jurisdiction of court. [Most Cited Cases](#)

Court lacks jurisdiction to impose a receivership over property that is not the subject of an underlying claim or controversy.

[\[17\]](#) [Internal Revenue 220](#) 🔑4801

[220](#) Internal Revenue

[220XXIII](#) Liens

[220k4794](#) Actions to Enforce Lien

[220k4801](#) k. Receivers. [Most Cited Cases](#)

District court may use authority from tax statute governing actions to enforce liens or to subject property to payment of tax to appoint a receiver over debtor's assets in a proceeding to enforce a tax lien if the government makes the necessary showing of need. [26 U.S.C.A. § 7403](#).

[\[18\]](#) [Federal Civil Procedure 170A](#) 🔑2820

[170A](#) Federal Civil Procedure

[170AXX](#) Sanctions

[170AXX\(D\)](#) Type and Amount

[170Ak2820](#) k. Non-monetary sanctions. [Most Cited Cases](#)

District court, in action to enforce settlement agreement, could not appoint receiver over individual defendant's personal property and entities that he owned or controlled as means of controlling defendant's vexatious litigation tactics, which included ignoring court orders and hiring and firing attorneys, thereby delaying court proceedings, increasing general cost of litigation, and increasing expenses for estate in related bankruptcy case, even if traditional means of addressing such actions were insufficient to prevent defendant's behavior.

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[\[19\]](#) Federal Civil Procedure 170A 1991

[170A](#) Federal Civil Procedure

[170AXV](#) Trial

[170AXV\(B\)](#) Time for Trial; Dockets, Lists and Calendars

[170Ak1991](#) k. In general. [Most Cited Cases](#)

Receivers 323 11

[323](#) Receivers

[323I](#) Nature and Grounds of Receivership

[323I\(A\)](#) Nature and Subjects of Remedy

[323k11](#) k. Property which may be subject of receivership. [Most Cited Cases](#)

Court has undeniable authority to control its docket, but not through creating a receivership over assets, including personal assets, that are not the subject of the litigation.


[\[20\]](#) Receivers 323 200

[323](#) Receivers

[323VII](#) Accounting and Compensation

[323k200](#) k. Liabilities of parties, property, or funds for compensation and expenses. [Most Cited Cases](#)

When a receivership is proper, the general rule is that receivership fees and expenses are a charge upon the property administered.

[\[21\]](#) Receivers 323 200

[323](#) Receivers

[323VII](#) Accounting and Compensation

[323k200](#) k. Liabilities of parties, property, or funds for compensation and expenses. [Most Cited Cases](#)

Equity controls when addressing the costs created by an improper receivership.

[\[22\]](#) Receivers 323 200

[323](#) Receivers

[323VII](#) Accounting and Compensation

[323k200](#) k. Liabilities of parties, property, or funds for compensation and expenses. [Most Cited Cases](#)

Charging receivership fund for reasonable receivership expenses, without allowing any additional assets to be sold, was equitable in action to enforce settlement agreement in which district court improperly appointed receiver for individual defendant's personal property and entities that he owned or controlled to address defendant's vexatious behavior and to conserve property for defendant's unpaid attorney fees, given that circumstances leading to receivership were largely of defendant's own making and, to a large extent, defendant's actions resulted in more work and fees for receiver and his attorneys, and that there was no malice or wrongful purpose behind receiver's appointment.

[\[23\]](#) Federal Courts 170B 945


[170B](#) Federal Courts

[170BVIII](#) Courts of Appeals

[170BVIII\(L\)](#) Determination and Disposition of Cause

[170Bk943](#) Ordering New Trial or Other Proceeding

[170Bk945](#) k. Determination of damages, costs or interest; remittitur. [Most Cited Cases](#)

Receivers 323 154(1)

[323](#) Receivers

[323V](#) Allowance and Payment of Claims

[323k154](#) Expenses of Receivership

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[323k154\(1\)](#) k. In general. [Most Cited Cases](#)

Determination, on appeal, that district court's appointment of receiver over individual defendant's personal property and entities that he owned or controlled was improper in action to enforce settlement agreement required that district court, on remand, reconsider amount of all receivership fees and expenses, as well as any other payments made from receivership fund, as appropriate, and that charges had to go unpaid to the extent that new determination by district court of reasonable fees and expenses to be paid exceeded cash on hand.

[124](#) Federal Courts 170B 723.1

[170B](#) Federal Courts

[170BVIII](#) Courts of Appeals

[170BVIII\(I\)](#) Dismissal, Withdrawal or Abandonment

[170Bk723](#) Want of Actual Controversy

[170Bk723.1](#) k. In general. [Most Cited Cases](#)

An appeal must be dismissed when an event occurs while a case is pending on appeal that makes it impossible for the court to grant any effectual relief whatever to a prevailing party.

[125](#) Federal Courts 170B 723.1

[170B](#) Federal Courts

[170BVIII](#) Courts of Appeals

[170BVIII\(I\)](#) Dismissal, Withdrawal or Abandonment

[170Bk723](#) Want of Actual Controversy

[170Bk723.1](#) k. In general. [Most Cited Cases](#)

Appellate court's continued jurisdiction does not depend upon being able to provide complete relief; if there is some means by which court can effectuate a

partial remedy, case remains a live controversy.

[126](#) Federal Courts 170B 724

[170B](#) Federal Courts

[170BVIII](#) Courts of Appeals

[170BVIII\(I\)](#) Dismissal, Withdrawal or Abandonment

[170Bk723](#) Want of Actual Controversy

[170Bk724](#) k. Particular cases. [Most Cited Cases](#)

Defendant's challenge on appeal to receiver's subpoena of records for his attorney's trust fund account was rendered "moot," given that records had been produced and reviewed by receiver, such that there was no relief that Court of Appeals could provide.

[127](#) Judges 227 49(1)

[227](#) Judges

[227IV](#) Disqualification to Act

[227k49](#) Bias and Prejudice

[227k49\(1\)](#) k. In general. [Most Cited Cases](#)

Judges 227 51(2)

[227](#) Judges

[227IV](#) Disqualification to Act

[227k51](#) Objections to Judge, and Proceedings Thereon

[227k51\(2\)](#) k. Time of making objection.

[Most Cited Cases](#)

Judges 227 51(3)

[227](#) Judges

[227IV](#) Disqualification to Act

[227k51](#) Objections to Judge, and Proceedings Thereon

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[227k51\(3\)](#) k. Sufficiency of objection or affidavit. [Most Cited Cases](#)

A judge is to recuse himself if a party to the proceeding makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party. [28 U.S.C.A. § 144](#).

[\[28\]](#) Federal Courts [170B](#) [586](#)

[170B](#) Federal Courts

[170BVIII](#) Courts of Appeals

[170BVIII\(C\)](#) Decisions Reviewable

[170BVIII\(C\)2](#) Finality of Determination

[170Bk585](#) Particular Judgments, Decrees or Orders, Finality

[170Bk586](#) k. Transferring cases; disqualifying judges; convening three-judge courts. [Most Cited Cases](#)

District court's ruling with respect to affidavit in support of motion for recusal is appealable under statute governing appeals of interlocutory orders. [28 U.S.C.A. §§ 144, 1292\(b\)](#).

[\[29\]](#) Judges [227](#) [51\(4\)](#)

[227](#) Judges

[227IV](#) Disqualification to Act

[227k51](#) Objections to Judge, and Proceedings Thereon

[227k51\(4\)](#) k. Determination of objections. [Most Cited Cases](#)

When motion for recusal is filed based on party's affidavit that judge has personal bias or prejudice, district court must pass on legal sufficiency of affidavit without passing on the truth of the matter asserted. [28 U.S.C.A. § 144](#).

[\[30\]](#) Judges [227](#) [51\(3\)](#)

[227](#) Judges

[227IV](#) Disqualification to Act

[227k51](#) Objections to Judge, and Proceedings Thereon

[227k51\(3\)](#) k. Sufficiency of objection or affidavit. [Most Cited Cases](#)

Legally sufficient affidavit in support of motion for recusal due to judge's personal bias must (1) state material facts with particularity, (2) state facts that, if true, would convince a reasonable person that a bias exists, and (3) state facts that show the bias is personal, as opposed to judicial, in nature. [28 U.S.C.A. § 144](#).

[\[31\]](#) Federal Courts [170B](#) [617](#)

[170B](#) Federal Courts

[170BVIII](#) Courts of Appeals

[170BVIII\(D\)](#) Presentation and Reservation in Lower Court of Grounds of Review

[170BVIII\(D\)1](#) Issues and Questions in Lower Court

[170Bk617](#) k. Sufficiency of presentation of questions. [Most Cited Cases](#)

Defendant waived, on appeal, issue of legal sufficiency of his affidavits seeking recusal based on judge's alleged personal bias, where district court considered original affidavit, determined that it was insufficient and ordered defendant to correct deficiency, defendant submitted second affidavit which he admitted did not comply with court's order, and defendant did not file affidavit complying with order, despite being allowed to do so. [28 U.S.C.A. § 144](#).

*[301](#) [Gary N. Schepps](#) (argued), Schepps Law Offices, Dallas, TX, for Defendant–Appellant.

[Richard M. Hunt](#) (argued), [Raymond James Urbanik](#),

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Munsch, Hardt, Kopf & Harr, P.C., [Edwin Paul Keiffer](#), Wight Ginsberg Brusilow, Dallas, TX, for Defendant–Appellee.

[David John Schenck](#) (argued), [Christopher D. Kratochvil](#), Dykema Gossett, P.L.L.C., [Richard M. Hunt](#), [Curt M. Covington](#), Munsch, Hardt, Kopf & Harr, P.C., Dallas, TX, for Appellees.

Peter S. Vogel, Gardere Wynne Sewell, L.L.P., Dallas, TX, pro se.

[Richard M. Hunt](#) (argued), Munsch, Hardt, Kopf & Harr, P.C., Dallas, TX, for Ondova Ltd. Co., Amicus Curiae.

[Jeffrey Michael Sutherland](#), [Thomas Fenton Allen, Jr.](#), Carrington, Coleman, Sloman & Blumenthal, L.L.P., Dallas, TX, for Appellant.

Appeals from the United States District Court for the Northern District of Texas.

Before [DeMOSS](#), [SOUTHWICK](#) and [HIGGINSON](#), Circuit Judges.

[LESLIE H. SOUTHWICK](#), Circuit Judge:

These consolidated interlocutory appeals arise from the district court's appointment of a receiver over Jeffrey Baron's personal property and entities he owned or controlled. The district court sought to stop Baron's practice of regularly firing one lawyer and hiring a new one. This practice vexed the litigation involving Baron's alleged breaches of a settlement agreement and a related bankruptcy. It also created new claims in bankruptcy by unpaid*302 attorneys. Baron appealed the receivership order and almost every order entered by the district court thereafter. We hold that the appointment of the receiver was an abuse of discretion and REVERSE and REMAND.

Numerous motions and a writ of mandamus to

overturn the bankruptcy court's striking of notices of appeal to the district court are also before us. Most are denied as moot. We address below the motions that remain relevant.

FACTUAL AND PROCEDURAL HISTORY

Jeffrey Baron and Munish Krishan formed a joint venture involving the ownership and sale of internet domain names. Disputes arose between the venturers, resulting in at least seven lawsuits. In April 2009, after four mediation attempts and several years of litigation, Baron, Krishan, and other parties signed a Memorandum of Understanding (“MOU”) settling all disputes. Soon, Baron and one of his companies, Ondova Limited Company, allegedly breached the MOU. In May 2009, Krishan and his company, Netsphere, Inc., filed a lawsuit in the United States District Court for the Northern District of Texas to enforce the MOU. That suit is the one from which the current appeals have been brought.

In June 2009, the district court entered a preliminary injunction to compel Baron's compliance with the MOU. That injunction was later amended to include a \$50,000 per day penalty for a violation. The injunction was entered to prevent deletion of domain names and to force compliance with parts of the MOU. The district court also began expressing concern with the multitude of lawyers appearing for Baron, concerns that would continue in the months ahead.

In July 2009, Netsphere moved to have Baron held in contempt for violating the preliminary injunction. On the day before the scheduled contempt hearing, Baron caused Ondova to file for bankruptcy, which automatically stayed the district court litigation. Netsphere sought to lift the automatic stay, arguing that the domain names at issue in the lawsuit were not owned by Ondova and were not subject to the stay. Ondova allegedly admitted it did not own the domain names that were the subject of the district court litigation—i.e., the ones involving plaintiff Krishan and

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defendant Baron that the settlement provided would be divided between them.

The bankruptcy creditors and Ondova eventually agreed to a settlement, but Baron continued to hire new lawyers. Many of the lawyers claimed they had not been paid and began to file claims for legal fees in the bankruptcy proceedings. In September 2009, in bankruptcy court, Baron asserted his Fifth Amendment right not to answer questions that might reveal he was violating the June preliminary injunction. Six days later, the bankruptcy court appointed Daniel Sherman as Chapter 11 trustee. The bankruptcy court recommended that the district court appoint a special master to mediate among the trustee, Baron, and the attorneys with claims against the Ondova bankruptcy estate, but no master was appointed at that time.

Beginning in February 2010, negotiations began for another settlement. On May 5, 2010, the bankruptcy court held a status conference. If no settlement could be reached by May 14, the bankruptcy judge suggested the trustee file to convert the case to one in Chapter 7. The trustee did so, stating liquidation was in the best interest of creditors. Several hearings were held over the next month. On June 22, 2010, the parties announced a global settlement in principle. At a July 12 *303 bankruptcy court hearing, the parties represented that most issues had been resolved. Two days later at another hearing, the bankruptcy judge approved the settlement subject to six remaining issues.

The settlement, dated July 2, 2010, provided for the division of domain names between companies controlled by Baron and Krishan. The odd-numbered names were assigned to Quantec, LLC, for Baron's benefit, while Manila Industries, Inc.—under Krishan's control—was assigned the even-numbered names. The agreement was not to become effective until the “Settlement Date,” which was defined as “the day after the date on which the Bankruptcy Court's order approving this Agreement becomes a Final Set-

tlement Order.” On July 28, 2010, the bankruptcy court approved the settlement and ordered it to be fully executed by July 30. The bankruptcy court maintained jurisdiction to resolve disputes arising under the agreement. Attached to the agreement was a “Stipulated Dismissal with Prejudice” of the district court suit. Though signed by the parties and attorneys, the district court never entered the dismissal.

On September 15, 2010, a hearing was held on the settlement agreement. The trustee said that 30 or 40 items in the agreement had been completed and the remaining items were the execution of a supplemental agreement appointing a trustee of a trust and the transfer of domain names to Quantec from Manila.

At this hearing, the trustee's attorney also addressed Baron's repeated hiring and firing of lawyers—he presented a chart identifying 45 lawyers whom Baron had not paid. Gerrit Pronske, one of Baron's former attorneys who was seeking to withdraw, testified that he worked for Baron full-time for six months and had not been paid. Pronske testified that Baron planned to move assets that were at the time subject to jurisdiction in the United States to a trust in a foreign country. The trust to which Pronske was referring was the Village Trust, a Cook Islands entity which owned Novo Point, LLC and Quantec, LLC. Its trustee is SouthPac, which is also a Cook Islands entity, and Baron is the trust's sole beneficiary. Pronske indicated that the assets being transferred out of the United States would have been the principal source of payment for his allegedly unpaid attorney fees. The attorney for the trustee was concerned because the money to pay the lawyers and satisfy other claims would be lost if the domain names that Baron's entities were to own under the settlement left control of the trust that was subject to the court's jurisdiction.

At this point, the bankruptcy judge stated that “no more lawyers [are] going to be allowed. The question is: Whether any are going to be released; is he going to be pro se; or is he going to have lawyers?” In light of

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those questions, the bankruptcy judge said she was considering recommending the district court appoint a receiver over Baron and his assets “and let that receiver implement the settlement agreement.” Additionally, the bankruptcy court ordered Baron to request from the trust that \$330,000 be deposited with the bankruptcy trustee as security, to be held until further court order. The money was deposited and held “to pay [Baron’s] obligations.”

On October 13, 2010, in a report and recommendation to the district court, the bankruptcy court reported substantial progress toward the settlement, including “steps towards transferring the ‘Odd Names Portfolio’ portion of the internet domain names to a new Registrar away from Ondova.” Included in the order, in bold, was the bankruptcy court’s judgment that Baron’s hiring and firing of lawyers was exposing the Ondova bankruptcy estate*304 to great expense that should be paid by Baron’s other entities such as Quantec and Novo Point. The court expressed it was “perhaps most concerned about the risk that the bankruptcy estate has and will be exposed to administrative expense claims” because of Baron’s failure to pay lawyers.

Also in this October 13, 2010 report, the bankruptcy court recommended that the district court appoint Peter S. Vogel as special master to mediate the claims for unpaid legal fees. The bankruptcy court further stated that if Baron chose not to cooperate with final consummation of the settlement, Baron could “expect [it] to recommend to His Honor that he appoint a receiver over Mr. Baron.” The court adopted the bankruptcy court’s recommendation and appointed Vogel as special master. Baron again fired his attorney. At this point, the bankruptcy trustee filed an Emergency Motion for Appointment of a Receiver over Baron on November 24, 2010. The trustee asserted the receivership was necessary because of Baron’s failure to cooperate with the order to mediate the legal-fee claims and his continued hiring and firing of lawyers in violation of the court’s order. The trustee

argued that Baron’s practice of hiring and firing lawyers would expose the bankruptcy estate to additional administrative claims and further delay the resolution of the bankruptcy proceedings. On November 24, the same day the motion was filed, the district court entered the receivership order without notice to Baron. On December 2, Baron appealed to the Fifth Circuit Court of Appeals and five days later moved for a stay. While “express[ing] no view on the ultimate merits,” we held on December 20, that he had made an inadequate showing for a stay. Baron renewed his motion on occasion but was never granted a stay. Somewhat belatedly, we now express our views on the ultimate merits.

In the district court, the receiver moved to revise the receivership order to make it clear that Novo Point, LLC and Quantec, LLC had always been subject to the receivership. The original order identified Novo Point, Inc., and Quantec, Inc., which are actual but distinct legal entities. The two LLCs filed objections on several grounds. At a hearing on December 17, 2010, attorneys for Novo Point, LLC and Quantec, LLC appeared and agreed they were subject to the receivership order. The district court entered an order stating that the receivership had always included Novo Point, LLC and Quantec, LLC and ordered the LLCs to comply with all reasonable instructions given to them by the receiver. On January 28, 2011, the LLCs filed a notice of appeal challenging their inclusion as receivership parties.

On January 4, 2011, the district court held an evidentiary hearing on Baron’s motion to vacate the receivership order. A month later, the district court entered an order denying Baron’s motion to vacate the receivership. The district court gave six reasons for denying the motion to vacate: (1) “Baron hired and fired counsel in bad faith as a means of delaying court proceedings [;]” (2) “Baron’s vexatious litigation tactics have increased the cost of [the] litigation for all parties[;]” (3) “Baron’s practice of hiring and firing attorneys exposed the Ondova bankruptcy estate to

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significant expense [;]” (4) “Baron has repeatedly ignored court orders[;]” (5) “Baron repeatedly hired attorneys in bad faith without the intention of paying them[;]” and (6) “the appointment of a receiver is necessary to stop Baron from attempting to transfer funds outside the jurisdiction of the United States.” Nowhere in its order did the district court find that Baron failed to assign half of the domain names as required by the settlement agreement.

*305 Baron appealed the appointment of the receiver and then appealed numerous subsequent orders entered by the district court. An order appointing a receiver is appealable to courts of appeals as a matter of right. [28 U.S.C. § 1292\(a\)\(2\)](#).^{FN1} There is less clarity as to which orders during the pendency of a receivership may properly be appealed. As we later discuss, our conclusions about the receivership itself make most of the later appeals irrelevant.

^{FN1}. In one of the consolidated appeals in this case, Carrington, Coleman, Sloman & Blumenthal, L.L.P. (“CCSB”), a firm that served as counsel to Baron and Ondova in the bankruptcy proceedings, claimed it is owed \$224,232.69 in unpaid fees. CCSB filed a separate appeal from the district court's disbursement order providing for payment to unpaid attorneys. Under the disbursement order, CCSB is to receive no payments from the receivership; instead, CCSB is to be paid out of the Ondova bankruptcy estate. CCSB agreed that this court lacks jurisdiction over CCSB's appeal given that the firm filed a motion to reconsider that remains pending in the district court. [Ross v. Marshall, 426 F.3d 745, 752, n. 13 \(5th Cir.2005\)](#).

Thus, the CCSB appeal is dismissed.

DISCUSSION

The central issue on appeal is whether a court can

establish a receivership to control a vexatious litigant. The district court appointed a receiver primarily to control Baron's hiring, firing, and non-payment of numerous attorneys. The receiver was granted exclusive control over assets, including Baron's personal property, that were not at issue in the underlying litigation over the domain names. We find no authority to permit establishing a receivership for this purpose. We set out below our reasons for that conclusion and its effect on what has occurred since the receivership was put in place.

I. Propriety of the Receivership Order

[\[1\]\[2\]\[3\]\[4\]](#) We review a district court's appointment of a receiver for an abuse of discretion. [Santibanez v. Weir McMahan & Co., 105 F.3d 234, 242 \(5th Cir.1997\)](#). [Federal Rule of Civil Procedure 66](#) gives limited guidance, stating that the civil rules govern in an action involving a receiver. “Under that rule, the appointment of a receiver can be sought ‘by anyone showing an interest in certain property or a relation to the party in control or ownership thereof such as to justify conservation of the property by a court officer.’” [Santibanez, 105 F.3d at 241](#) (quoting 7 James Moore et al., *Moore's Federal Practice* § 66.05[1] (2d ed.1996)). Correspondingly, a district court has authority to place into receivership assets in litigation “to preserve and protect the property pending its final disposition.” [Gordon v. Washington, 295 U.S. 30, 37, 55 S.Ct. 584, 79 L.Ed. 1282 \(1935\)](#). Examples the Court gave of the proper use of a receivership included the preservation of property until the foreclosure of a mortgage, or of trust property until appointment of a new trustee, or of a debtor's property until a judgment creditor has it applied to his judgment. *Id.* In none of those situations was the receiver named simply to secure or preserve funds for the satisfaction of a potential later judgment. Receivership is “an extraordinary remedy that should be employed with the utmost caution” and is justified only where there is a clear necessity to protect a party's interest in property, legal and less drastic equitable remedies are inadequate, and the benefits of receivership outweigh

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the burdens on the affected parties. See [12 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2983 \(3d ed.2012\)](#); see also [Santibanez, 105 F.3d at 241–42](#) (summarizing factors courts must consider before appointing a receiver).

*306 [5] Even if a reasonable basis exists for believing there are benefits to the court and the parties to imposing a receivership, and those reasons likely existed here, resort to that remedy may be inappropriate. The cases on which the district court initially relied in appointing a receiver establish that the court has inherent power “to manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases.” [Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 \(5th Cir.1995\)](#). These cases, however, refer to a court's power to dismiss a case with prejudice and the district court's authority to impose monetary sanctions. *Id.*; [FDIC v. Maxxam, Inc., 523 F.3d 566, 584 \(5th Cir.2008\)](#). In a later order disbursing attorney fees, the district court also relied on precedents stating that a receivership is an equitable remedy. [Santibanez, 105 F.3d at 241](#). That is so, but for the reasons discussed below, equity does not allow a receivership to be imposed over property that was not the subject of the underlying dispute.

[6][7] Receivers have been used in a number of contexts. “Secured creditors, lienholders, and mortgagees” may seek appointment of a receiver because they “clearly have an interest in the property in which they have a security interest that may provide a basis for convincing the court to appoint a receiver ending a foreclosure suit or any other action to enforce one or more outstanding liens.” [Wright & Miller, supra, § 2983](#); see also [Bookout v. First Nat'l Mortg. & Disc. Co., 514 F.2d 757, 758 \(5th Cir.1975\)](#). Additionally, a receivership is a remedy for taking possession of a judgment debtor's property. [Santibanez, 105 F.3d at 241](#). A receivership also can be utilized when a judgment creditor seeks “to set aside allegedly fraudulent conveyances by the judgment debtor, or who has had execution issued and returned unsatisfied ... or

who otherwise is attempting to have the debtor's property preserved from dissipation until his claim can be satisfied.” *Id.* (quoting Wright & Miller, *supra*, § 2983). Importantly, to justify the appointment of a receiver such claims would already have been reduced to judgment. That was not the case here, as the receivership was deemed imposed for unresolved claims.

[8] The receiver and trustee pointed us to another line of cases where a receivership was proper as an adjunct to injunctive relief for a securities fraud. *E.g.*, [SEC v. Keller Corp., 323 F.2d 397, 402 \(7th Cir.1963\)](#). Receiverships also have been upheld in derivative actions by stockholders against corporations to prevent the threatened diversion of assets through fraud or mismanagement. *E.g.*, [Tanzer v. Huffines, 408 F.2d 42, 43 \(3d Cir.1969\)](#). Thus, in cases of non-compliance with SEC regulations, a receiver may be appointed to prevent the corporation from dissipating corporate assets and to pay defrauded investors. *Id.*; [SEC v. Hardy, 803 F.2d 1034, 1035 \(9th Cir.1986\)](#). Nonetheless, in a derivative suit or a suit for non-compliance with SEC regulations, the corporate assets are the underlying subject matter of the dispute. Here, the only assets that were the subject matter of the dispute were the domain names that were to be transferred under the settlement agreement. They were transferred.

Last, the receiver and trustee relied on cases where courts appointed receivers to run institutions where constitutional violations were occurring. Such receiverships are generally ordered in the context of ensuring a governmental entity's compliance with court orders. See, *e.g.*, [Morgan v. McDonough, 540 F.2d 527 \(1st Cir.1976\)](#) (upholding a receivership imposed to insure a high school's compliance with desegregation orders); [Plata v. Schwarzenegger, 603 F.3d 1088 \(9th Cir.2010\)](#) (upholding*307 a receivership to administer and improve prison health care). This is not a case where a governmental organization will not comply with the law. [Plata, 603 F.3d at 1094](#).

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We now look at the specific arguments for the receivership presented by the receiver and trustee and explain why none is consistent with the limited purposes for this “extraordinary remedy.” [Strickland v. Peters](#), 120 F.2d 53, 56 (5th Cir.1941).

A. Preserving Jurisdiction and Bringing Litigation to a Close

Among the justifications presented by the receiver and trustee for the receivership is that it was needed to preserve the court's jurisdiction over Baron's assets, given that one of Baron's former attorneys had testified that Baron intended to move assets outside of the country. They further asserted that the receivership order was a valid exercise of the court's inherent authority because bringing the Netsphere litigation and Ondova bankruptcy to a close required that Baron be prevented from either hiring or firing additional counsel. The receiver halted the hiring and firing of counsel by seizing all of Baron's personal assets and the assets of the companies he controlled.

[9][10] We first examine the argument that assets needed to satisfy a future money judgment were being transferred beyond the court's jurisdiction. The All Writs Act “empowers a federal court to employ procedures necessary to promote the resolution of issues in a case properly before it.” [ITT Cmty. Dev. Corp. v. Barton](#), 569 F.2d 1351, 1359 (5th Cir.1978); 28 U.S.C. § 1651. This authority, though, “is firmly circumscribed, its scope depending on the nature of the case before the court and the legitimacy of the ends sought to be achieved through the exercise of the power.” [ITT Cmty. Dev. Corp.](#), 569 F.2d at 1358–59. A court is limited to issuing orders “to curb conduct which threaten[s] improperly to impede or defeat the subject matter jurisdiction then being exercised by the court.” [Id.](#) at 1359.

The jurisdiction “being exercised” by the district court in this case prior to the receivership order was

enforcing a settlement agreement and the transfer of domain names, which would end the Netsphere litigation and the Ondova bankruptcy. Baron executed the settlement agreement in July 2010 and agreed to quitclaim the “Even Group” of domain names to Netsphere. Neither the trustee nor the receiver has pointed to record evidence that Baron failed to transfer the domain names in accordance with the agreement. He had other obligations, but there is no record evidence brought to our attention that any discrete assets subject to the settlement agreement were being moved beyond the reach of the court.

At a September 15, 2010 hearing in bankruptcy court, the attorney for the trustee gave an update on the parties' progress toward completing the terms of the settlement agreement. In addition to addressing the few minor unresolved issues with respect to domain names to be conveyed to Baron, the trustee's attorney discussed the increasing number of attorneys who had formerly represented Baron and Ondova and were now making claims against the bankruptcy estate. At this point, when the bankruptcy court considered recommending the district court appoint a receiver, the bankruptcy court was not responding to a threatened loss of control over domain names or other discrete property. Instead, it was trying to prevent the loss of the funds necessary to pay the various claims that continued to mount up against the Ondova bankruptcy estate. It was at this hearing that the *308 bankruptcy court heard testimony from Baron's attorney, Pronske, explaining that he had learned Baron was planning to transfer “assets” offshore. Based on these allegations, the bankruptcy court ordered Baron to direct the Village Trust to deposit \$330,000 with the bankruptcy trustee as a form of security to pay Baron's “obligations.”

Baron continued to hire and fire attorneys, causing the bankruptcy trustee to move for the appointment of a receiver over Baron, followed soon by the district court's *ex parte* appointment of a receiver. In the January 2011 hearing that followed, the district

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court provided its justifications for appointing the receiver. Those justifications centered almost entirely on the court's concern that Baron's vexatious litigation tactics—particularly the hiring and firing of lawyers—were increasing the costs of litigation and exposing the bankruptcy estate to additional administrative claims. The court briefly mentioned its concern that Baron would transfer “funds” outside of the court's jurisdiction, a concern grounded in the court's desire to fashion a remedy through a receivership to pay the claims of Baron's former attorneys.

[11] There certainly was evidence that Baron's actions were disrupting, complicating, and making more expensive both the bankruptcy and the district court suit. We do not, though, find evidence that Baron was threatening to nullify the global settlement agreement by transferring domain names outside the court's jurisdiction. Accordingly, the receivership cannot be justified in this instance on the basis that it was needed to take control of the property that was the subject of the litigation. Rather, the receivership was established to pay the attorneys and to control vexatious litigation. We will now examine each of those reasons.

B. Paying Attorneys

[12][13] The district court in its order establishing a receivership referred to the testimony received by the bankruptcy court on Baron's debts to former attorneys. The district court described those debts as the primary rationale for the receivership. A receiver may be appointed for a secured creditor who has legitimate fears his security may be dissipated; “an unsecured simple contract creditor has, in the absence of a statute, no substantive right, legal or equitable, in or to the property of his debtor.” *Pusey & Jones Co. v. Hanssen*, 261 U.S. 491, 497, 43 S.Ct. 454, 67 L.Ed. 763 (1923). Baron's former attorneys were free to make claims against the bankruptcy estate. Many had done so. Alternatively, to the extent that they represented Baron or his companies in matters unrelated to the Ondova bankruptcy, the attorneys could file suit in

a court of appropriate jurisdiction to collect the fees owed, which many had done. Establishing a receivership to secure a pool of assets to pay Baron's former attorneys, who were unsecured contract creditors, was beyond the court's authority. *Id.*

[14] Moreover, for those unpaid attorneys who had filed claims, the claims had not been reduced to judgment such that a receiver would have been proper to “set aside allegedly fraudulent conveyances by [Baron].” *Santibanez*, 105 F.3d at 241. “[R]eivers may be appointed to preserve property pending final determination of its distribution in supplementary proceedings in aid of execution.” *Id.* (internal quotation marks omitted). They may also be properly appointed for a judgment creditor who “is attempting to have the debtor's property preserved from dissipation until his claim can be satisfied.” *Id.*

[15] Although the attorneys' allegations and claims were delaying the district *309 court and bankruptcy proceedings, they were not the subject matter of the underlying litigation. “The general federal rule of equity is that a court may not reach a defendant's assets unrelated to the underlying litigation and freeze them so that they may be preserved to satisfy a potential money judgment.” *In re Fredeman Litig.*, 843 F.2d 821, 824 (5th Cir.1988). *Fredeman* involved a civil action under RICO for treble damages. *Id.* at 822. The district court entered a preliminary injunction that effectively froze all of the defendants' assets, which were unrelated to the underlying lawsuit, based solely on the need to protect the potential RICO judgment. *Id.* at 825. This court set aside the injunction as an improper exercise of the court's equitable powers. *Id.*

In setting aside the injunction in *Fredeman*, this court relied on *De Beers Consolidated Mines, Ltd. v. United States*, 325 U.S. 212, 222–23, 65 S.Ct. 1130, 89 L.Ed. 1566 (1945). *Id.* In *De Beers*, the government sought and obtained a pretrial preliminary injunction freezing the domestic assets of a foreign corporation

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suspected of violating antitrust laws. *De Beers*, 325 U.S. at 215, 65 S.Ct. 1130. The government argued that freezing the corporation's assets was the only method of ensuring compliance with future court orders. *Id.* The government also speculated that the corporation would withdraw its domestic assets in an effort to evade the jurisdiction of the courts of the United States. *Id.* at 215–16, 65 S.Ct. 1130. Though the Supreme Court acknowledged a court's inherent power to protect its jurisdiction, it concluded that the injunction exceeded the court's powers. *Id.* at 222–23, 65 S.Ct. 1130. The Court explained that if it were to hold otherwise, every plaintiff in an action for a personal judgment would apply for a “so-called injunction sequestering his opponent's assets pending recovery and satisfaction of a judgment.... No relief of this character has been thought justified in the long history of equity jurisprudence.” *Id.*

In a more recent articulation of its “cautious approach to equitable powers,” the Supreme Court stated that equity is “confined within the broad boundaries of traditional equitable relief.” *Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 322, 329, 119 S.Ct. 1961, 144 L.Ed.2d 319 (1999). The Court identified the issue as being “whether, in an action for money damages, a United States District Court has the power to issue a preliminary injunction preventing the defendant from transferring assets in which no lien or equitable interest is claimed.” *Id.* at 310, 119 S.Ct. 1961. The Court answered “no.” *Id.* at 333, 119 S.Ct. 1961. The opinion thoroughly reviewed the breadth of equitable powers before reaching that conclusion. *Id.* “[F]ederal courts in this country have traditionally applied the principle that courts of equity will not, as a general matter, interfere with a debtor's disposition of his property at the instance of a nonjudgment creditor.” *Id.* at 329, 119 S.Ct. 1961. We conclude that the limits of equity there described are relevant to the receivership remedy, too.

The trustee and receiver are correct that *Grupo*

Mexicano involved a claim only for money damages, in which the district court improperly relied on its equitable authority to issue a preliminary injunction to preserve a fund. Even so, the Court detailed the relevant principles that confine the equitable power of federal courts. *Id.* at 319–22, 119 S.Ct. 1961. It rejected that the merger of law and equity had altered the relevant limitations on that power. *Id.* at 322, 119 S.Ct. 1961. The *Grupo Mexicano* Court distinguished its ruling from a case in which the suit sought the equitable relief of contract rescission *310 and restitution. *Id.* at 325, 119 S.Ct. 1961 (citing *Deckert v. Independence Shares Corp.*, 311 U.S. 282, 287–88, 61 S.Ct. 229, 85 L.Ed. 189 (1940)). The equitable relief was not, therefore, simply in aid (as in *Grupo Mexicano*) of a legal claim for a money judgment. *Id.* The case before us is similar to *Grupo Mexicano* to the extent that the receivership remedy was for the purpose of controlling Baron's transferring of funds that were to be paid to attorneys—nonjudgment creditors. This receivership was intended to control vexatiousness, but it is more similar to *Grupo Mexicano* than it is to *Deckert*.

[16] While these precedents dealt with injunctions, the jurisdictional principle that a court's equitable powers do not extend to property unrelated to the underlying litigation applies with equal force to receiverships. A court lacks jurisdiction to impose a receivership over property that is not the subject of an underlying claim or controversy. *Cochrane v. W.F. Potts Son & Co.*, 47 F.2d 1026, 1029 (5th Cir.1931). In *Cochrane*, a holder of corporate bonds, which were alleged to be part of a fraud scheme, sought the establishment of a receivership. *Cochrane*, 47 F.2d at 1027. The bondholder only claimed an interest in one series of bonds—series E. *Id.* at 1028. The district court appointed a receiver over the series E bonds as well as five other series that were not part of the underlying complaint. *Id.* This court held that the district court only had jurisdiction over the series E bonds, which were the subject of the litigation. *Id.* at 1029. Because the district court lacked subject matter juris-

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diction over the other bonds, which were not at issue in the litigation, it lacked authority to appoint a receiver over them. *Id.*

The receivership ordered in this case encompassed all of Baron's personal property, none of which was sought in the Netsphere lawsuit or the Ondova bankruptcy other than as a possible fund for paying the unsecured claims of Baron's current and former attorneys that had not been reduced to judgment. The receivership also included business entities owned or controlled by Baron, including Novo Point, LLC and Quantec, LLC. Although Novo Point and Quantec were listed as parties on the global settlement agreement, they were never named parties in the Netsphere lawsuit or the Ondova bankruptcy. We conclude the district court could not impose a receivership over Baron's personal property and the assets held by Novo Point and Quantec.

C. Controlling Vexatious Litigation

[17][18] Baron's vexatious litigation tactics were his ignoring court orders and hiring and firing of attorneys, which delayed court proceedings, increased the general cost of litigation, and increased expenses for the bankruptcy estate. Such tactics, though, have not been recognized as a basis for invoking the equitable remedy of a receivership. A receiver has been allowed to halt fraudulent, evasive litigation tactics, but only when a specific provision of the Internal Revenue Code applied. *In re McGaughey*, 24 F.3d 904 (7th Cir.1994); *United States v. Bartle*, 159 Fed.Appx. 723 (7th Cir.2005) (unpublished). In *McGaughey*, the court derived its power to appoint a receiver to collect unpaid taxes from a specific provision of the Code. *In re McGaughey*, 24 F.3d at 907. A district court may use authority from 26 U.S.C. § 7403 to appoint a receiver over a debtor's assets in a proceeding to enforce a tax lien if the Government makes the necessary showing of need. *Id.* *Bartle* did not provide its own extensive analysis but relied on *McGaughey* to support a receiver for that purpose. *Bartle*, 159 Fed.Appx. at 725. Here, unlike in *McGaughey* and *311*Bartle*,

the court had no statutory authority to appoint the receiver nor were the receivership assets at issue in the litigation.

Baron's longstanding vexatious litigation tactics presented the district court with an exceedingly difficult situation. The district court recognized that it had the inherent authority to address those tactics. At the beginning of the suit, the district court entered a preliminary injunction to compel compliance with the first settlement agreement—i.e., the MOU. The court later held a hearing to address Baron's non-compliance with the preliminary injunction. The injunction was amended to include a \$50,000 per day penalty for a violation. When Baron's hiring and firing of attorneys were first addressed, the court found clear and convincing evidence of Baron's contempt of court and said it could employ such tools as monetary sanctions or jailing Baron until he complied with court orders. The court concluded, though, that these remedies were insufficient because Baron had repeatedly ignored court orders.

If the district court entered a sufficiently specific order, it could have held Baron in contempt, imposed a fine or imprisoned him for “disobedience ... to its lawful ... command.” 18 U.S.C. § 401. At oral argument in the appeal, it seemed conceded that no clear order existed. Instead, the receiver and trustee cited only to hearings at which the district court admonished Baron not to hire or fire any more attorneys. Whether there was a clear order ultimately does not matter in our resolution. The question before us concerns the receivership.

The district court also could have required Baron to proceed with the same lawyer or pro se at his choice. *McCuin v. Tex. Power & Light Co.*, 714 F.2d 1255, 1263 (5th Cir.1983) (explaining that the right to retain the counsel of one's choosing may be restricted where it is misused “for purposes of delay or obstruction of the orderly conduct of the trial” and when “the needs of effective administration of justice” so re-

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quire). The court noted some of these remedies and determined they would be inadequate. No authority has been cited to us, though, that a receivership becomes appropriate when traditional means might not fully prevent a litigant from engaging in vexatious litigation tactics.

[19] A court has undeniable authority to control its docket but not through creating a receivership over assets, including personal assets, that were not the subject of the litigation. The terms of the receivership order had far-reaching implications for Baron's personal property. For example, the receiver was empowered to take possession of Baron's mobile phone and computers and to divert mail. Baron was required to turn over his bank accounts and keys to any property he owned or rented, including his own home. Moreover, when Baron needed funds for medical care, he had to request such funds from the receiver.

We conclude that the receivership improperly targeted assets outside the scope of litigation to pay claims of Baron's former attorneys and control Baron's litigation tactics. This was an improper use of the receivership remedy. The order appointing a receiver is vacated.

II. The Receivership Fees

[20] When a receivership is proper, the general rule is that receivership fees and expenses “are a charge upon the property administered.” Gaskill v. Gordon, 27 F.3d 248, 251 (7th Cir.1994); see also Atl. Trust Co. v. Chapman, 208 U.S. 360, 374, 28 S.Ct. 406, 52 L.Ed. 528 (1908). When a receivership is improper or the court lacks equitable authority to appoint a receiver, the party that sought the receivership at *312 times has been held accountable for the receivership fees and expenses. W.F. Potts Son & Co. v. Cochrane, 59 F.2d 375, 377–78 (5th Cir.1932). Baron relied on a somewhat later case for the same point. Porter v. Cooke, 127 F.2d 853 (5th Cir.1942). That court held that “the parties whose property has been wrongfully seized are entitled, on equitable

principles, to recover costs from those who have wrongfully provoked the receivership.” Id. at 859. In the present case, no party “provoked” the receivership. The bankruptcy court recommended a receiver, and the trustee then moved in district court for the appointment as recommended.

We discover no controlling rule on assessing costs for an improperly created receivership other than that equity is the standard. For example, in W.F. Potts, this court evaluated the assignment of responsibility for the receivership fees by recognizing that the district court itself ordered the receivership. W.F. Potts, 59 F.2d at 377–78. After holding that the receivership should not have been imposed, we rejected that the party who sought the receivership had to bear its costs:

[The parties whose assets were seized] treat the matter too much as though this were a suit for the wrongful and forcible taking of property by plaintiff or its agents. They overlook the fact that, though it is true that one who invokes without sufficient equitable grounds the administration by a receiver of the property of another may be in a proper case held accountable for the costs and expenses of the receivership and for losses which the receivership has visited upon the property, the appointment of a receiver is at last the court's appointment; the administration, its administration. We think it perfectly clear that in a case like this, where there was no malice nor wrongful purpose, and only an effort to conserve property in which plaintiff believed, though it did not show, it was interested, the question of its liability should be considered and adjudged from the standpoint of working as little hardship as may be, plaintiff in the end to be held liable for only the actual losses which its mistaken course has caused.

Id. (citations omitted). An equitable allocation was ordered. The plaintiff who sought the receivership was not charged with disbursements that benefitted the fund, but it was ordered to reimburse the defendant

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for actual losses to the fund. [Id. at 379.](#)

With a similar focus on equity, the Supreme Court evaluated how to assign the costs of an improper receivership created by a federal court when that court had erroneously concluded that a state court receivership no longer had possession of the relevant property. [Palmer v. Texas, 212 U.S. 118, 125–26, 29 S.Ct. 230, 53 L.Ed. 435 \(1909\).](#) The Court reversed the lower court's assessment of the costs against the party who had sought the receivership, because the Court concluded “that justice will be done if the costs of the receivership are paid out of the fund realized in the Federal court...” [Id. at 132, 29 S.Ct. 230.](#)

These precedents are consistent with analysis in one of our precedents that without “convincing evidence that the appointment of a receiver was either collusive, capricious, venal, or in bad faith,” ordinarily the expenses of the receivership will not be charged “other than against the fund administered by the receiver, even though the [c]ourts are vested with a discretion in determining who should pay the costs and expenses of a receivership in unusual instances.” [Commercial Nat'l Bank v. Connolly, 176 F.2d 1004, 1009 \(5th Cir.1949\).](#) In holding that the receivership *313 expenses should be paid out of receivership funds, we reasoned that, though appointment of a receiver was a “mistake,” the large recovery by the plaintiffs in the trial indicated the receivership was not “needless.” [Id.](#) On remand, the lower court was to enter a decree directing the receiver to pay one-fourth of the costs of the retrial and appeal, the party moving for the receiver to pay one-half, and the intervenors one-fourth. [Id. at 1010.](#)

[21][22] We do not find that Baron received any benefit from this receivership. Nonetheless, these precedents establish that equity controls when addressing the costs created by an improper receivership. Here, the record supports that the circumstances that led to the appointment of a receiver were primarily of Baron's own making. The district court had an array of

fairly onerous remedies to apply but chose another remedy that it did not have. The manner in which the district court responded to those circumstances was errant, but the court's perception was reasonable that a vigorous response was required.

We must decide how equitably to resolve this misapplication of an equitable remedy. Baron did in fact contend that the appointment of the receiver was in bad faith or collusive but fails to convince. He supported the argument by saying the appointment was prohibited by law by virtue of the receiver's previous appointment as special master. Baron relied on this statutory language: “A person holding any civil or military office or employment under the United States or employed by any justice or judge of the United States shall not at the same time be appointed a receiver in any case in any court of the United States.” [28 U.S.C. § 958.](#) The trustee pointed out that a special master is neither an employee of the United States nor of the judge who appointed him. While the special master is subject to the court's supervision, his fee is paid by the parties to the litigation, not the court. [Fed.R.Civ.P. 53\(g\)\(2\).](#) The fact that the receiver was previously special master is no indication of bad faith or collusion in the appointment of the receiver.

Additionally, we hold, based on this record, that in creating the receivership “there was no malice nor wrongful purpose, and only an effort to conserve property in which [the court] believed” it was interested in maintaining for unpaid attorney fees and to control Baron's vexatious litigation tactics. [W.F. Potts, 59 F.2d at 377–78.](#) We recognize that the district court was dealing with a conundrum when it decided to appoint the receiver—the problem was great, but standard remedies seemed inadequate. We also take into account that, to a large extent, Baron's own actions resulted in more work and more fees for the receiver and his attorneys. For these reasons, charging the current receivership fund for reasonable receivership expenses, without allowing any additional assets to be sold, is an equitable solution.

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[23] In light of our ruling that the receivership was improper, equity may well require the fees to be discounted meaningfully from what would have been reasonable under a proper receivership. Fees already paid were calculated on the basis that the receivership was proper. Therefore, the amount of all fees and expenses must be reconsidered by the district court. Any other payments made from the receivership fund may also be reconsidered as appropriate.

We also conclude that everything subject to the receivership other than cash currently in the receivership, which Baron asserts in a November 26, 2012 motion amounts to \$1.6 million, should be expeditiously released to Baron under a schedule *314 to be determined by the district court for winding up the receivership. The new determination by the district court of reasonable fees and expenses to be paid to the receiver, should the amount be set at more than has already been paid, may be paid from the \$1.6 million. To the extent the cash on hand is insufficient to satisfy fully what is determined to be the reasonable charges by the receiver and his attorneys, those charges will go unpaid. No further sales of domain names or other assets are authorized. ^{FN2}

^{FN2}. We stayed the closing on sales resulting from an auction of domain names. Our ruling means no closing may occur, and the stay is made permanent.

III. Other Issues

Baron raised other issues related to the receivership. Additionally, there are multiple outstanding motions. We address those that would remain unresolved despite our holding that the receivership was improper.

A. Subpoena of IOLTA Account

Baron contended the district court erred in allowing the receiver to subpoena bank records related

to Baron's attorney's IOLTA account. When the receiver learned that Baron's attorney, Gary Schepps, was paying another Baron attorney through an IOLTA account, he served a subpoena on the bank holding the account. The receiver argued that Baron was using the account to hide receivership assets and retain additional counsel in defiance of the district court's orders.

[24][25][26] The receiver argued that the issue regarding bank records is moot given that the subpoena issued, the bank produced the records, and the receiver has reviewed them. An appeal must be dismissed when “an event occurs while a case is pending on appeal that makes it impossible for the court to grant any effectual relief whatever to a prevailing party.” *Motient Corp. v. Dondero*, 529 F.3d 532, 537 (5th Cir.2008). Yet, an appellate court's “continued jurisdiction does not depend upon being able to provide complete relief; if there is some means by which we can effectuate a partial remedy, this case remains a live controversy.” *In re Sec. Life Ins. Co. of Am.*, 228 F.3d 865, 870 (8th Cir.2000). The records have been produced and reviewed by the receiver and there is no relief that this court can provide. Baron's challenge to the subpoena of his attorney's IOLTA account is moot.

B. Section 144 Affidavit

On April 27, 2011, Baron filed a motion for leave to file a motion for recusal under 28 U.S.C. § 144. Baron attached to the motion an affidavit detailing his allegations of bias. At the hearing on Baron's motion, the court instructed Baron to file a second affidavit with appropriate record citations to statements by the court that Baron believed evidenced bias. Baron's attorney assured the court that providing record cites would be “no problem” because “everything in the affidavit is directly cut and pasted from the record.”

The court then entered an order granting Baron's motion for leave to file a second affidavit, but only under the condition that Baron submit an affidavit with record citations. On May 6, 2011, Baron's attorney informed the district court that a new affidavit was

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(Cite as: 703 F.3d 296)

ready, but that it did not comply with the court's record cites requirement. In his supplemental affidavit, Baron alleged that the district court had “a personal bias against giving credence to allegations of poor conduct by attorneys” and that his personal bias had allowed Baron to be victimized by his opponents—many of whom were attorneys. The district*315 court struck the new affidavit, but it allowed Baron to file another affidavit provided that it complied with the court's original order. Baron never submitted a compliant affidavit and did not re-urge his motion to disqualify.

Baron contended that the district court erred in refusing to rule on the legal sufficiency of the affidavits. The receiver argued that Baron waived this issue by failing to file an affidavit that complied with the court's order.

[27][28] “A judge is to recuse himself if a party to the proceeding makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party.” *Patterson v. Mobil Oil Corp.*, 335 F.3d 476, 483 (5th Cir.2003) (internal quotation marks omitted). A district court's ruling with respect to a [Section 144](#) affidavit is appealable under [28 U.S.C. § 1292\(b\)](#). *Davis v. Bd. of Sch. Comm'rs of Mobile Cnty.*, 517 F.2d 1044, 1047 (5th Cir.1975).

[29][30] When a motion is filed under [Section 144](#), the district court “must pass on the legal sufficiency of the affidavit” without passing on the truth of the matter asserted. *Davis*, 517 F.2d at 1051. “A legally sufficient affidavit must: (1) state material facts with particularity; (2) state facts that, if true, would convince a reasonable person that a bias exists; and (3) state facts that show the bias is personal, as opposed to judicial, in nature.” *Patterson*, 335 F.3d at 483.

[31] Based on our reading of the record, the district court considered Baron's original affidavit, de-

termined that it was insufficient, and ordered Baron to correct the deficiency by including citations to the record. Baron filed a second affidavit and admitted that it did not comply with the court's order. The district court struck the affidavit, but left Baron the option of filing another affidavit provided it had record cites. Baron never filed a compliant affidavit; therefore, he has waived the issue on appeal.

C. Outstanding Motions & Mandamus

In light of our holding that the receivership order was improper, we need not address the outstanding motions that were carried with the case. Similarly, we do not find it necessary to address Novo Point's petition for a writ of mandamus, which challenged the bankruptcy court's decision to strike various notices of appeal filed by Novo Point. The bankruptcy court struck these notices based on its finding that they violated the terms of the receivership order—which we have now set aside.

The judgment appointing the receiver is REVERSED with directions to vacate the receivership and discharge the receiver, his attorneys and employees, and to charge against the cash in the receivership fund the remaining receivership fees in accordance with this opinion.

Carrington, Coleman, Sloman and Blumenthal, LLP's appeal of the district court's disbursement order is DISMISSED.

Baron's challenge to the subpoena of his attorney's IOLTA account is DENIED as moot.

Baron's challenge to the denial of his [Section 144](#) affidavit was waived.

Should we not have addressed a motion that a party believes still needs a ruling, that claimed oversight should be suggested on rehearing.

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(Cite as: 703 F.3d 296)

C.A.5 (Tex.),2012.

Netsphere, Inc. v. Baron

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END OF DOCUMENT

EXHIBIT "9"

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 10-11202

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON,

Defendant - Appellant

v.

ONDOVA LIMITED COMPANY,

Defendant - Appellee

CONS. w/ 11-10113

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON, ET AL,

Defendants

v.

QUANTEC, L.L.C.; NOVO POINT, L.L.C.,

Movants - Appellants

v.

PETER S. VOGEL,

Appellee

CONS. w/ 11-10289

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON,

Defendant - Appellant

v.

DANIEL J. SHERMAN,

Appellee

CONS. w/ 11-10290

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON, ET AL,

Defendants

v.

QUANTEC, L.L.C.; NOVO POINT, L.L.C.,

Movants - Appellants

v.

PETER S. VOGEL,

Appellee

CONS. w/ 11-10390

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON,

Defendant - Appellant

QUANTEC, L.L.C.; NOVO POINT, L.L.C.,

Movants - Appellants

v.

ONDOVA LIMITED COMPANY,

Defendant - Appellee

PETER S. VOGEL,

Appellee

CONS. w/ 11-10501

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON,

Defendant - Appellant

QUANTEC, L.L.C.; NOVO POINT, L.L.C.,

Movants - Appellants

CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, L.L.P.,

Appellant

v.

PETER S. VOGEL; DANIEL J. SHERMAN,

Appellees

CONS. w/ 12-10003

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON,

Defendant - Appellant

QUANTEC, L.L.C.; NOVO POINT, L.L.C.,

Movants - Appellants

GARY SCHEPPS,

Appellant

v.

PETER S. VOGEL,

Appellee

CONS. w/ 12-10444

In re: NOVO POINT, L.L.C.,

Petitioner

CONS. w 12-10489, 12-10657, and 12-10804

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON,

Defendant - Appellant

NOVO POINT, L.L.C.; QUANTEC, L.L.C.,

Movants - Appellants

v.

PETER S. VOGEL; DANIEL J. SHERMAN,

Appellees

CONS. w/ 12-11082

NETSPHERE, INC., ET AL,

Plaintiffs

v.

JEFFREY BARON,

Defendant - Appellant

QUANTEC, L.L.C.; NOVO POINT, L.L.C.,

Movants - Appellants

v.

PETER S. VOGEL,

Appellee

Appeals from the United States District Court for the
Northern District of Texas

Before DeMOSS, SOUTHWICK, and HIGGINSON, Circuit Judges.

ORDER:

IT IS ORDERED that the opposed motion of Appellee Peter S. Vogel for clarification of this Court's November 9, 2012 order is GRANTED.

As stated in Federal Rule of Appellate Procedure 41, the mandate that signifies the finality of the Court's decision is not in the usual course issued with the opinion. Instead, it issues later under the varying circumstances set out in the Rule. The December 18, 2012 decision of the Court is at this time still subject to alteration by the panel or by the en banc court, and consequently it is not final. The district court orders that were in place prior to the release of our opinion remain in place. Upon the issuance of the mandate by this Court, the conclusions of our opinion become final and the district court and parties may rely on the rulings it contains.

We point out that our opinion did not dissolve the receivership immediately. We ordered a remand for an expeditious winding up of the receivership. No assets that were brought under the control of the receiver will be released immediately from that control even when the mandate is issued. The district court will thereafter have the authority to

manage the process for ending the receivership as quickly as possible.

If no rehearing is requested by any party, and absent any hold on the mandate requested by a member of the en banc court, the mandate will issue immediately after the expiration of the period to file for rehearing on January 2, 2013. A further order of this Court will be entered signifying whether the mandate in fact issues on that date.

The Receiver has requested that we explain whether it is proper for further fees and expenses to be paid. As we said in the opinion and as the Receiver acknowledges, all 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 until this Court resolves the appeals." We have resolved the appeals, but the 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.

IT IS FURTHER ORDERED that the opposed motion of Appellee Peter S. Vogel to clarify the status of the mandate is DENIED to the extent any clarification beyond what we have just given was requested.

Baron filed a motion to clarify who is to take custody of the receivership assets upon the dissolution of the receivership. The opinion stated that everything subject to the receivership other than cash "should be expeditiously returned to Baron under a schedule to be determined by the district court for winding up the receivership." Our utilization of a shorthand reference to Baron did not in any way affect the ownership of assets that were brought into the receivership. Assets are to be returned as appropriate to Baron or other entities that were subject to the receivership.

Baron requests we clarify that he is not the principal beneficiary of Novo Point, LLC and Quantec, LLC. Such clarification is irrelevant to our holding and is DENIED.

IT IS FURTHER ORDERED that the alternative motion filed by Appellants Jeffrey Baron; Novo Point, LLC; Quantec, LLC; and Gary Schepps to clarify that this Court's opinion of December 18, 2012, was issued "as and for the mandate" is DENIED.

IT IS FURTHER ORDERED that the alternative motions filed by Appellants Jeffrey Baron; Novo Point, LLC; Quantec, LLC; and Gary Schepps for a stay of the injunctions contained in the district court's order appointing the receiver dated November 24, 2010, is DENIED.

EXHIBIT "10"

Leonard Simon

From: Schenck, David <DSchenck@dykema.com>
Sent: Thursday, June 12, 2014 9:50 AM
To: Leonard Simon
Cc: Fine, Jeffrey
Subject: Baron appeals

Leonard,

I see that you have filed a motion to consolidate two appeals I assume to be brought by Mr. Baron. Jeff Fine, who is not counsel in either, tells me you sent an email to him about your motion. Can you describe the relief provided in the orders that are appealed so that I can advise you and the Court of our position. In the future, could you please confer with me and the other lawyers listed as counsel on those matters. Also, Jeff tells me that you have asked about the status of the Court's orders. I can say that the Court has ordered the receiver to cease his operations and stewardship over the assets formerly in the estate, but to my knowledge the Court has not entered an order vacating the order creating the receivership.



David J. Schenck
Member
DSchenck@dykema.com

214-462-6413 Direct
214-462-6400 Main
855-227-4721 Fax

Comerica Bank Tower
1717 Main Street, Suite 4000
Dallas, Texas 75201
www.dykema.com

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EXHIBIT “11”

ADR, APPEAL, EXH-ADM, JURY

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:09-cv-00988-L**

Netsphere Inc et al v. Baron et al
Assigned to: Judge Sam A Lindsay
Case in other court: 10-11202
10-11202
USCA5, 11-10113
11-10289
11-10290
12-10489
13-10119
13-10696

Date Filed: 05/28/2009
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Cause: 28:1332 Diversity-Contract Dispute

Special Master

Peter S Vogel
TERMINATED: 12/13/2010

represented by **Peter S Vogel**
Gardere Wynne Sewell
1601 Elm St
Suite 3000
Dallas, TX 75201-4761
214/999-4422
Fax: 214/999-3422
Email: pvogel@gardere.com
TERMINATED: 12/13/2010
Bar Status: Admitted/In Good Standing

Plaintiff

Netsphere Inc

represented by **John W MacPete**
P.O. Box 224726
Dallas, TX 75222
214/564-5205
Email: jmacpete@macpeteiplaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Douglas D Skierski
Franklin Skierski Hayward LLP
10501 N Central Expwy
Suite 106
Dallas, TX 75231
214/755-7100

Fax: 214/755-7104
Email: dskierski@fshlawfirm.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

George M Tompkins
Tompkins PC
825 Market St
Building M Suite 250
Allen, TX 75013
972/996-4746
Email: george@tompkinsiplaw.com
Bar Status: Admitted/In Good Standing

Melissa S Hayward
Franklin Chapman Skierski Hayward
LLP
10501 N Central Expwy
Suite 106
Dallas, TX 75231
972/755-7100
Fax: 972/755-7104
Email: mhayward@fcshlaw.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Plaintiff

Manila Industries Inc

represented by **John W MacPete**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Douglas D Skierski
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

George M Tompkins
(See above for address)
Bar Status: Admitted/In Good Standing

Melissa S Hayward
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Plaintiff

Munish Krishan

represented by

John W MacPete

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***George M Tompkins**

(See above for address)

Bar Status: Admitted/In Good Standing

V.

Defendant**Jeffrey Baron**represented by **Leonard H Simon**

Pendergraft & Simon LLP

The Riviana Building

2777 Allen Parkway

Suite 800

Houston, TX 77019

713/528-8555

Fax: 832/202-2810

Email: lsimon@pendergrachtsimon.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Stephen R Cochell**

The Cochell Law Firm

7026 Old Katy Road, Suite 259

Houston, TX 77024

713/980-4381

Fax: 713/980-1179

Email: srcochell@gmail.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Anthony L Vitullo**

Fee Smith Sharp & Vitullo

Three Galleria Tower

13155 Noel Rd Suite 1000

Dallas, TX 75240

972/934-9100

Fax: 972/934-9200 FAX

Email: lvitullo@feesmith.com

*TERMINATED: 06/23/2009**Bar Status: Admitted/In Good Standing***Caleb Rawls**

The Law Offices of Caleb Rawls
3390 Northaven Rd
Dallas, TX 75229
972/804-9068
Fax: 214/723-5932
Email: calebrawls@gmail.com
TERMINATED: 06/23/2009
Bar Status: Admitted/In Good Standing

Carter Boisvert
Friedman & Feiger LLP
5301 Spring Valley Rd
Suite 200
Dallas, TX 75254
972/788-1400
Fax: 972/788-2667
Email: cboisvert@fflawoffice.com
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Edwin E Wright , III
Stradley & Wright
Abrams Centre
9330 LBJ Freeway Suite 1400
Dallas, TX 75243
972/231-6001
Fax: 972/231-9150
Email: wright@edwright.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Ernest W Leonard
Friedman & Feiger LLP
5301 Spring Valley Rd
Suite 200
Dallas, TX 75254
972/788-1400
Fax: 972/788-2667
Email: eleonard@fflawoffice.com
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Gary G Lyon
The Willingham Law Firm
6401 W. Eldorado Parkway
Suite 234
McKinney, TX 75070
214-250-4407
Fax: 866-309-7476

Email: glyon.attorney@gmail.com
TERMINATED: 01/07/2011
Bar Status: Admitted/In Good Standing

Gary N Schepps
Schepps Law Offices
Drawer 670804
Dallas, TX 75367
972-200-0000
Fax: 214-347-4031
Email: legal@schepps.net
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

James S Bell
Friedman & Feiger LLP
5301 Spring Valley Road
Suite 200
Dallas, TX 75254
972/788-1400
Fax: 972/788-2667
Email: jbell@fflawoffice.com
TERMINATED: 06/23/2009
Bar Status: Admitted/In Good Standing

James R Krause
Friedman & Feiger
5301 Spring Valley Rd
Suite 200
Dallas, TX 75254
972/788-1400
Fax: 972/788-2667 FAX
Email: jkrause@fflawoffice.com
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Jeffrey T Hall
Law Office of Jeffrey T Hall
2200 Ross Avenue
Suite 5350
Dallas, TX 75201
214/658-6513
Fax: 214/658-6509
Email: jthallesq@gmail.com
TERMINATED: 08/26/2010
Bar Status: Admitted/In Good Standing

Lawrence J Friedman
Friedman & Feiger LLP

5301 Spring Valley Rd
Suite 200
Dallas, TX 75254
972/788-1400
Fax: 972/788-2667
Email: lfriedman@fflawoffice.com
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Martin K Thomas
Thomas & Sobol
PO Box 36528
4826 Kelton Dr
Dallas, TX 75235
214/951-9466
Fax: 214/951-9007
Email: thomas12@swbell.net
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Matthew B Probus
Wauson & Associates
One Sugar Creek Center Blvd
Suite 880
Sugar Land, TX 77478
281/242-0303
Fax: 281/242-0306
Email: mbprobus@w-plaw.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Mpatanishi Tayari Garrett
Tayari Law PLLC
100 Crescent Court
Suite 700
Dallas, TX 75201
214/459-8266
Fax: 214/764-7289
Email: m.tayari@tayarilaw.com
Bar Status: Admitted/In Good Standing

Peter Michael Barrett
Law Office of Peter Barrett
3500 Maple Avenue
Suite 400
Dallas, TX 75219
214/526-0555
Fax: 214/526-0551
Email: peter@barrettcrimelaw.com

TERMINATED: 04/18/2011

Bar Status: Admitted/In Good Standing

Ryan K Lurich

Friedman & Feiger

5301 Spring Valley Rd

Suite 200

Dallas, TX 75254

972/788-1400

Fax: 972/788-2667 FAX

Email: rlurich@fllawoffice.com

TERMINATED: 01/29/2010

Bar Status: Admitted/In Good Standing

Stephen L Jones

Jones Otjen & Davis

114 E Broadway

Suite 1100

Enid, OK 73701

580/242-5500

Fax: 580/242-4556

Email: sjones@stephenjoneslaw.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Defendant

Ondova Limited Company

represented by **Anthony L Vitullo**

(See above for address)

TERMINATED: 06/23/2009

Bar Status: Admitted/In Good Standing

Caleb Rawls

(See above for address)

TERMINATED: 06/23/2009

Bar Status: Admitted/In Good Standing

Carter Boisvert

(See above for address)

TERMINATED: 01/29/2010

Bar Status: Admitted/In Good Standing

E P Keiffer

Wight Ginsberg Brusilow P.C.

Republic Center, Suite 4150

325 North St. Paul Street

Dallas, TX 75201

(214) 651-6517

Fax: (214) 744-2615

Email: pkeiffer@wgblawfirm.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Ernest W Leonard

(See above for address)

TERMINATED: 01/29/2010

Bar Status: Admitted/In Good Standing

James S Bell

(See above for address)

TERMINATED: 06/23/2009

Bar Status: Admitted/In Good Standing

James R Krause

(See above for address)

TERMINATED: 01/29/2010

Bar Status: Admitted/In Good Standing

Kim M Carpenter

Wright Ginsberg Brusilow PC

Republic Center Suite 4150

325 North St Paul St

Dallas, TX 75201

(214) 651-6520

Fax: (214) 744-2615

Email: kmoses@wgblawfirm.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Lawrence J Friedman

(See above for address)

TERMINATED: 01/29/2010

Bar Status: Admitted/In Good Standing

Ryan K Lurich

(See above for address)

TERMINATED: 01/29/2010

Bar Status: Admitted/In Good Standing

Defendant

The Village Trust

(a Cook Islands Trust)

Defendant

Equity Trust

(an Ohio Trust)

V.

Respondent**Gardere Wynne Sewell LLP**

represented by **Richard M Roberson**
Gardere Wynne Sewell LLP
3000 Thanksgiving Tower
1601 Elm St
Dallas, TX 75201
214/999-4955
Fax: 214/999-3955
Email: rroberson@gardere.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

V.

Movant**Quantec LLC**

represented by **Christopher A Payne**
Law Office of Christopher A Payne
PLLC
6600 LBJ Freeway
Ste. 183
Dallas, TX 75240
972/284-0731
Fax: 214/453-2435
Email: cpayne@cappc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Craig A Capua

West & Associates LLP
320 S RL Thornton Frwy
Suite 300
Dallas, TX 75203
214/941-1881
Fax: 469/364-7139
Email: craig.c@westllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Gary N Schepps

(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Joshua Edward Cox

PO Box 2072

Keller, TX 76244
682/583-5918
Email: j.cox.email@gmail.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Mpatanishi Tayari Garrett
(See above for address)
Bar Status: Admitted/In Good Standing

Thomas P Jackson
Law Office of Thomas P Jackson
5430 Glen Lakes Drive
Suite 230
Dallas, TX 75231
972/387-0007
Fax: 972/584-6159
Email: tpj@dfwlawyer.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Movant

Iguana Consulting LLC

represented by **Craig A Capua**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Movant

Novo Point LLC

represented by **Christopher A Payne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Craig A Capua
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Gary N Schepps
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Joshua Edward Cox
(See above for address)
ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Mpatanishi Tayari Garrett

(See above for address)

Bar Status: Admitted/In Good Standing

Thomas P Jackson

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Movant

Friedman & Feiger, LLP

represented by **Ryan K Lurich**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Lawrence J Friedman

(See above for address)

Bar Status: Admitted/In Good Standing

Movant

**Carrington Coleman Sloman &
Blumenthal, LLP**

represented by **J Michael Sutherland**

Carrington Coleman Sloman &

Blumenthal

901 Main St

Suite 5500

Dallas, TX 75202

214/855-3069

Email: msutherland@ccsb.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Lisa Marie Lucas

Carrington Coleman Sloman &

Blumenthal LLP

901 Main St

Suite 5500

Dallas, TX 75202

214/855-3114

Fax: 214/758-3707

Email: llucas@ccsb.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Thomas F Allen , Jr

Jones Day

2727 North Harwood Street
Dallas, TX 75201
(214) 220-3939
Fax: (214) 969-5100
Email: tallen@jonesday.com
TERMINATED: 09/05/2013
Bar Status: Admitted/In Good Standing

Movant

Stephen Cochell

represented by **Stephen R Cochell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Movant

Power Taylor LLP

represented by **Gerrit M Pronske**
Pronske Goolsby & Kathman, P.C.
2200 Ross Ave
Suite 5350
Dallas, TX 75201
214/658-6500
Fax: 214/658-6509
Email: gpronske@pgkpc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Melanie Pearce Goolsby
Pronske Goolsby & Kathman, P.C.
2200 Ross Ave
Suite 5350
Dallas, TX 75201
214/658-6500
Fax: 214/658-6509
Email: mgoolsby@pgkpc.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Rakhee Patel
Shackelford, Melton & McKinley, LLP
3333 Lee Parkway
Tenth Floor
Dallas, TX 75219
214-780-1415
Fax: 214-780-1401
Email: rpatel@shacklaw.net
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Movant**David L Pacione**

represented by **Gerrit M Pronske**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Melanie Pearce Goolsby
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Rakhee Patel
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Claimant**Gary G Lyon**

represented by **Gary G Lyon**
8951 Synergy Drive
Suite 221
McKinney, TX 75070
9729777221
Fax: 2148310411
Email: glyon.attorney@gmail.com
PRO SE
Bar Status: Admitted/In Good Standing

Melanie Pearce Goolsby
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Bankruptcy Judge**Stacey G Jernigan**

represented by **Stacey G Jernigan**
US Bankruptcy Court
Chambers of Judge Stacey G C Jernigan
1100 Commerce St
Room 1254
Dallas, TX 75242-1496
214/753-2040
Email: sgj_settings@txnb.uscourts.gov
PRO SE

V.

Interested Party

Simple Solutions LLC

represented by **Franklin Howard Perry**
Payne & Blanchard
717 N. Harwood
Suite 3350
Dallas, TX 75201-7471
214/231-3248
Fax: 214/220-0439
Email: fperry@pandblaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Interested Party**Fee, Smith, Sharp & Vitullo, LLP**

represented by **Darrell W Cook**
Darrell W Cook & Associates
One Meadows Building
5005 Greenville Avenue
Suite 200
Dallas, TX 75206
214/368-4686
Fax: 214/363-9979 FAX
Email: darrell@attorneycook.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Stephen W Davis

Darrell W Cook & Associates PC
5005 Greenville Ave
Suite 200
Dallas, TX 75206
214/368-4686
Fax: 214/363-9979
Email: stephen@attorneycook.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Interested Party**Sidney Bennett Chesnin**

represented by **Sidney Bennett Chesnin**
Law Office of Sidney B Chesnin
4841 Tremont
Suite 9
Dallas, TX 75246
Email: schesnin@hotmail.com
PRO SE

Interested Party**Broome Law Firm, pllc**

represented by **Stanley D Broome**
The Broome Law Firm PLLC

105 Decker Court
Suite 850
Irving, TX 75062
214/574-7500
Fax: 214/574-7501
Email: sbroome@broomelegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Interested Party

**Internet Corporation For Assigned
Names and Numbers**

represented by **Jason Cross**
Jones Day
2727 N Harwood Street
Suite 1
Dallas, TX 75201
214/969-5042
Fax: 214/969-5100
Email: jccross@jonesday.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Jeffrey A LeVee
Jones Day
555 South Flower Street
Fiftieth Floor
Los Angeles, CA 90071
213/489-3939
Fax: 213/243-2539
Email: jlevee@jonesday.com
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Kate Wallace
Jones Day
555 South Flower Street
50th Floor
Los Angeles, CA 90071
213/489-3939
Fax: 213/243-2539
Email: kwallace@jonesday.com
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Interested Party

Jones Day

represented by **Jason Cross**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Jeffrey A LeVee
(See above for address)
Bar Status: Not Admitted

Kate Wallace
(See above for address)
Bar Status: Not Admitted

Interested Party

**Navarro County Criminal District
Attorney**

represented by **Randall P Miller**
Navarro County Criminal District
Attorney
300 W 3rd Avenue
Suite 203
Corsicana, TX 75110
903/654-3048
Fax: 903/872-6858
Email: rmiller@navarrocounty.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Interested Party

**RPV, Ltd., as Trustee of the Village
Trust**

represented by **Andrew K York**
Looper Reed & McGraw PC
1601 Elm St
Suite 4600
Dallas, TX 75201
214/954-4135
Fax: 214/953-1332
Email: dyork@grayreed.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

V.

Notice Only

Case Admin Sup

represented by **Case Admin Sup**
Email:
txnb_appeals@txnb.uscourts.gov
PRO SE

Notice Only

Pronske & Patel PC

represented by **Gerrit M Pronske**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Melanie Pearce Goolsby
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Rakhee Patel
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Notice Only

Dean W Ferguson

represented by **Dean W Ferguson**
Locke Liddell & Sapp
Chase Tower
2200 Ross Ave
Suite 2200
Dallas, TX 75201-6776
214/740-8000
LEAD ATTORNEY
Bar Status: Admitted/In Good Standing

Melanie Pearce Goolsby
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Notice Only

Martin K Thomas

Notice Only

Shurig Jetel Beckett Tackett

represented by **Melanie Pearce Goolsby**
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Notice Only

Robert Garrey

represented by **Melanie Pearce Goolsby**
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Notice Only

Jeffrey Hall

represented by **Melanie Pearce Goolsby**
(See above for address)

ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

V.

Receiver

Peter S Vogel

represented by **David J Schenck**
Dykema Gossett PLLC
1717 Main St
Suite 4000
Dallas, TX 75201
214/462-6400
Fax: 214/462-6401
Email: dschenck@dykema.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Barry M Golden
Gardere Wynne Sewell
1601 Elm St
Suite 3000
Dallas, TX 75201-4761
214/999-4746
Fax: 214/999-4667 FAX
Email: bgolden@gardere.com
TERMINATED: 07/12/2012
Bar Status: Admitted/In Good Standing

Christopher D Kratovil
Dykema Gossett PLLC
1717 Main St
Suite 4000
Dallas, TX 75201
214/462-6400
Fax: 214/462-6401
Email: ckratovil@dykema.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Peter Lawrence Loh
Gardere Wynne Sewell
1601 Elm St
Suite 3000
Dallas, TX 75201-4761
214/999-4391
Fax: 214/999-3391
Email: ploh@gardere.com
TERMINATED: 07/12/2012

Bar Status: Admitted/In Good Standing

Richard M Roberson

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Jeffrey R Fine

Dykema Gossett PLLC

1717 Main St

Suite 4000

Dallas, TX 75201

214/462-6455

Fax: 214/462-6401 FAX

Email: jfine@dykema.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

V.

Creditor

Pronske Goolsby & Kathman, PC

V.

Mediator

ADR Provider

TERMINATED: 05/28/2013

represented by **Leif M Clark**

PO Box 2676

San Antonio, TX 78299

210/663-5183

TERMINATED: 05/28/2013

Bar Status: Not Admitted

V.

Objector

Gary Schepps

represented by **Gary N Schepps**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Objector

Amica Mutual Insurance Company

represented by **Stafford Grigsby Helm Davis**

The Stafford Davis Firm PC

305 S Broadway Ave

Suite 406

Tyler, TX 75702
903/593-7000
Fax: 903/705-7369
Email: sdavis@stafforddavisfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Craig M Scott
Scott & Bush Ltd
30 Kennedy Plaza
4th Floor
Providence, RI 02903
401/865-6035
Fax: 401/865-6039
Email: cscott@scottbushlaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

V.

Trustee

Daniel J. Sherman

represented by **Curt M Covington**
Munsch Hardt Kopf & Harr PC
500 N Akard St
3800 Lincoln Plaza
Dallas, TX 75201-6659
214/855-7547
Fax: 214/855-7584
Email: ccovington@munsch.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Dennis L Roossien
Munsch Hardt Kopf & Harr PC
3800 Lincoln Plaza
500 N Akard St
Dallas, TX 75201
214/855-7535
Fax: 214/855-7584
Email: droossien@munsch.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Lee J Pannier
Munsch Hardt Kopf & Harr PC
500 N Akard St

3800 Lincoln Plaza
Dallas, TX 75201-6659
214/855-7500
Fax: 214/855-7584
Email: lpannier@munsch.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Raymond J Urbanik
Munsch Hardt Kopf & Harr PC
500 North Akard Street, Ste 3800
Dallas, TX 75201-6659
214/855-7590
Fax: 214/978-4374
Email: rurbanik@munsch.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Richard M Hunt
Hunt Huey PLLC
3102 Maple Ave.
Suite 625
Dallas, TX 75201
214-641-9182
Email: rhunt@hunthuey.com
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Trustee

John H. Litzler

represented by **Kathryn Gillian Reid**
Rochelle McCullough LLP
325 N St Paul Street
Suite 4500
Dallas, TX 75201
214/580-2508
Fax: 214/953-0185
Email: kreid@romclawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Kevin Dale McCullough
Rochelle McCullough LLP
325 N St Paul St
Suite 4500
Dallas, TX 75201
214/953-0182
Fax: 214/953-0185 FAX
Email: kdm@romclawyers.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Sean J McCaffity

Rochelle McCullough LLP

325 N St Paul

Suite 4500

Dallas, TX 75201

214/953-0182

Fax: 214/953-0185

Email: smccaffity@romclawyers.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

V.

Intervenor

Charla Aldous

represented by **Charla G Aldous**

Aldous Law Firm

2311 Cedar Springs Rd

Suite 200

Dallas, TX 75201

214/526-5595

Fax: 214/526-5525

Email: caldous@aldouslaw.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Jeffrey H Rasansky

Rasansky Law Firm

2525 McKinnon St

Suite 625

Dallas, TX 75201

214/651-6100

Fax: 214/651-6150

Email: jrasansky@jrlawfirm.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Robert Edward Wolf , Jr

Rasansky Law Firm

2525 McKinnon

Suite 625

Dallas, TX 75201

214/651-6100

Email: rwolf@jrlawfirm.com

ATTORNEY TO BE NOTICED

Bar Status: Admitted/In Good Standing

Intervenor**Jeffrey H Rasansky**represented by **Charla G Aldous**

(See above for address)

*ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Jeffrey H Rasansky**

(See above for address)

*ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Robert Edward Wolf , Jr**

(See above for address)

*ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Intervenor****Aldous Law Firm****Intervenor****Rasansky Law Firm****Intervenor****Partner Mark L Taylor**represented by **Mark L Taylor**

Powers Taylor LLP

8150 North Central Expressway

Suite 1575

Dallas, Tx 75206

214-239-8900

Fax: 214-239-8901

Email: mark@powerstaylor.com

PRO SE

*Bar Status: Admitted/In Good Standing***Mark L Taylor**

Powers Taylor LLP

8150 N Central Expwy

Suite 1575

Dallas, TX 75206

214/239-8900

Fax: 214/239-8901

Email: mark@powerstaylor.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Intervenor****Verisign, Inc.**

represented by

Allen W Yee
Vinson & Elkins
Trammell Crow Center
2001 Ross Ave Suite 3700
Dallas, TX 75201
214/220-7996
Fax: 214/999-7996
Email: ayee@velaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Counter Claimant

Jeffrey Baron

represented by **Anthony L Vitullo**
(See above for address)
TERMINATED: 06/23/2009
Bar Status: Admitted/In Good Standing

Caleb Rawls
(See above for address)
TERMINATED: 06/23/2009
Bar Status: Admitted/In Good Standing

Carter Boisvert
(See above for address)
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Edwin E Wright , III
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Ernest W Leonard
(See above for address)
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Gary G Lyon
(See above for address)
TERMINATED: 01/07/2011
Bar Status: Admitted/In Good Standing

Gary N Schepps
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

James S Bell

(See above for address)
TERMINATED: 06/23/2009
Bar Status: Admitted/In Good Standing

James R Krause
(See above for address)
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Lawrence J Friedman
(See above for address)
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Matthew B Probus
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Ryan K Lurich
(See above for address)
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

Stephen R Cochell
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Counter Claimant

Ondova Limited Company

represented by **Anthony L Vitullo**
(See above for address)
TERMINATED: 06/23/2009
Bar Status: Admitted/In Good Standing

Caleb Rawls
(See above for address)
TERMINATED: 06/23/2009
Bar Status: Admitted/In Good Standing

Carter Boisvert
(See above for address)
TERMINATED: 01/29/2010
Bar Status: Admitted/In Good Standing

E P Keiffer
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Ernest W Leonard

(See above for address)

*TERMINATED: 01/29/2010**Bar Status: Admitted/In Good Standing***James S Bell**

(See above for address)

*TERMINATED: 06/23/2009**Bar Status: Admitted/In Good Standing***James R Krause**

(See above for address)

*TERMINATED: 01/29/2010**Bar Status: Admitted/In Good Standing***Kim M Carpenter**

(See above for address)

*ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Lawrence J Friedman**

(See above for address)

*TERMINATED: 01/29/2010**Bar Status: Admitted/In Good Standing***Ryan K Lurich**

(See above for address)

*TERMINATED: 01/29/2010**Bar Status: Admitted/In Good Standing*

V.

Counter Defendant**Netsphere Inc**represented by **John W MacPete**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Douglas D Skierski**

(See above for address)

*ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Melissa S Hayward**

(See above for address)

*ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing*

Counter Defendant**Manila Industries Inc**

represented by **John W MacPete**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Douglas D Skierski
 (See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Melissa S Hayward
 (See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Counter Defendant**Munish Krishan**

represented by **John W MacPete**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Date Filed	#	Docket Text
12/18/2012	1110	RESPONSE filed by Peter S Vogel re: 1108 MOTION for Reconsideration re 1106 Order, <i>Approving Fees and Expenses of Matthew Morris</i> (Schenck, David) (Entered: 12/18/2012)
12/18/2012	1111	ELECTRONIC ORDER terminating 1098 Motion per Doc. No. 1105 (Ordered by Judge Royal Furgeson on 12/18/2012) (Judge Royal Furgeson) (Entered: 12/18/2012)
12/20/2012	1112	ORDER: The Fifth Circuit has delivered its opinion regarding the Receivership, nullifying the appointment of the Receiver. While the case has been reversed and remanded back to this Court, the mandate has not yet issued. Once the mandate has been issued, the Court intends to hold a hearing and to close the Receivership. In the meantime, the Court takes the following actions (see attached order). (Ordered by Judge Royal Furgeson on 12/20/2012) (Judge Royal Furgeson) (Entered: 12/20/2012)
12/20/2012	1113	Fifth MOTION for Attorney Fees of <i>Dykema</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) Exhibit A) (Schenck, David) (Entered: 12/20/2012)
12/20/2012	1114	NOTICE of <i>Filing of Motion to Vacate Order Confirming Plan and Related Findings and to Dismiss All Appeals and Pending Appeals</i> filed by

		Carrington Coleman Sloman & Blumenthal, LLP (Sutherland, J) (Entered: 12/20/2012)
12/20/2012	1115	NOTICE of <i>Involuntary Bankruptcy</i> filed by Pronske & Patel, P.C. (Pronske, Gerrit) (Entered: 12/20/2012)
12/21/2012	1116	MOTION for Attorney Fees <i>for Peter S. Vogel</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) Exhibit A) (Schenck, David) (Entered: 12/21/2012)
12/21/2012	1117	Amended MOTION for Attorney Fees <i>Twenty-Second</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) Exhibit A) (Schenck, David) (Entered: 12/21/2012)
12/27/2012	1118	RESPONSE AND OBJECTION filed by Jeffrey Baron re: 1095 Fourth MOTION for Attorney Fees <i>of Dykema</i> , 1084 Third MOTION for Attorney Fees (Cochell, Stephen) (Entered: 12/27/2012)
12/27/2012	1119	RESPONSE AND OBJECTION filed by Jeffrey Baron re: 1096 MOTION for Attorney Fees <i>Trustee's Motion for Partial Reimbursement of Fees and Expenses From the Receivership Estate</i> (Cochell, Stephen) (Entered: 12/27/2012)
12/28/2012	1120	ORDER REGARDING FEE APPLICATIONS: IT IS ORDERED that Dykema Gosett PLLC submit its Sixth Fee Application for services performed as of December 28, 2012, by December 31, 2012 at 10:00 am. IT IS FURTHER ORDERED that the Receiver submit his fee application for services performed through December 28, 2012, by December 31, 2012 at 10:00 am. (Ordered by Judge Royal Furgeson on 12/28/2012) (Judge Royal Furgeson) (Entered: 12/28/2012)
12/30/2012	1121	MOTION for Recusal filed by Jeffrey Baron with Brief/Memorandum in Support. (Attachments: # 1 Proposed Order Granting Motion to Disqualify) (Cochell, Stephen) (Entered: 12/30/2012)
12/31/2012	1122	NOTICE of <i>December Receiver's Fee Applications</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) Invoices, # 2 Exhibit(s), # 3 Declaration(s), # 4 Declaration(s)) (Vogel, Peter) (Entered: 12/31/2012)
12/31/2012	1123	NOTICE of <i>December Receiver's Fee Application for Dykema</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) A Invoice, # 2 Exhibit(s)) (Vogel, Peter) (Entered: 12/31/2012)
12/31/2012	1124	NOTICE of <i>Receiver's Open Invoices</i> filed by Peter S Vogel (Vogel, Peter) (Entered: 12/31/2012)
12/31/2012	1125	MOTION for Attorney Fees <i>Third Motion of Daniel J. Sherman, Chapter 11 Trustee for Ondova Limited Company, for Reimbursement of Fees and Expenses from the Receivership Estate</i> filed by Daniel J. Sherman (Attachments: # 1 Exhibit "A") (Urbanik, Raymond) (Entered: 12/31/2012)
12/31/2012	1126	Amended MOTION re 1121 MOTION for Recusal filed by Jeffrey Baron (Attachments: # 1 Exhibit(s) Testimony of Daniel Sherman 11-16-12) (Cochell, Stephen) (Entered: 12/31/2012)

12/31/2012	1127	RESPONSE AND OBJECTION filed by Peter S Vogel re: 1126 Amended MOTION re 1121 MOTION for Recusal (Vogel, Peter) (Entered: 12/31/2012)
12/31/2012	1128	REPLY filed by Jeffrey Baron re: 1121 MOTION for Recusal (Cochell, Stephen) (Entered: 12/31/2012)
12/31/2012	1129	NOTICE of <i>Gardere's Notice of Outstanding Fee Applications</i> re: 1112 Order, filed by Peter S Vogel (Roberson, Richard) (Entered: 12/31/2012)
12/31/2012	1130	NOTICE of <i>5th Circuit Order</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) 5th Circuit Order) (Vogel, Peter) (Entered: 12/31/2012)
12/31/2012	1131	Counter NOTICE re: 1130 Notice of Fifth Circuit Order filed by Jeffrey Baron (Schepps, Gary) Modified on 1/2/2013 (skt). (Entered: 12/31/2012)
01/02/2013	1132	RESPONSE filed by Peter S Vogel re: 1125 MOTION for Attorney Fees <i>Third Motion of Daniel J. Sherman, Chapter 11 Trustee for Ondova Limited Company, for Reimbursement of Fees and Expenses from the Receivership Estate</i> (Schenck, David) (Entered: 01/02/2013)
01/02/2013	1133	ORDER REGARDING GLOBAL SETTLEMENT: On or before January 11, 2013, Netsphere must deposit with the Receiver all monies due and owing to Baron under the Global Settlement through December 31, 2012. (Ordered by Judge Royal Furgeson on 1/2/2013) (Judge Royal Furgeson) (Entered: 01/02/2013)
01/02/2013	1134	REPLY filed by Daniel J. Sherman re: 1132 Response/Objection, (Urbanik, Raymond) (Entered: 01/02/2013)
01/02/2013	1135	NOTICE of <i>Supplemental Declaration of Gary Schepps</i> filed by Jeffrey Baron (Schepps, Gary) (Entered: 01/02/2013)
01/02/2013	1136	ORDER: It is Ordered that the Receiver file with the Court an inventory of each asset presently held in the Receivership, along with the value of each asset, by noon on 1/4/2013. (Ordered by Judge Royal Furgeson on 1/2/2013) (skt) (Entered: 01/02/2013)
01/02/2013	1137	NOTICE of <i>Fifth Circuit Filing</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s), # 2 Exhibit(s)) (Schenck, David) (Entered: 01/02/2013)
01/02/2013	1138	ADVISORY ON PAST AND PENDING RECEIVERSHIP DISBURSEMENTS: The Court has considered the Fifth Circuit opinion in the appeal from this Court and has interpreted the opinion to require a reduction in all past and pending requests for fees and expenses from the Receivership. If any of the parties wish to contest this Court's interpretation of the Fifth Circuit opinion, they shall submit briefing on the matter no later than Wednesday, 1/9/2013. If the Court is not persuaded by briefing on this issue, it will allow an immediate appeal, since the Receivership will soon be closed and the matter will become moot. (Ordered by Judge Royal Furgeson on 1/2/2013) (skt) (Entered: 01/03/2013)
01/03/2013	1139	Order to Show Cause. The Receiver is hereby ordered to show cause why Novo Point LLC and Quantec LLC should not be immediately returned to

		Jeffrey Baron. The Receiver must respond no later than Wednesday, 1/9/2013. (Ordered by Judge Royal Furgeson on 1/3/2013) (cea) (Entered: 01/03/2013)
01/03/2013	1140	ORDER DENYING 1121 MOTION TO DISQUALIFY TRIAL JUDGE. The Court is of the opinion that Baron will be unsuccessful in any attempts to subpoena testimony from the presiding judge. Additionally, that the personal knowledge on which Baron seeks recusal is inapplicable to those obtained in the judicial proceedings themselves and findings that the Receivership, however invalid, was created in good faith lead this Court to conclude that this Motion to Disqualify the Trial Judge must be DENIED. (Ordered by Judge Royal Furgeson on 1/3/2013) (cea) (Entered: 01/03/2013)
01/03/2013	1141	STATUS REPORT <i>Letter to Judge</i> filed by Peter S Vogel. (Attachments: # 1 Exhibit(s)) (Schenck, David) (Entered: 01/03/2013)
01/04/2013	1142	NOTICE of <i>Receiver's Assets as of January 3, 2013</i> re: 1136 Order filed by Peter S Vogel (Schenck, David) (Entered: 01/04/2013)
01/04/2013	1143	ORDER DENYING CERTAIN PENDING MOTIONS AS MOOT: The Court DENIES AS MOOT Doc. Nos. 880, 1001, 1038, and 1046. (Ordered by Judge Royal Furgeson on 1/4/2013) (Judge Royal Furgeson) (Entered: 01/04/2013)
01/04/2013	1144	ELECTRONIC ORDER finding as moot 880 Motion per Order Denying Certain Pending Motions as Moot (Doc. No. 1143). (Ordered by Judge Royal Furgeson on 1/4/2013) (Judge Royal Furgeson) (Entered: 01/04/2013)
01/04/2013	1146	ELECTRONIC ORDER finding as moot 1038 Motion for Leave to File per Order Denying Certain Pending Motions as Moot (Doc. No. 1143). (Ordered by Judge Royal Furgeson on 1/4/2013) (Judge Royal Furgeson) (Entered: 01/04/2013)
01/04/2013	1147	ELECTRONIC ORDER finding as moot 1046 Motion per Order Denying Certain Pending Motions as Moot (Doc. No. 1143). (Ordered by Judge Royal Furgeson on 1/4/2013) (Judge Royal Furgeson) (Entered: 01/04/2013)
01/04/2013	1148	MOTION to Order Third-Party Payment to Receivership and Sanctions filed by Peter S Vogel (Attachments: # 1 Exhibit(s) Exhibit A, # 2 Exhibit(s) Exhibit B, # 3 Exhibit(s) Exhibit C, # 4 Exhibit(s) Exhibit D) (Schenck, David) (Entered: 01/04/2013)
01/04/2013	1149	MOTION to Extend Time for response to Advisory filed by Peter S Vogel with Brief/Memorandum in Support. (Roberson, Richard) (Entered: 01/04/2013)
01/04/2013	1150	REQUEST TO THE BANKRUPTCY COURT: This Court requests the Bankruptcy Court presiding over the involuntary bankruptcy of Mr. Jeffrey Baron, as soon as practicably possible, to lift the automatic stay with regard to all matters governing the administration of the Receivership, motions and litigation regarding the winding down of the receivership, and compliance with the Fifth Circuits opinion once the mandate issues. (Ordered by Judge Royal Furgeson on 1/4/2013) (Judge Royal Furgeson) (Entered: 01/04/2013)

01/04/2013	1151	RESPONSE filed by Dean W Ferguson, Gary G Lyon, Pronske & Patel, P.C., Mark L Taylor, Shurig Jetel Backett Tackett, Robert Garrey, Jeffrey Hall re: 1113 Fifth MOTION for Attorney Fees of <i>Dykema</i> , 1116 MOTION for Attorney Fees for <i>Peter S. Vogel</i> , 1117 Amended MOTION for Attorney Fees <i>Twenty-Second</i> , 1125 MOTION for Attorney Fees <i>Third Motion of Daniel J. Sherman, Chapter 11 Trustee for Ondova Limited Company, for Reimbursement of Fees and Expenses from the Receivership Estate</i> (Goolsby, Melanie) (Entered: 01/04/2013)
01/04/2013	1152	ORDER granting 1148 ORDER GRANTING RECEIVER'S MOTION TO ORDER THIRD-PARTY PAYMENT TO RECEIVERSHIP AND FOR STEPHEN COCHELL TO SHOW CAUSE AS TO CONTEMPT (Ordered by Judge Royal Furgeson on 1/4/2013) (Judge Royal Furgeson) (Entered: 01/04/2013)
01/06/2013	1153	ELECTRONIC ORDER granting 1149 Motion to Extend Time. The deadline to respond to the Advisory on Past and Pending Receivership Disbursements (Doc. No. 1138) is extended to January 23, 2013 for all parties. All other deadlines remain in place. (Ordered by Judge Royal Furgeson on 1/6/2013) (Judge Royal Furgeson) (Entered: 01/06/2013)
01/07/2013	1154	ORDER denying 1108 Motion for Reconsideration. In light of the Fifth Circuit's ruling charging this Court with reconsidering all prior fees and expenses, this Court is of the opinion that Mr. Morris' fee should be paid at a 95% rate. Further, this money should be retained in the Dykema Gossett PLLC trust account until further ordered by this Court. (Ordered by Judge Royal Furgeson on 1/7/2013) (Judge Royal Furgeson) (Entered: 01/07/2013)
01/07/2013	1155	ORDER: This Court is committed to winding up the Receivership quickly in accordance with the Fifth Circuit's instructions. It will not tolerate, however, any improper interference with its duties. (Ordered by Judge Royal Furgeson on 1/7/2013) (Judge Royal Furgeson) (Entered: 01/07/2013)
01/07/2013	1156	ORDER INSTRUCTING RECEIVER TO PAY DYKEMA GOSSETT'S LEGAL FEES AND EXPENSES AT A 95% RATE. (Ordered by Judge Royal Furgeson on 1/7/2013) (Judge Royal Furgeson) (Entered: 01/07/2013)
01/07/2013	1157	ELECTRONIC ORDER terminating 1084 Motion for Attorney Fees per Order Instructing Receiver to Pay Dykema Gossett's Legal Fees and Expenses at a 95% Rate (Doc. No. 1156). (Ordered by Judge Royal Furgeson on 1/7/2013) (Judge Royal Furgeson) (Entered: 01/07/2013)
01/07/2013	1158	ELECTRONIC ORDER terminating 1095 Motion for Attorney Fees per Order Instructing Receiver to Pay Dykema Gossett's Legal Fees and Expenses at a 95% Rate (Doc. No. 1156). (Ordered by Judge Royal Furgeson on 1/7/2013) (Judge Royal Furgeson) (Entered: 01/07/2013)
01/07/2013	1159	ELECTRONIC ORDER terminating 1113 Motion for Attorney Fees per Order Instructing Receiver to Pay Dykema Gossett's Legal Fees and Expenses at a 95% Rate (Doc. No. 1156). (Ordered by Judge Royal Furgeson on 1/7/2013) (Judge Royal Furgeson) (Entered: 01/07/2013)
01/07/2013	1160	

		MOTION to Vacate 1152 Order on Motion for Miscellaneous Relief, 1155 Order, filed by Jeffrey Baron with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) A-Fifth Circuit Opinion & Clerk of the Court Letter Regarding Mandate) (Cochell, Stephen) (Entered: 01/07/2013)
01/08/2013	1161	NOTICE of <i>RECEIVERS INVENTORY OF ASSETS AS OF JANUARY 8, 2013</i> filed by Peter S Vogel (Vogel, Peter) (Entered: 01/08/2013)
01/08/2013	1162	ORDER denying 1160 Motion to Vacate. No action should be taken by any parties to alter the Receivership contracts or attempt to reclaim property until further ordered by either this Court or the Fifth Circuit. (Ordered by Judge Royal Furgeson on 1/8/2013) (Judge Royal Furgeson) (Entered: 01/08/2013)
01/08/2013	1163	ORDER AMENDING ORDER INSTRUCTING RECEIVER TO PAY DYKEMA GOSSETT'S LEGAL FEES AND EXPENSES: The Court now amends its previous Order to change the accounts from which the Receiver is to pay Dykema's fees. The Court makes no changes to the total amount of fees authorized. (Ordered by Judge Royal Furgeson on 1/8/2013) (Judge Royal Furgeson) (Entered: 01/08/2013)
01/09/2013	1164	NOTICE TO THE BANKRUPTCY COURT: Input from this Honorable Bankruptcy Court is hereby requested. (Ordered by Judge Royal Furgeson on 1/9/2013) (tln) (Additional attachment(s) added on 1/9/2013: # 1 exhibit) (tln). (Entered: 01/09/2013)
01/09/2013	1165	ORDER TO PAY RENEWAL FEES FOR DOMAIN NAMES. (Ordered by Judge Royal Furgeson on 1/9/2013) (tln) (Entered: 01/09/2013)
01/09/2013	1166	ADDITIONAL ATTACHMENTS to 1150 Order, (Attachments: # 1 REPORT TO THE DISTRICT COURT IN RESPONSE TO THE REQUEST TO THE BANKRUPTCY COURT DATED JANUARY 4, 2013) (Blanco - TXNB, Juan) (Entered: 01/09/2013)
01/10/2013	1167	RESPONSE filed by Peter S Vogel re: 1139 Order to Show Cause, (Schenck, David) (Entered: 01/10/2013)
01/10/2013	1168	ORDER ADOPTING BANKRUPTCY COURT'S REPORT. (Ordered by Judge Royal Furgeson on 1/10/2013) (ctf) (Entered: 01/10/2013)
01/11/2013	1169	ORDER of USCA : See order for specifics. (Attachments: # 1 USCA5 Letter) (svc) (Entered: 01/14/2013)
01/15/2013	1170	ORDER: The Court has considered the arguments of the Receiver and the recent developments in the above numbered case and its corresponding bankruptcies and now believes that no further action should be taken with regard to these entities until the issuance of the Mandate from the Fifth Circuit, the resolution of the involuntary bankruptcy proceedings against Jeffrey Baron, and the winding down of the Receivership by this Court. This Court will release these entities, as well as all other assets, as soon as it is authorized by the Fifth Circuit and under the Bankruptcy Code. (Ordered by Judge Royal Furgeson on 1/15/2013) (tln) (Entered: 01/15/2013)
01/15/2013	1171	Emergency MOTION of Jeffrey Baron for Order Approving Payment of Retainer to Bankruptcy Counsel and Brief in Support Thereof filed by Jeffrey

		Baron with Brief/Memorandum in Support. (Probus, Matthew) (Entered: 01/15/2013)
01/15/2013	1172	ORDER denying 1171 Emergency MOTION of Jeffrey Baron for Order Approving Payment of Retainer to Bankruptcy Counsel. (Ordered by Judge Royal Furgeson on 1/15/2013) (tln) (Entered: 01/15/2013)
01/15/2013	1173	NOTICE of <i>Trustee's Recommendation</i> re: 1112 Order, filed by Daniel J. Sherman (Urbanik, Raymond) (Entered: 01/15/2013)
01/15/2013	1174	STATUS REPORT <i>Receiver's Report</i> filed by Peter S Vogel. (Schenck, David) (Entered: 01/15/2013)
01/17/2013	1175	ADDITIONAL ATTACHMENTS to 1150 Order, (Attachments: # 1 Report and Recommendation) (Whitaker - TXNB, Sheniqua) (Entered: 01/17/2013)
01/17/2013	1176	ORDER ADOPTING BANKRUPTCY COURT RECOMMENDATIONS (1175). The Receiver is hereby ORDERED to release \$25,000 in cash funds to be used as a retainer by Mr. Jeffrey Baron's bankruptcy attorney of his choosing. (Ordered by Judge Royal Furgeson on 1/17/2013) (tln) Modified on 12/31/2013--see order 1349 vacating this order to the extent that it referred to the bankruptcy court for findings and recommendation applications by the Receiver for reimbursement of receivership fees and expenses (gr). (Entered: 01/17/2013)
01/17/2013	1177	ELECTRONIC ORDER: Per the Order Adopting Bankruptcy Court Recommendations (Doc. No. 1176), all scheduling deadlines are VACATED. (Ordered by Judge Royal Furgeson on 1/17/2013) (Judge Royal Furgeson) (Entered: 01/17/2013)
02/04/2013	1178	ORDER REQUIRING EX PARTE, IN CAMERA HEARING WITH RECEIVER AND HIS COUNSEL: It has come to this Court's attention that a representation question has arisen between the Receiver and his counsel, the firm Dykema Gossett PLLC. In order to promptly resolve this issue, the Court requests that the Receiver and his counsel appear at an ex parte, in camera hearing on Thursday, February 7, 2013 at 10:00 am in the undersigned's chambers. The hearing will be on the record, but as it relates to representation, all records will be sealed. If these parties are unable to appear in person, they may make alternative arrangements with the Court to appear by phone. Status Conference set for 2/7/2013 10:00 AM in US Courthouse, Courtroom 1310, 1100 Commerce St., Dallas, TX 75242-1310 before Judge Royal Furgeson. (Ordered by Judge Royal Furgeson on 2/4/2013) (Judge Royal Furgeson) (Main Document 1178 replaced on 2/4/2013) (Furgeson, Royal). (Entered: 02/04/2013)
02/06/2013	1179	MOTION Leave to participate in ex parte hearing re 1178 Order Setting Deadline/Hearing,, filed by Jeffrey Baron with Brief/Memorandum in Support. (Cochell, Stephen) (Entered: 02/06/2013)
02/06/2013	1180	ELECTRONIC ORDER denying 1179 Motion. The issues to be discussed have no impact on Mr. Baron or his interests. (Ordered by Judge Royal Furgeson on 2/6/2013) (Judge Royal Furgeson) (Entered: 02/06/2013)

02/06/2013	1181	NOTICE OF INTERLOCUTORY APPEAL to the Fifth Circuit as to 1154 Order on Motion for Reconsideration, 1156 Order, 1163 Order, 1106 Order, 1083 Order on Motion for Attorney Fees, 1103 Order by Jeffrey Baron, Novo Point LLC, Quantec LLC. Filing fee \$455, receipt number 0539-5104578. T.O. form to appellant electronically at Transcript Order Form or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. (Schepps, Gary) (Entered: 02/06/2013)
02/12/2013	1182	NOTICE of <i>Fifth Circuit Directive and Request to Preserve Status Quo of Receivership Pending Fifth Circuit Action</i> filed by Peter S Vogel (Schenck, David) (Entered: 02/12/2013)
02/12/2013	1183	Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order filed by Peter S Vogel (Schenck, David) Modified on 2/13/2013 to correct text(svc). (Entered: 02/12/2013)
02/12/2013	1184	RESPONSE filed by Peter S Vogel re: 1138 Order,, (Schenck, David) (Entered: 02/12/2013)
02/12/2013	1185	STATUS REPORT <i>And Wind Down Recommendations</i> filed by Peter S Vogel. (Schenck, David) (Entered: 02/12/2013)
02/12/2013	1186	REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL filed by Peter S Vogel (Schenck, David) Modified text on 2/13/2013 (svc). (Entered: 02/12/2013)
02/13/2013	1187	MOTION TO WIND DOWN RECEIVERSHIP WITH PROPOSED PLAN, MOTION TO WITHDRAW THE REFERENCE TO THE BANKRUPTCY COURT, AND PROVIDE RESOLUTION FOR ALL DISPUTED ATTORNEYS FEE CLAIMS filed by Jeffrey Baron. (Cochell, Stephen) Modified on 2/14/2013 to reflect correct event (svc). (Entered: 02/13/2013)
02/15/2013	1188	Receiver's Request for Joint Status Conference in the District Court and the Bankruptcy Court <i>or, Alternatively, For Status Conference in the District Court</i> filed by Peter S Vogel (Schenck, David) Modified on 2/19/2013 to modify text (svc). (Entered: 02/15/2013)
02/18/2013	1189	Transcript Order Form: re 1181 Notice of Appeal,, transcript requested by Jeffrey Baron, Quantec LLC for Miscellaneous Hearing held on 4-23-2012, 12-4-2012, 2-7-2013, before Judge Furgeson. (Schepps, Gary) (Entered: 02/18/2013)
02/19/2013		USCA Case Number 13-10119 for 1181 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC. (svc) (Entered: 02/19/2013)
02/20/2013	1190	MOTION Receiver's Expedited Application For Payment of Receivership Expenses (Court Reporters) Pursuant to the Interim Order [D.E.39] [<i>copy of filing in Bankruptcy Court</i>] filed by Peter S Vogel (Schenck, David) (Entered: 02/20/2013)
02/21/2013	1191	NOTICE of <i>Hearing on March 19, 2013 at 10:30 a.m.and Notice of Deadline to Respond</i> re: 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Orde, 1190 MOTION Receiver's Expedited Application For Payment of Receivership Expenses

		(Court Reporters) Pursuant to the Interim Order [D.E.39] [<i>copy of filing in Bankruptcy Court</i>], 1182 Notice (Other), 1186 REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL, 1188 MOTION for Extension of Time to File, 1185 Status Report filed by Peter S Vogel (Fine, Jeffrey) (Entered: 02/21/2013)
02/24/2013	1192	ELECTRONIC ORDER terminating 1188 Motion for Extension of Time to File per Notice of Hearing on March 19, 2013 at 10:30 a.m.and Notice of Deadline to Respond (Doc. No. 1191). (Ordered by Judge Royal Furgeson on 2/24/2013) (Judge Royal Furgeson) (Entered: 02/24/2013)
02/24/2013	1193	Transcript Order Form: re 1181 Notice of Appeal,, transcript requested by Jeffrey Baron, Quantec LLC for Miscellaneous Hearing held on 12-14-2012 before Judge Furgeson. (Schepps, Gary) (Entered: 02/24/2013)
02/24/2013	1194	Transcript Order Form: re 1181 Notice of Appeal,, transcript requested by Jeffrey Baron, Quantec LLC for Miscellaneous Hearing held on 4-23-2012,2-7-2013 before Judge Furgeson. (Schepps, Gary) (Entered: 02/24/2013)
03/04/2013	1195	RESPONSE filed by Jeffrey Baron re: 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order. (Attachments: # 1 Exhibit(s) A- Email Chain dtd 1-28-10, # 2 Declaration(s) B-Declaration of Jeffrey Baron) (Cochell, Stephen) (Entered: 03/04/2013)
03/05/2013	1196	RESPONSE filed by Jeffrey Baron re: 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order (Attachments: # 1 Exhibit(s) A- Declaration of Eli Pearlman, # 2 Exhibit(s) B- Email Exchange re: Dykema Firm, # 3 Exhibit(s) C- Declaration of Jeffrey Baron) (Cochell, Stephen) (Entered: 03/05/2013)
03/05/2013	1197	REPLY to Receiver's Response to Advisory [Docket No. 1138] filed by Jeffrey Baron re: 1184 Response/Objection. (Cochell, Stephen) Modified text on 3/6/2013 (axm). (Entered: 03/05/2013)
03/06/2013	1198	RESPONSE filed by Jeffrey Baron re: 1186 REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL (Cochell, Stephen) (Entered: 03/06/2013)
03/06/2013	1199	RESPONSE filed by Jeffrey Baron re: 1185 Status Report and Wind Down Recommendations . (Attachments: # 1 Exhibit(s) A- Extract of Testimony of Daniel "Corky" Sherman) (Cochell, Stephen) (Entered: 03/06/2013)
03/07/2013	1200	MOTION to Appoint Counsel <i>Edward Wright as Local Counsel</i> filed by Jeffrey Baron with Brief/Memorandum in Support. (Cochell, Stephen) (Entered: 03/07/2013)
03/08/2013	1201	MOTION to Compel <i>Payment of Settlement and for Order to Show Cause</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) A) (Schenck, David) (Entered: 03/08/2013)
03/08/2013	1202	RESPONSE AND OBJECTION filed by Gardere Wynne Sewell LLP re: 1191 Notice (Other),, (Roberson, Richard) (Entered: 03/08/2013)

03/08/2013	1203	RESPONSE AND OBJECTION filed by Gardere Wynne Sewell LLP re: 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order, 1190 MOTION Receiver's Expedited Application For Payment of Receivership Expenses (Court Reporters) Pursuant to the Interim Order [D.E.39] [<i>copy of filing in Bankruptcy Court</i>], 1186 REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL, 1188 MOTION for Extension of Time to File (Roberson, Richard) (Entered: 03/08/2013)
03/08/2013	1204	RESPONSE filed by Daniel J. Sherman re: 1185 Status Report (Hunt, Richard) (Entered: 03/08/2013)
03/08/2013	1205	RESPONSE filed by Daniel J. Sherman re: 1182 Notice (Other) (Hunt, Richard) (Entered: 03/08/2013)
03/08/2013	1206	RESPONSE filed by Daniel J. Sherman re: 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order (Hunt, Richard) (Entered: 03/08/2013)
03/08/2013	1207	RESPONSE filed by Daniel J. Sherman re: 1186 REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL (Hunt, Richard) (Entered: 03/08/2013)
03/11/2013	1208	OBJECTION filed by Pronske & Patel, P.C. re: 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order, 1186 REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL (Goolsby, Melanie) (Entered: 03/11/2013)
03/11/2013	1209	OBJECTION filed by Carrington Coleman Sloman & Blumenthal, LLP re: 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order, 1182 Notice (Other), 1186 REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL, 1185 Status Report (Sutherland, J) (Entered: 03/11/2013)
03/12/2013	1210	ORDER GRANTING DEFENDANTS MOTION DESIGNATING LOCAL COUNSEL: Defendants' Motion Designating Local Counsel (Doc. No. 1200) is GRANTED. Edward Wright at Abrams Centre, 9330 LBJ Freeway, Suite 1400, Dallas, Texas 75243 will serve as counsel of record for Mr. Baron. (Ordered by Judge Royal Furgeson on 3/12/2013) (Judge Royal Furgeson) (Entered: 03/12/2013)
03/12/2013	1211	ELECTRONIC ORDER terminating 1200 Motion to Appoint Counsel per Doc. No. 1210). (Ordered by Judge Royal Furgeson on 3/12/2013) (Judge Royal Furgeson) (Entered: 03/12/2013)
03/18/2013	1212	REPLY filed by Peter S Vogel re: 1187 MOTION TO WIND DOWN RECEIVERSHIP WITH PROPOSED PLAN, MOTION TO WITHDRAW THE REFERENCE TO THE BANKRUPTCY COURT, AND PROVIDE RESOLUTION FOR ALL DISPUTED ATTORNEYS FEE CLAIMS, 1183 Receiver's Expedited Application for Payment of Receivership Expenses Pursuant to the Interim Order, 1190 MOTION Receiver's Expedited Application For Payment of Receivership Expenses (Court Reporters) Pursuant to the Interim Order [D.E.39] [<i>copy of filing in Bankruptcy Court</i>],

		1186 REQUEST TO CLARIFY THE RECEIVER'S AUTHORITY TO PAY COUNSEL, 1188 MOTION for Extension of Time to File (Schenck, David) (Entered: 03/18/2013)
03/18/2013	1213	RESPONSE filed by Peter S Vogel re: 1203 Response/Objection,, (Attachments: # 1 Exhibit(s) Exhibit A, # 2 Exhibit(s) Exhibit B) (Schenck, David) (Entered: 03/18/2013)
03/27/2013	1214	MOTION for Attorney Fees filed by Jeffrey Baron (Attachments: # 1 Proposed Order GRANTING FEES TO JEFFREY BARONS APPELLATE COUNSEL) (Cochell, Stephen) (Entered: 03/27/2013)
03/28/2013	1215	MOTION for Attorney Fees filed by Jeffrey Baron (Attachments: # 1 Proposed Order) (Wright, Edwin) (Entered: 03/28/2013)
03/28/2013	1216	RESPONSE AND OBJECTION filed by Netsphere Inc re: 1201 MOTION to Compel <i>Payment of Settlement and for Order to Show Cause</i> (MacPete, John) (Entered: 03/28/2013)
04/03/2013	1217	NOTICE of <i>Advisory Regarding Court Ordered Settlement Conferences</i> filed by Jeffrey Baron (Cochell, Stephen) (Entered: 04/03/2013)
04/03/2013	1218	REPLY filed by Peter S Vogel re: 1201 MOTION to Compel <i>Payment of Settlement and for Order to Show Cause</i> (Schenck, David) (Entered: 04/03/2013)
04/04/2013		ELECTRONIC Minute Entry for proceedings held before Judge Royal Furgeson: Status Conference held on 4/4/2013. Attorney Appearances: Plaintiff - John MacPete; Defense - Stephen Cochell, Edward Wright; Peter Vogel, Jeffrey Fine, David Schenck, Christopher Kratovil, Raymond Urbanik, Richard Hunt (Court Reporter: Shawn McRoberts) (No exhibits) Time in Court - 2:30. (chmb) (Entered: 04/04/2013)
04/04/2013	1219	Received letter from USCA5 regarding transcripts (svc) (Entered: 04/05/2013)
04/05/2013	1220	SCHEDULING ORDER: Fee applications due by 4/17/2013; Objections to fee applications due by 4/25/2013; Pre-Trial hearing on fee applications set for 4/29/2013 at 09:00 AM before Judge Royal Furgeson; The trial on fee applications is set on 5/8/2013 at 09:00 AM before Judge Royal Furgeson. (Ordered by Judge Royal Furgeson on 4/5/2013) (tln) (Entered: 04/05/2013)
04/05/2013	1221	Designation of Mediator by Daniel J. Sherman. (Urbanik, Raymond) (Entered: 04/05/2013)
04/08/2013	1222	ORDER ADOPTING AND ACCEPTING BANKRUPTCY COURT ORDER: Concurring in all matters, this Court hereby ADOPTS and ACCEPTS the Bankruptcy Court's Order in its entirety. (Ordered by Judge Royal Furgeson on 4/8/2013) (Judge Royal Furgeson) (Entered: 04/08/2013)
04/08/2013	1223	ELECTRONIC ORDER: IT IS ORDERED that the Receiver submit an accounting of all Receivership assets by Tuesday, April 23, 2013. (Ordered by Judge Royal Furgeson on 4/8/2013) (Judge Royal Furgeson) (Entered: 04/08/2013)

04/08/2013	1224	ELECTRONIC ORDER: IT IS ORDERED that the trial on fee applications is RE-SET to 2:00 pm on Wednesday, May 8, 2013. The trial will continue on Thursday, May 9, 2013. (Ordered by Judge Royal Furgeson on 4/8/2013) (Judge Royal Furgeson) (Entered: 04/08/2013)
04/08/2013		Hearing Modification: Hearings reset per 1224 Order. Bench Trial set for 5/8/2013 at 02:00 PM before Judge Royal Furgeson. (cea) (Entered: 04/08/2013)
04/12/2013	1225	MOTION for Order to Show Cause <i>Why WIPO and ICANN Should not Be Held in Contempt</i> filed by Peter S Vogel (Schenck, David) (Entered: 04/12/2013)
04/15/2013	1226	MOTION to Quash <i>Punitive Notice of Deposition of Peter S. Vogel</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) A, # 2 Proposed Order) (Schenck, David) (Entered: 04/15/2013)
04/16/2013	1227	ORDER ADOPTING BANKRUPTCY COURT ORDER DIRECTING MEDIATION AND ORDERING PAYMENT OF MEDIATOR FEES FROM RECEIVERSHIP ESTATE: The Court now ORDERS that the Receivership release \$12,000 to pay the agreed upon mediator by April 19, 2013 for two full day mediation sessions. If the mediation only lasts for one day, Judge Clark will remit \$6,000 back to the Receivership estate. (Ordered by Judge Royal Furgeson on 4/16/2013) (Judge Royal Furgeson) Docket text modified on 4/16/2013 (twd). (Entered: 04/16/2013)
04/16/2013	1228	ELECTRONIC ORDER: IT IS ORDERED that a response to the Motion to Quash (Doc. No. 1226 be filed on or before April 19, 2013. (Ordered by Judge Royal Furgeson on 4/16/2013) (Judge Royal Furgeson) (Entered: 04/16/2013)
04/16/2013		Hearing/Deadline Modification: Response to 1226 Motion to Quash due by 4/19/2013. (Per 1228 Order.) Responses (twd) (Entered: 04/16/2013)
04/16/2013		19th Supplemental Record on Appeal for USCA5 10-11202 (related to 227 , 814 , 759 , 136 , 449 , 1034 , 982 , 908 , 340 , 1181 , 614 , 1080 , 576 , 341 appeal): transmitted to Gardere Wynne Sewell LLP on disk only by hand delivery. (svc) (Entered: 04/16/2013)
04/17/2013	1229	MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> filed by Daniel J. Sherman with Brief/Memorandum in Support. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C-1, # 4 Exhibit C-2, # 5 Exhibit C-3, # 6 Exhibit C-4, # 7 Exhibit C-5, # 8 Exhibit C-6, # 9 Exhibit C-7, # 10 Exhibit C-8, # 11 Exhibit D) (Urbanik, Raymond) (Entered: 04/17/2013)
04/17/2013	1230	Brief/Memorandum in Support filed by Daniel J. Sherman re 1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B) (Urbanik, Raymond) (Entered: 04/17/2013)
04/17/2013	1231	MOTION for Attorney Fees filed by Jeffrey Baron with Brief/Memorandum in Support. (Attachments: # 1 Proposed Order Setting Deadlines for Filing of

		Fee Applications for Services Provided to Jeffrey Baron) (Cochell, Stephen) (Entered: 04/17/2013)
04/17/2013	1232	MOTION for Attorney Fees <i>for Gardere Wynne Sewell LLP</i> filed by Gardere Wynne Sewell LLP with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) A) (Roberson, Richard) (Entered: 04/17/2013)
04/17/2013	1233	MOTION for Attorney Fees <i>Fee Application for the Receiver</i> filed by Peter S Vogel with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B, # 3 Exhibit(s) C, # 4 Exhibit(s) D, # 5 Exhibit(s) E, # 6 Exhibit(s) F, # 7 Exhibit(s) G, # 8 Exhibit(s) H) (Vogel, Peter) (Entered: 04/17/2013)
04/17/2013	1234	MOTION for Attorney Fees filed by Peter S Vogel (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B, # 3 Exhibit(s) C, # 4 Exhibit(s) D, # 5 Exhibit(s) E, # 6 Exhibit(s) F, # 7 Exhibit(s) G, # 8 Exhibit(s) H, # 9 Exhibit(s) I) (Schenck, David) (Entered: 04/17/2013)
04/18/2013	1235	CERTIFICATE of Conference re 1226 MOTION to Quash <i>Punitive Notice of Deposition of Peter S. Vogel</i> by David J Schenck on behalf of Peter S Vogel (Schenck, David) (Entered: 04/18/2013)
04/18/2013	1236	ORDER DENYING 1231 MOTION TO SET DATES FOR SUBMISSION OF FEE APPLICATIONS FOR JEFFREY BARON. (Ordered by Judge Royal Furgeson on 4/18/2013) (twd) (Entered: 04/18/2013)
04/18/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1236. Thu Apr 18 14:22:21 CDT 2013 (crt) (Entered: 04/18/2013)
04/19/2013	1237	NOTICE of <i>Receiver's Inventory</i> filed by Peter S Vogel (Vogel, Peter) (Entered: 04/19/2013)
04/19/2013	1238	RESPONSE filed by Daniel J. Sherman re: 1226 MOTION to Quash <i>Punitive Notice of Deposition of Peter S. Vogel</i> (Hunt, Richard) (Entered: 04/19/2013)
04/19/2013	1239	ELECTRONIC ORDER finding as moot 1226 Motion to Quash per Doc. No. 1238 , withdrawing notice of deposition. (Ordered by Judge Royal Furgeson on 4/19/2013) (Judge Royal Furgeson) (Entered: 04/19/2013)
04/19/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1239. Fri Apr 19 15:32:51 CDT 2013 (crt) (Entered: 04/19/2013)
04/19/2013	1240	MOTION for Discovery, MOTION for Continuance <i>and to Re-Consider Funding for Jeffrey Baron's Counsel</i> filed by Jeffrey Baron (Attachments: # 1 Exhibit(s), # 2 Exhibit(s), # 3 Proposed Order) (Wright, Edwin). Added MOTION for Attorney Fees on 4/22/2013 (axm). (Entered: 04/19/2013)
04/22/2013	1241	AFFIDAVIT re 1227 Order,, <i>Declaration Designating Settlement Authority</i> by Pronske & Patel PC. (Goolsby, Melanie) (Entered: 04/22/2013)
04/22/2013	1242	AFFIDAVIT re 1227 Order,, <i>Declaration Designating Settlement Authority</i> by Pronske & Patel PC. (Goolsby, Melanie) (Entered: 04/22/2013)
04/22/2013	1243	

		AFFIDAVIT re 1227 Order,, <i>Declaration Designating Settlement Authority</i> by Pronske & Patel PC. (Goolsby, Melanie) (Entered: 04/22/2013)
04/22/2013	1244	AFFIDAVIT re 1227 Order,, <i>Declaration Designating Settlement Authority</i> by Pronske & Patel PC. (Goolsby, Melanie) (Entered: 04/22/2013)
04/22/2013	1245	ORDER DENYING WITHOUT PREJUDICE 1240 MOTION FOR DISCOVERY, AND DENYING 1240 MOTIONS FOR CONTINUANCE AND TO RE-CONSIDER FUNDING FOR JEFFREY BARON'S COUNSEL. (Ordered by Judge Royal Furgeson on 4/22/2013) (cea) (Entered: 04/22/2013)
04/22/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1245. Mon Apr 22 16:07:11 CDT 2013 (crt) (Entered: 04/22/2013)
04/22/2013	1246	ORDER of USCA: IT IS ORDERED that the opposed emergency motion of Jeffrey Baron for stay pending appeal is DENIED. IT IS FURTHER ORDERED that the opposed emergency motion to stay the issuance of the mandate is DENIED. (svc) (Entered: 04/23/2013)
04/23/2013	1247	AFFIDAVIT re 1227 Order,, <i>Declaration Designating Settlement Authority</i> by Pronske & Patel PC. (Goolsby, Melanie) (Entered: 04/23/2013)
04/24/2013	1254	Opinion of USCA (certified copy) in accordance with USCA judgment re 227 Notice of Appeal, filed by Novo Point LLC, Quantec LLC, 814 Notice of Appeal, filed by Novo Point LLC, Jeffrey Baron, Gary Schepps, Quantec LLC, 759 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Gary Schepps, Quantec LLC, 136 Notice of Appeal, filed by Jeffrey Baron, 449 Notice of Appeal,,,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 1034 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 982 Notice of Appeal, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 908 Notice of Appeal,,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 340 Notice of Appeal,,,, filed by Jeffrey Baron, 1181 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 614 Notice of Appeal, filed by Carrington Coleman Sloman & Blumenthal, LLP, 1080 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 576 Notice of Appeal,,,,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 341 Notice of Appeal,,, filed by Novo Point LLC, Quantec LLC. (svc) (Entered: 04/29/2013)
04/24/2013	1255	JUDGMENT/MANDATE of USCA as to 136 Notice of Appeal, filed by Jeffrey Baron. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court_Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1256	JUDGMENT/MANDATE of USCA as to 227 Notice of Appeal, filed by Novo Point LLC, Quantec LLC. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant

		to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1257	JUDGMENT/MANDATE of USCA as to 340 Notice of Appeal,,,, filed by Jeffrey Baron. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1258	JUDGMENT/MANDATE of USCA as to 341 Notice of Appeal,,,, filed by Novo Point LLC, Quantec LLC. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1259	JUDGMENT/MANDATE of USCA as to 341 Notice of Appeal,,,, filed by Novo Point LLC, Quantec LLC. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1260	JUDGMENT/MANDATE of USCA as to 449 Notice of Appeal,,,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1261	JUDGMENT/MANDATE of USCA as to 759 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Gary Schepps, Quantec LLC. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without

		additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1262	JUDGMENT/MANDATE of USCA as to 982 Notice of Appeal, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC, 908 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/24/2013	1263	JUDGMENT/MANDATE of USCA as to 1080 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC. Judgment of the District Court is reversed and remanded for further proceedings. Issued as Mandate: 4/19/13. Pursuant to LR 79.2 and LCrR 55.2, exhibits may be claimed during the 60-day period following final disposition (to do so, follow the procedures found at www.txnd.uscourts.gov/Court Records). The clerk will discard exhibits that remain unclaimed after the 60-day period without additional notice. (Clerk to notice any party not electronically noticed.) (svc) (Entered: 04/29/2013)
04/25/2013	1248	RESPONSE AND OBJECTION filed by Peter S Vogel re: 1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> (Vogel, Peter) (Entered: 04/25/2013)
04/25/2013	1249	RESPONSE AND OBJECTION filed by Peter S Vogel re: 1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> (Schenck, David) (Entered: 04/25/2013)
04/25/2013	1250	ELECTRONIC ORDER: It is hereby ORDERED that the deadline for objections to fee applications set Thursday, April 25, 2013 is hereby Vacated until further order of the court. (Ordered by Judge Royal Furgeson on 4/25/2013) (chmb) (Entered: 04/25/2013)
04/25/2013	1251	ELECTRONIC ORDER: It is ORDERED that the pre-trial hearing set on Monday, April 29, 2013 at 9:00 a.m is hereby Vacated until further order of the court. (Ordered by Judge Royal Furgeson on 4/25/2013) (chmb) (Entered: 04/25/2013)
04/25/2013	1252	ELECTRONIC ORDER: It is hereby ORDERED that the deadline to file objections to fee applications is reset to Thursday, May 2, 2013. The pre-trial hearing is reset for Wednesday, May 8, 2013 at 2:00 p.m. with the trial to follow. (Ordered by Judge Royal Furgeson on 4/25/2013) (chmb) (Entered: 04/25/2013)
04/25/2013		Deadline Modification: Response Deadlines terminated per 1250 ELECTRONIC Order. (cea) (Entered: 04/26/2013)

04/25/2013		Hearing Modification: Hearings terminated per 1251 ELECTRONIC Order. (cea) (Entered: 04/26/2013)
04/25/2013		Hearing/Deadline Modification: Deadlines/hearings set per 1252 ELECTRONIC Order. Responses due by 5/2/2013. Pretrial Conference set for 5/8/2013 at 02:00 PM before Judge Royal Furgeson. (cea) (Entered: 04/26/2013)
04/26/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1250, 1251, 1252. Fri Apr 26 07:14:40 CDT 2013 (crt) (Entered: 04/26/2013)
04/26/2013	1253	AFFIDAVIT re 1227 Order,, <i>Declaration Designating Settlement Authority</i> by Pronske & Patel PC. (Goolsby, Melanie) (Entered: 04/26/2013)
04/29/2013	1264	ELECTRONIC ORDER finding as moot 1013 Motion for Reconsideration per issuance of the mandate by the Fifth Circuit. (Ordered by Judge Royal Furgeson on 4/29/2013) (Judge Royal Furgeson) (Entered: 04/29/2013)
04/29/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1264. Mon Apr 29 16:54:47 CDT 2013 (crt) (Entered: 04/29/2013)
05/01/2013	1265	ELECTRONIC ORDER: It is hereby ORDERED that the deadline to file objections to fee applications is reset to Monday, May 6, 2013. (Ordered by Judge Royal Furgeson on 5/1/2013) (Judge Royal Furgeson) (Entered: 05/01/2013)
05/01/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1265. Wed May 1 11:26:59 CDT 2013 (crt) (Entered: 05/01/2013)
05/06/2013	1266	Notice of Filing of Official Electronic Transcript of Status Conference Proceedings held on December 14, 2012 before Judge Royal Furgeson. Court Reporter/Transcriber Charyse C. Crawford, CSR, RPR, Telephone number (214)753-2373. Parties are notified of their duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Redaction Request - Transcript must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (57 pages) Redaction Request due 5/28/2013. Redacted Transcript Deadline set for 6/6/2013. Release of Transcript Restriction set for 8/5/2013. (ccc) (Entered: 05/06/2013)
05/06/2013	1267	ELECTRONIC ORDER: It is hereby ORDERED that the deadline to file objections to fee applications is reset to Thursday, May 9, 2013. The pre-trial conference and trial on fees will still commence on Wednesday, May 8, 2013 at 2:00 pm. (Ordered by Judge Royal Furgeson on 5/6/2013) (Judge Royal Furgeson) (Entered: 05/06/2013)
05/06/2013	1268	RESPONSE filed by Robert Garrey, Jeffrey Hall, Gary G Lyon, David Pacione, Power Taylor LLP, Pronske & Patel PC, Shurig Jetel Backett Tackett re: 1233 MOTION for Attorney Fees <i>Fee Application for the Receiver</i> , 1232 MOTION for Attorney Fees <i>for Gardere Wynne Sewell LLP</i> ,

		1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> , 1234 MOTION for Attorney Fees (Pronske, Gerrit) (Entered: 05/06/2013)
05/07/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1267. Tue May 7 07:29:47 CDT 2013 (crt) (Entered: 05/07/2013)
05/08/2013	1269	OBJECTION filed by Jeffrey Baron re: 1233 MOTION for Attorney Fees <i>Fee Application for the Receiver</i> , 1232 MOTION for Attorney Fees for <i>Gardere Wynne Sewell LLP</i> , 1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> , 1234 MOTION for Attorney Fees (Wright, Edwin) (Entered: 05/08/2013)
05/08/2013		ELECTRONIC Minute Entry for proceedings held before Judge Royal Furgeson: Evidentiary Hearing held on 5/8/2013. Opening statements heard from Mr. Rukavina, Mr. Schenck, Mr. Cochell and Mr. MacPete. Mr. Rukavina calls Daniel Sherman to the stand (Mr. Sherman sworn-in). Mr. Schenck on cross-examination of Mr. Sherman. Mr. Cochell on cross-examination of Mr. Sherman. Mr. MacPete on cross-examination of Mr. Sherman. Mr. Rukavina calls Peter Vogel to the stand (Mr. Vogel sworn-in). Mr. Schenck on cross-examination of Mr. Vogel. Mr. Cochell on cross-examination of Mr. Vogel. Mr. MacPete on cross-examination of Mr. Vogel. Mr. Rukavina calls Raymond Urbanik to the stand (Mr. Urbanik sworn-in). Mr. Fine on cross-examination of Mr. Urbanik. Mr. Cochell on cross-examination of Mr. Urbanik. Mr. MacPete on cross-examination of Mr. urbanik. Proceedings to resume tomorrow at 9:00 a.m. Courts in recess. Attorney Appearances: Plaintiff - John MacPete; Defense - Stephen Cochell, Edward Wright, Peter Vogel, David Schenck, Jeffrey Fine, Raymond Urbanik, Davor Rukavina, Richard Roberson, Gerrit Pronske. (Court Reporter: Cass Casey) (Exhibits admitted) Time in Court - 4:30. (chmb) (Entered: 05/08/2013)
05/09/2013	1270	MOTION for Leave to File Amend, Abate and Declaration <i>Regarding Fee Applications and Subsequent Orders Granting or Awarding Fees</i> filed by Jeffrey Baron (Attachments: # 1 Proposed Order) (Wright, Edwin) (Entered: 05/09/2013)
05/09/2013	1271	RESPONSE AND OBJECTION filed by Netsphere Inc re: 1233 MOTION for Attorney Fees <i>Fee Application for the Receiver</i> , 1232 MOTION for Attorney Fees for <i>Gardere Wynne Sewell LLP</i> , 1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> , 1234 MOTION for Attorney Fees (MacPete, John) (Entered: 05/09/2013)
05/09/2013		ELECTRONIC Minute Entry for proceedings held before Judge Royal Furgeson: Day two of Evidentiary Hearing held on 5/9/2013. Mr. Rukovina puts on legal fee presentation. Mr. Vogel puts on legal fee presentation. Proffer heard from Mr. Urbanik, Mr. Loh cross-examination of Mr. Urbanik. Mr. Fine cross-examination of Mr. Urbanik. Mr. Cochell cross-examination of Mr. Urbanik. Mr. MacPete on cross-examination of Mr. Urbanik. Mr. Rukavina rest. Proffer heard from Mr. Vogel on application fees. Mr. Vogel

		calls Damon Nelson (sworn-in) to the stand. Mr. Wright cross-examination of Mr. Nelson. Mr. Vogel calls Peter Loh (sworn-in) to the stand. Mr. Roberson on cross-examination- of Mr. Loh. Mr. Cochell on cross-examination of Mr. Loh. Mr. MacPete on cross-examination of Mr. Loh. Mr. Vogel call David Schenck (sworn-in) to the stand. Mr. Fine on cross-examination of Mr. Schenck. Mr. Wright on cross-examination of Mr. Schenck. Mr. Urbanik on cross-examination of Mr. Schenck. Mr. MacPeter on cross-examination of Mr. Schenck. Court to resume tomorrow at 8:50 a.m. Courts in recess. Attorney Appearances: Plaintiff - John MacPete; Defense - Stephen Cochell, Edward Wright, Peter Vogel, David Schenck, Jeffrey Fine, Davor Rukavina, Zac Annable, Ray Urbanik, Peter Loh, Richard Roberson, Melanie Goolsby. (Court Reporter: Cass Casey/Pam Wilson) (Exhibits admitted) Time in Court - 5:45. (chmb) (Entered: 05/09/2013)
05/10/2013		ELECTRONIC Minute Entry for proceedings held before Judge Royal Furgeson: Day three of Evidentiary Hearing held on 5/10/2013. Closing arguments heard from Mr. Pronske, Mr. Rukavina, Mr. Roberson, Mr. Schenck, Mr. Fine, Mr. MacPete and Mr. Cocohell. Court to issue opinion in the next in 10-15 days. Courts in recess. Attorney Appearances: Plaintiff - John MacPete; Defense - Stephen Cochell, Peter Vogel, Jeffrey Fine, David Schenck, Davor Rukavina, Richard Roberson. (Court Reporter: Cass Casey) (No exhibits) Time in Court - 2:25. (chmb) (Entered: 05/10/2013)
05/14/2013	1272	Brief/Memorandum in Support filed by Peter S Vogel re Evidentiary Hearing,, <i>RECEIVER AND DYKEMAS CONSOLIDATED POST-HEARING BRIEF</i> (Schenck, David) (Entered: 05/14/2013)
05/14/2013	1273	Dykema's Supplemental Application by Peter S Vogel. (Attachments: # 1 Exhibit(s) A) (Schenck, David) Modified on 5/15/2013 (svc). (Entered: 05/14/2013)
05/15/2013	1274	MOTION for Attorney Fees of <i>Edwin E. Wright, III, Counsel for Defendant Jeffrey Baron</i> filed by Jeffrey Baron (Attachments: # 1 Exhibit(s) Redacted Fee Bill, # 2 Proposed Order) (Wright, Edwin) (Entered: 05/15/2013)
05/15/2013	1275	AFFIDAVIT re 1274 MOTION for Attorney Fees of <i>Edwin E. Wright, III, Counsel for Defendant Jeffrey Baron</i> by Jeffrey Baron. (Wright, Edwin) (Entered: 05/15/2013)
05/15/2013	1276	Brief/Memorandum in Support filed by Daniel J. Sherman re 1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> (Urbanik, Raymond) (Entered: 05/15/2013)
05/15/2013	1277	RESPONSE filed by Jeffrey Baron re: 1272 Brief/Memorandum in Support of Motion (Cochell, Stephen) (Entered: 05/15/2013)
05/15/2013	1278	RESPONSE filed by Jeffrey Baron re: 1276 Brief/Memorandum in Support of Motion (Cochell, Stephen) (Entered: 05/15/2013)
05/16/2013	1279	ORDER denying without prejudice 1215 and 1274 Motions for Attorney Fees. (Ordered by Judge Royal Furgeson on 5/16/2013) (ndt) (Entered: 05/16/2013)

05/16/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1279. Thu May 16 16:25:33 CDT 2013 (crt) (Entered: 05/16/2013)
05/20/2013	1280	Receiver's Supplemental Application for Payment of Receivership Expenses (Equivalent Data) by Peter S Vogel. (Schenck, David) Modified on 5/21/2013 to change to correct event (svc). (Entered: 05/20/2013)
05/21/2013	1281	Brief/Memorandum in Support filed by Jeffrey Baron re 1233 MOTION for Attorney Fees <i>Fee Application for the Receiver</i> , 1232 MOTION for Attorney Fees <i>for Gardere Wynne Sewell LLP</i> , 1229 MOTION for Attorney Fees <i>Chapter 11 Trustee's Application for Reimbursement of Fees and Expenses from the Receivership Estate</i> (Cochell, Stephen) (Entered: 05/21/2013)
05/23/2013	1282	ORDER Granting 1233 Motion for Fee Application for the Receiver in regard to certain miscellaneous Receiver professionals. (Ordered by Judge Royal Furgeson on 5/23/2013) (cea) (Entered: 05/23/2013)
05/23/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1282. Thu May 23 08:48:42 CDT 2013 (crt) (Entered: 05/23/2013)
05/23/2013	1283	OBJECTION filed by Robert Garrey, Jeffrey Hall, Gary G Lyon, David Pacione, Power Taylor LLP, Pronske & Patel PC, Shurig Jetel Beckett Tackett re: 1234 MOTION for Attorney Fees (Pronske, Gerrit) (Entered: 05/23/2013)
05/28/2013	1284	(Document Restricted) Joint Motion by Former Baron Lawyers and Jeffrey Baron for Wind Down Plan and Settlement Agreement (Sealed pursuant to motion to seal) filed by Jeffrey Baron (Attachments: # 1 Exhibit(s) A: Wind Down Plan & Settlement Agreement) (Cochell, Stephen) (Entered: 05/28/2013)
05/28/2013	1285	Notice of Filing of Official Electronic Transcript of Status Conference and Hearing on Attorney's Fees Proceedings held on 04/23/12 before Judge Royal Furgeson. Court Reporter/Transcriber Cassidi Casey, Telephone number 214-354-3139, Email: Cassidi45@aol.com. Parties are notified of their duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Redaction Request - Transcript must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (83 pages) Redaction Request due 6/18/2013. Redacted Transcript Deadline set for 6/28/2013. Release of Transcript Restriction set for 8/26/2013. (svc) (Entered: 05/28/2013)
05/28/2013	1286	ORDER DENYING 1284 JOINT MOTION BY JEFFREY BARON AND FORMER LAWYERS FOR ENTRY OF WIND DOWN PLAN AND FOR EXPEDITED HEARING THEREON. (Ordered by Judge Royal Furgeson on 5/28/2013) (ctf) Modified security per chambers on 5/29/2013 (ctf). (Entered: 05/28/2013)
05/28/2013		

		***Clerk's Notice of delivery: (see NEF for details) Docket No:1286. Tue May 28 16:35:51 CDT 2013 (crt) (Entered: 05/28/2013)
05/29/2013	1287	ORDER ON RECEIVERSHIP PROFESSIONAL FEES: The Court authorizes additional payments to the Receiver in the amount of \$166,550 and to Dykema in the amount of \$1,130,000. These additional allowed fees total \$1,296,550. The Court understands that payment now depends on the cash reserves of the Receivership estate. The Court has allowed Gardere and the Trustee to retain the funds already distributed, but will authorize no more. (Ordered by Judge Royal Furgeson on 5/29/2013) (ctf) (Entered: 05/29/2013)
05/29/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1287. Wed May 29 10:03:26 CDT 2013 (crt) (Entered: 05/29/2013)
05/29/2013	1288	ELECTRONIC ORDER granting 1190 Motion Receiver's Expedited Application For Payment of Receivership Expenses (Court Reporters) Pursuant to the Interim Order [D.E.39]. This Motion has already been approved by the Bankruptcy Court in case number 12-37921-sgj7 (Docket No. 96). The Court agrees with the Bankruptcy Court that these expenses should be paid. (Ordered by Judge Royal Furgeson on 5/29/2013) (Judge Royal Furgeson) (Entered: 05/29/2013)
05/29/2013	1289	ELECTRONIC ORDER finding as MOOT 1270 Motion for Leave to File. The Court has issued its ruling on this matter, accordingly, Baron's request is hereby found MOOT. (Ordered by Judge Royal Furgeson on 5/29/2013) (Judge Royal Furgeson) (Entered: 05/29/2013)
05/29/2013	1290	ELECTRONIC ORDER denying 1033 Motion for Leave to File. (Ordered by Judge Royal Furgeson on 5/29/2013) (Judge Royal Furgeson) (Entered: 05/29/2013)
05/31/2013	1291	ORDER: By ORDER of this Court, the Sealed Memorandum signed on 5/31/2013, the Sealed transcript of the in-camera hearing held on 2/7/2013 and the Sealed transcript of the telephonic conference call held on 2/12/2013, shall be placed under seal. None of these matters shall be unsealed and none shall be available to the parties or their attorneys or anyone else except by a Court order. (Ordered by Judge Royal Furgeson on 5/31/2013) (ctf) (Entered: 05/31/2013)
05/31/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1291. Fri May 31 16:48:44 CDT 2013 (crt) (Entered: 05/31/2013)
05/31/2013	1292	Case reassigned to Chief Judge Sidney A Fitzwater. Judge Royal Furgeson no longer assigned to the case. Future filings should indicate the case number as: 3:09-cv-0988-D. (gr) (Entered: 06/03/2013)
05/31/2013	1294	Received letter from USCA5 transmitting approved bills of costs inadvertently not issued with the mandate on 4/19/13. (svc) (Entered: 06/05/2013)
06/03/2013	1293	Court Request for Recusal: Chief Judge Sidney A Fitzwater recused. Pursuant to instruction in Special Order 3-249, the Clerk has reassigned the case to Judge Sam A Lindsay for all further proceedings. Future filings

		should indicate the case number as: 3:09-cv-0988-L. (gr) (Entered: 06/03/2013)
06/24/2013	1295	MOTION Approve Compromise and Wind-Down Plan filed by Jeffrey Baron, Dean W Ferguson, Robert Garrey, Jeffrey Hall, Gary G Lyon, David Pacione, Power Taylor LLP, Pronske & Patel PC, Shurig Jetel Beckett Tackett, Mark L Taylor (Goolsby, Melanie) (Entered: 06/24/2013)
06/26/2013		21th Supplemental Record on Appeal for USCA5 13-10119 (related to 814 , 1181 , 614 , 576 appeal): Record consisting of: 7 ECF electronic record, 1 Volume(s) electronic transcript, Sealed or ex parte document number(s): 1284,1296 (circuit approval is required for access), certified to USCA. To request a copy of the record (on disk or on paper), contact the appeals deputy in advance to arrange delivery. (svc) Modified on 7/18/2013 (svc). (Entered: 06/26/2013)
06/27/2013		21th Supplemental Record on Appeal for USCA5 13-10119 (related to 1181 appeal): transmitted to Gary N Schepps on disk only by hand delivery. (svc) Modified on 7/18/2013 (svc). (Entered: 06/27/2013)
06/28/2013	1297	NOTICE OF INTERLOCUTORY APPEAL to the Fifth Circuit as to 1282 Order on Motion for Attorney Fees, 1287 Order on Motion for Attorney Fees, Order on Motion for Miscellaneous Relief,,,,,,,,,,,,,,,,,,,,, by Jeffrey Baron, Novo Point LLC, Quantec LLC. Filing fee \$455, receipt number 0539-5398023. T.O. form to appellant electronically at Transcript Order Form or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. (Tayari Garrett, Mpatanishi) (Entered: 06/28/2013)
07/01/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:1297. Mon Jul 1 08:29:30 CDT 2013 (crt) (Entered: 07/01/2013)
07/07/2013	1298	Notice of Filing of Official Electronic Transcript of Volume 1, Trial on Attorney's Fees Proceedings held on 5-8-2013 before Judge Furgeson. Court Reporter/Transcriber Cassidi Casey, Telephone number Cassidi45@aol.com. Parties are notified of their duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Redaction Request - Transcript must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (203 pages) Redaction Request due 7/29/2013. Redacted Transcript Deadline set for 8/7/2013. Release of Transcript Restriction set for 10/7/2013. (clc) (Entered: 07/07/2013)
07/07/2013	1299	Notice of Filing of Official Electronic Transcript of Volume 2, Trial on Attorney's Fees Proceedings held on 5-9-2013 before Judge Furgeson. Court Reporter/Transcriber Cassidi Casey, Telephone number Cassidi45@aol.com. Parties are notified of their duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Redaction Request - Transcript must be filed within 21 days. If no such Request is filed, the transcript will be made

		available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (100 pages) Redaction Request due 7/29/2013. Redacted Transcript Deadline set for 8/7/2013. Release of Transcript Restriction set for 10/7/2013. (clc) (Entered: 07/07/2013)
07/07/2013	1300	Notice of Filing of Official Electronic Transcript of Volume 3, Trial on Attorney's Fees Proceedings held on 5-10-2013 before Judge Furgeson. Court Reporter/Transcriber Cassidi Casey, Telephone number Cassidi45@aol.com. Parties are notified of their duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Redaction Request - Transcript must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (106 pages) Redaction Request due 7/29/2013. Redacted Transcript Deadline set for 8/7/2013. Release of Transcript Restriction set for 10/7/2013. (clc) (Entered: 07/07/2013)
07/09/2013		USCA Case Number 13-10696 for 1297 Notice of Appeal,, filed by Novo Point LLC, Jeffrey Baron, Quantec LLC. (svc) (Entered: 07/09/2013)
07/09/2013		22nd Supplemental Record on Appeal for USCA5 13-10119/13-10696 (related to 814 , 1297 , 1181 , 614 , 576 appeal): Record consisting of: 1 ECF electronic record, 3 Volume(s) electronic transcript, certified to USCA. To request a copy of the record (on disk or on paper), contact the appeals deputy in advance to arrange delivery. (svc) Modified on 7/18/2013 (svc). (Entered: 07/09/2013)
07/09/2013	1301	21 & 22 Supplemental Record on Appeal for USCA5 13-10119 (related to 814 , 1297 , 1181 , 576 appeal): Record consisting of: 8 Volume(s) ECF electronic record, 5 Volume(s) electronic transcript, transmitted to USCA5. Shipped: Federal Express 296232215012096 (svc) Modified on 7/18/2013 (svc). (Entered: 07/09/2013)
07/11/2013		21 & 22 Supplemental Record on Appeal for USCA5 13-10119/13-10696 (related to 814 , 1297 , 1181 , 614 , 576 appeal): transmitted to Munsch Hardt Kopf & Harr PC on disk only by mail. (svc) Modified on 7/18/2013 (svc). (Entered: 07/11/2013)
07/11/2013		21 & 22 Supplemental Record on Appeal for USCA5 13-10119/13-10696 (related to 814 , 1297 , 1181 , 614 , 576 appeal): transmitted to Gary N Schepps on disk only by hand delivery. (svc) Modified on 7/18/2013 (svc). (Entered: 07/11/2013)
07/18/2013		20th Supplemental Record on Appeal for USCA5 13-10119 (related to 814 , 1297 , 908 , 1181 , 614 , 576 appeal): Record consisting of: 4 ECF electronic record, 1 Volume(s) electronic transcript, Sealed electronic entries - see sealed docket sheet 1089,1145 (circuit approval is required for access), certified to USCA. To request a copy of the record (on disk or on paper),

		contact the appeals deputy in advance to arrange delivery. Previous certification was entered in error. (svc) (Entered: 07/18/2013)
07/18/2013	1302	20th Supplemental Record on Appeal for USCA5 13-10119/13-10696 (related to 814 , 1297 , 1181 , 576 appeal): Record consisting of: 4 Volume(s) ECF electronic record, 1 Volume(s) electronic transcript, Sealed electronic entries - see sealed docket sheet 1089,1145, transmitted to USCA5. Shipped: Federal Express 296232215012423 (svc) (Entered: 07/18/2013)
07/26/2013	1303	Notice of Filing of Official Electronic Transcript of Volume 2B of Trial on Attorney's Fees held on 5/9/2013 before Judge Royal Furgeson. Court Reporter/Transcriber Pamela Wilson, Telephone number 214.662.1557. Parties are notified of their duty to review the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Redaction Request - Transcript must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. If redaction request filed, this transcript will not be accessible via PACER; see redacted transcript. The clerk will mail a copy of this notice to parties not electronically noticed. (197 pages) Redaction Request due 8/16/2013. Redacted Transcript Deadline set for 8/26/2013. Release of Transcript Restriction set for 10/24/2013. (pjw) Modified on 7/30/2013 to show vol 2B (svc). M (Entered: 07/26/2013)
07/29/2013	1304	SUA SPONTE REPORT AND RECOMMENDATION TO THE DISTRICT COURT PROPOSING DISPOSITION OF ASSETS HELD IN THE OVERRULED RECEIVERSHIP OF JEFFREY BARON, IN ACCORDANCE WITH SECTIONS 541-543 OF THE BANKRUPTCY CODE (Attachments: # 1 Sua Sponte Report and Recommendation) (Whitaker - TXNB, Sheniqua) (Entered: 07/29/2013)
08/07/2013	1308	Received letter from USCA5 acknowledging receipt of 21 & 22 Supplemental Record on Appeal. (axm) (Entered: 08/14/2013)
08/07/2013	1309	Received letter from USCA5 acknowledging receipt of 20th Supplemental Record on Appeal. (axm) (Entered: 08/14/2013)
08/09/2013	1305	Motion for Extension of Time to File Objections to 1304 Sue Sponte Report and Recommendation filed by the USBC or in the Alternative, Provisional Objections filed by Jeffrey Baron re: 1304 Additional Attachments to Main Document, (Cochell, Stephen) Modified on 8/12/2013 to correct event type (svc). (Entered: 08/09/2013)
08/11/2013	1306	Supplement to 1305 Motion For Extension of Time to File Objections to 1304 Sua Sponte Report and Recommendation filed by the Bankruptcy Court [Dkt. 1304] or, the Alternative, Provisional Objections filed by Jeffrey Baron re: 1304 Additional Attachments to Main Document, (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B, # 3 Exhibit(s) C, # 4 Exhibit(s) D, # 5 Exhibit(s) E, # 6 Exhibit(s) F, # 7 Exhibit(s) G, # 8 Exhibit(s) H, # 9 Exhibit(s) I) (Cochell, Stephen) Modified on 8/12/2013 to correct text (svc). (Entered: 08/11/2013)

08/12/2013	1307	MOTION to Strike 1304 SUA SPONTE REPORT AND RECOMMENDATION TO THE DISTRICT COURT PROPOSING DISPOSITION OF ASSETS HELD IN THE OVERRULED RECEIVERSHIP OF JEFFREY BARON, IN ACCORDANCE WITH SECTIONS 541-543 OF THE BANKRUPTCY CODE filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Payne, Christopher) Modified on 8/13/2013 to clean up text (svc). (Entered: 08/12/2013)
08/16/2013	1310	MOTION for Return of Receivership Assets to Novo Point LLC and Quantec LLC filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Attachments: # 1 Proposed Order) (Payne, Christopher) (Entered: 08/16/2013)
08/21/2013	1311	Brief/Memorandum in Support filed by Novo Point LLC, Quantec LLC re 1310 MOTION for Return of Receivership Assets to Novo Point LLC and Quantec LLC <i>Supplemental Brief in Support of the Immediate Return of Corporate Property to Novo Point LLC and Quantec LLC</i> (Payne, Christopher) (Entered: 08/21/2013)
08/30/2013	1312	RESPONSE filed by Peter S Vogel re: 1305 MOTION for Extension of Time to File Response/Reply (Fine, Jeffrey) (Entered: 08/30/2013)
09/04/2013	1313	REPLY filed by Novo Point LLC, Quantec LLC re: 1312 Response/Objection (Payne, Christopher) (Entered: 09/04/2013)
09/05/2013	1314	NOTICE of Attorney Appearance by J Michael Sutherland on behalf of Carrington Coleman Sloman & Blumenthal, LLP. (Filer confirms contact info in ECF is current.) (Sutherland, J) (Entered: 09/05/2013)
09/05/2013	1315	***Disregard***Image incorrect - RESPONSE filed by Peter S Vogel re: 1310 MOTION for Return of Receivership Assets to Novo Point LLC and Quantec LLC, 1307 MOTION to Strike 1304 Additional Attachments to Main Document, (Schenck, David) Modified on 9/6/2013 (svc). (Entered: 09/05/2013)
09/06/2013	1316	RESPONSE filed by Peter S Vogel re: 1310 MOTION for Return of Receivership Assets to Novo Point LLC and Quantec LLC, 1307 MOTION to Strike 1304 Additional Attachments to Main Document, (Schenck, David) (Entered: 09/06/2013)
09/06/2013	1317	REPLY filed by Novo Point LLC, Quantec LLC re: 1310 MOTION for Return of Receivership Assets to Novo Point LLC and Quantec LLC, 1307 MOTION to Strike 1304 Additional Attachments to Main Document, (Payne, Christopher) (Entered: 09/06/2013)
09/06/2013	1318	MOTION to Intervene by <i>Bankruptcy Trustee to Respond to Motion of Novo Point LLC and Quantec LLC</i> 1310 filed by John H. Litzler with Brief/Memorandum in Support. (Attachments: # 1 Proposed Response). Party John H. Litzler, Chapter 7 Trustee for Jeffrey Baron added. (Reid, Kathryn) (Entered: 09/06/2013)
09/11/2013	1319	

		RESPONSE filed by Novo Point LLC, Quantec LLC re: 1318 MOTION to Intervene <i>by Bankruptcy Trustee to Respond to Motion of Novo Point LLC and Quantec LLC</i> 1310 (Payne, Christopher) Modified event text on 9/16/2013 (axm). (Entered: 09/11/2013)
09/13/2013	1320	REPLY filed by Novo Point LLC, Quantec LLC re: 1318 MOTION to Intervene <i>by Bankruptcy Trustee to Respond to Motion of Novo Point LLC and Quantec LLC</i> 1310 (Payne, Christopher) (Entered: 09/13/2013)
09/16/2013	1321	REPLY filed by Novo Point LLC, Quantec LLC re: 1310 MOTION for Return of Receivership Assets to Novo Point LLC and Quantec LLC (Payne, Christopher) (Entered: 09/16/2013)
09/25/2013	1322	MOTION Application for Payment of Receivership Expenses (Lain, Faulkner & Co., P.C.) re 1176 Order, filed by Peter S Vogel (Fine, Jeffrey) (Entered: 09/25/2013)
10/03/2013	1323	NOTICE of <i>Entry of Order Regarding Auction Sale</i> filed by Daniel J. Sherman (Attachments: # 1 Exhibit(s) A) (Urbanik, Raymond) (Entered: 10/03/2013)
10/03/2013	1324	MOTION for Authority to Immediately Comply with Mandate, for Wind Down Plan and Discharge, and for Payment Consistent with the May 29, 2013 Order of this Court filed by Peter S Vogel re 1282 Order on Motion for Attorney Fees, 1287 Order on Motion for Attorney Fees. (Attachments: # 1 Exhibit A) (Schenck, David) Modified text on 10/4/2013 (axm). (Entered: 10/03/2013)
10/16/2013	1325	RESPONSE filed by Novo Point LLC, Quantec LLC re: 1322 MOTION Application for Payment of Receivership Expenses (Lain, Faulkner & Co., P.C.) re 1176 Order, (Payne, Christopher) (Entered: 10/16/2013)
10/22/2013	1326	RESPONSE AND OBJECTION filed by Novo Point LLC, Quantec LLC re: 1324 MOTION for Authority to Immediately Comply with Mandate, for Wind Down Plan and Discharge, and for Payment Consistent with the May 29, 2013 Order of this Court re 1282 Order on Motion for Attorney Fees, 1287 Order on Motio (Attachments: # 1 Exhibit(s) A) (Payne, Christopher) (Entered: 10/22/2013)
10/24/2013	1327	RESPONSE filed by John H. Litzler re: 1324 MOTION for Authority to Immediately Comply with Mandate, for Wind Down Plan and Discharge, and for Payment Consistent with the May 29, 2013 Order of this Court re 1282 Order on Motion for Attorney Fees, 1287 Order on Motio (Reid, Kathryn) (Entered: 10/24/2013)
10/25/2013	1328	REPLY filed by Novo Point LLC, Quantec LLC re: 1324 MOTION for Authority to Immediately Comply with Mandate, for Wind Down Plan and Discharge, and for Payment Consistent with the May 29, 2013 Order of this Court re 1282 Order on Motion for Attorney Fees, 1287 Order on Motio (Payne, Christopher) (Entered: 10/25/2013)
10/29/2013	1329	REPLY filed by Peter S Vogel re: 1322 MOTION Application for Payment of Receivership Expenses (Lain, Faulkner & Co., P.C.) re 1176 Order,

		(Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B, # 3 Exhibit(s) C, # 4 Exhibit(s) D, # 5 Exhibit(s) E) (Schenck, David) (Entered: 10/29/2013)
11/01/2013	1330	MOTION for Leave to File SUR-REPLY TO VOGELS MOTION FOR PAYMENT OF ADDITIONAL RECEIVERS EXPENSES [DOC 1322] filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) Proposed sur-reply) (Payne, Christopher) (Entered: 11/01/2013)
11/06/2013	1331	REPLY filed by Peter S Vogel re: 1324 MOTION for Authority to Immediately Comply with Mandate, for Wind Down Plan and Discharge, and for Payment Consistent with the May 29, 2013 Order of this Court re 1282 Order on Motion for Attorney Fees, 1287 Order on Motio (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B) (Schenck, David) (Entered: 11/06/2013)
11/07/2013	1332	NOTICE of <i>filing corrected version of the Consolidated Reply</i> filed by Peter S Vogel (Schenck, David) (Entered: 11/07/2013)
11/07/2013	1333	REPLY filed by Peter S Vogel re: 1324 MOTION for Authority to Immediately Comply with Mandate, for Wind Down Plan and Discharge, and for Payment Consistent with the May 29, 2013 Order of this Court re 1282 Order on Motion for Attorney Fees, 1287 Order on Motio (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B) (Schenck, David) (Entered: 11/07/2013)
11/12/2013	1334	MOTION for Emergency Order to protect the jurisdiction of this Honorable Court and to stay the show cause hearing requested by Vogel set November 19, 2013 in the bankruptcy court to attempt to divest the jurisdiction of this Honorable Court over distribution of the receivership res. (), Emergency MOTION to Stay <i>Vogel from proceeding to attempt to divest this Honorable Court of jurisdiction</i> , Emergency MOTION to Withdraw Reference <i>as to distribution of the receivership assets of Novo Point LLC and Quantec LLC</i> filed by Novo Point LLC, Quantec LLC. filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) A, # 2 Proposed Order) (Payne, Christopher) (Entered: 11/12/2013)
11/13/2013	1335	REPLY filed by Peter S Vogel re: 1334 MOTION for Emergency Order to protect the jurisdiction of this Honorable Court and to stay the show cause hearing requested by Vogel set November 19, 2013 in the bankruptcy court to attempt to divest the jurisdiction of this Honorable Court over distribEmergency MOTION to Stay <i>Vogel from proceeding to attempt to divest this Honorable Court of jurisdiction</i> Emergency MOTION to Withdraw Reference <i>as to distribution of the receivership assets of Novo Point LLC and Quantec LLC</i> filed by Novo Point LLC, Quantec LLC. (Schenck, David) (Entered: 11/13/2013)
11/14/2013	1336	REPLY filed by Novo Point LLC, Quantec LLC re: 1334 MOTION for Emergency Order to protect the jurisdiction of this Honorable Court and to stay the show cause hearing requested by Vogel set November 19, 2013 in the bankruptcy court to attempt to divest the jurisdiction of this Honorable Court over distribEmergency MOTION to Stay <i>Vogel from proceeding to attempt to divest this Honorable Court of jurisdiction</i> Emergency MOTION to Withdraw Reference <i>as to distribution of the receivership assets of Novo</i>

		<i>Point LLC and Quantec LLC</i> filed by Novo Point LLC, Quantec LLC. (Payne, Christopher) (Entered: 11/14/2013)
11/14/2013	1337	Emergency MOTION to Withdraw Reference of the proceedings set for hearing November 19, 2013 in bankruptcy cause 12-37921-sgj7 pursuant to the mandatory withdrawal provision of 28 U.S.C. § 157(d) filed by Novo Point LLC, Quantec LLC. filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) "A") (Payne, Christopher) (Entered: 11/14/2013)
11/15/2013	1338	ORDER: The court directs Receiver Peter S. Vogel (Receiver) to file an expedited response to Movants' Emergency Motion for Mandatory Withdrawal of the Reference of the Proceedings Set for Hearing 11/19/2013 in Bankruptcy Case 12-37921-SGJ7 (Doc. 1337) no later than 11/18/2013, at 1:00 p.m. (Ordered by Judge Sam A Lindsay on 11/15/2013) (tla) (Entered: 11/15/2013)
11/15/2013	1339	ORDER OF REFERENCE: Accordingly, the Emergency Motion to Protect the Dignity and Jurisdiction of the Court and Preserve the Rule of Law (Doc. 1334) and the Emergency Motion for Mandatory Withdrawal of the Reference of the Proceedings Set for Hearing 11/19/2013 in Bankruptcy Case 12-37921-SGJ7 (Doc. 1337) filed by Movants are referred, insofar as they seek withdrawal of the reference, to United States Bankruptcy Judge Stacey G. C. Jernigan to conduct a status conference, submit a report and recommendation to the court concerning whether the reference should or must be withdrawn, and, in accordance with Local Bankruptcy Rule 5011-1, consider and determine any other matters relevant to the requests and decision to withdraw the reference. This order of reference also prospectively refers all procedural motions that are related to the referred motions and Movants' request to withdraw the reference to the United States Bankruptcy Judge for resolution. (Ordered by Judge Sam A Lindsay on 11/15/2013) (tla) (Entered: 11/15/2013)
11/18/2013	1340	RESPONSE filed by Peter S Vogel re: 1337 Emergency MOTION to Withdraw Reference of the proceedings set for hearing November 19, 2013 in bankruptcy cause 12-37921-sgj7 pursuant to the mandatory withdrawal provision of 28 U.S.C. § 157(d) filed by Novo Point LLC, Quantec LLC. (Schenck, David) (Entered: 11/18/2013)
11/20/2013	1341	ADDITIONAL ATTACHMENTS to 1337 Emergency MOTION to Withdraw Reference of the proceedings set for hearing November 19, 2013 in bankruptcy cause 12-37921-sgj7 pursuant to the mandatory withdrawal provision of 28 U.S.C. § 157(d) filed by Novo Point LLC, Quantec LLC. (Attachments: # 1 Order continuing status conference on Emergency MOTION to Withdraw Reference in bankruptcy case 12-37921-sgj7) (Whitaker - TXNB, Sheniqua) (Entered: 11/20/2013)
11/25/2013	1342	NOTICE of Filing Response Regarding Motion for Withdrawal of the Reference in Jeffrey Baron Bankruptcy Case filed by Daniel J. Sherman (Attachments: # 1 Exhibit(s) A) (Urbanik, Raymond) (Entered: 11/25/2013)
12/02/2013	1343	

		REPLY filed by Novo Point LLC, Quantec LLC re: 1337 Emergency MOTION to Withdraw Reference of the proceedings set for hearing November 19, 2013 in bankruptcy cause 12-37921-sgj7 pursuant to the mandatory withdrawal provision of 28 U.S.C. § 157(d) filed by Novo Point LLC, Quantec LLC. (Payne, Christopher) (Entered: 12/02/2013)
12/04/2013	1344	ADDITIONAL ATTACHMENTS to 1337 Emergency MOTION to Withdraw Reference of the proceedings set for hearing November 19, 2013 in bankruptcy cause 12-37921-sgj7 pursuant to the mandatory withdrawal provision of 28 U.S.C. § 157(d) filed by Novo Point LLC, Quantec LLC., 1334 MOTION for Emergency Order to protect the jurisdiction of this Honorable Court and to stay the show cause hearing requested by Vogel set November 19, 2013 in the bankruptcy court to attempt to divest the jurisdiction of this Honorable Court over distribEmergency MOTION to Stay Vogel from proceeding to attempt to divest this Honorable Court of jurisdictionEmergency MOTION to Withdraw Reference as to distribution of the receivership assets of Novo Point LLC and Quantec LLC filed by Novo Point LLC, Quantec LLC. (Attachments: # 1 Report and Recommendation to the District Court, ENTERED 12/4/2013) (Blanco - TXNB, Juan) (Entered: 12/04/2013)
12/11/2013	1345	Brief/Memorandum in Support filed by Novo Point LLC, Quantec LLC re 1344 Additional Attachments to Main Document,,, 1337 Emergency MOTION to Withdraw Reference of the proceedings set for hearing November 19, 2013 in bankruptcy cause 12-37921-sgj7 pursuant to the mandatory withdrawal provision of 28 U.S.C. § 157(d) filed by Novo Point LLC, Quantec LLC., 1339 Order,,,,, and OBJECTION AND RESPONSE TO BANKRUPTCY COURT REPORT AND RECOMMENDATION ON WITHDRAWAL OF THE REFERENCE (Payne, Christopher) (Entered: 12/11/2013)
12/12/2013	1346	Emergency MOTION to Stay Vogel and his counsel from disbursing any receivership or trust assets to themselves without prior order from this Court, MOTION FOR EMERGENCY ORDER DIRECTING VOGEL AND HIS COUNSEL NOT TO DISBURSE ANY RECEIVERSHIP OR TRUST ASSETS TO THEMSELVES WITHOUT THE PRIOR ORDER OF THIS COURT AND ORDERING THE IMMEDIATE RETURN OF ALL ASSETS ALREADY DISBURSED IN CONTEMPT OF THIS COURTS EXCLUSIVE JURISDICTION OVER THE RECEIVERSHIP PROPERTY (), Emergency MOTION for Writ to prevent the frustration of the exercise of the jurisdiction of this Court over receivership assets filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) A) (Payne, Christopher) (Entered: 12/12/2013)
12/12/2013	1347	RESPONSE filed by Peter S Vogel re: 1345 Brief/Memorandum in Support of Motion,, 1344 Additional Attachments to Main Document,,, (Schenck, David) (Entered: 12/12/2013)
12/13/2013	1348	NOTICE of Reply_on_Objection_to_Bankruptcy Court Report_on_withdrawal_of_reference and brief in support re: 1345

		Brief/Memorandum in Support of Motion,, filed by Novo Point LLC, Quantec LLC (Payne, Christopher) (Entered: 12/13/2013)
12/31/2013	1349	<p>***VACATED, PER 1350 ORDER*** ORDER denying as moot the Motion to Wind Down Receivership with Proposed Plan, Motion to Withdraw the Reference to the Bankruptcy Court, and Provide Resolution for All Disputed Attorneys Fee Claims 1187 ,Barons Motion to Approve Compromise and Wind-Down Plan 1295 ,Barons Motion for Extension of Time to File Objections to Sua Sponte Report and Recommendation filed by the Bankruptcy Court or, Alternatively, Provisional Objection 1305 ,Motion to Strike Bankruptcy Court Report and Recommendation 1307 ,Motion to Order the Immediate Return of the Domain Assets and Bank Accountsof Novo Point LLC and Quantec LLC 1310 , Bankruptcy Trustees Motion for Leave to Intervene to Respond to the Motion to Order Immediate Return of the Domain Name Assets and Bank Accounts of Novo Point LLC and Quantec LLC 1318 ,the Receivers Motion for Authority to Immediately Comply with Mandate for Wind Down Plan and Discharge, and for Payment Consistent with the May 29, 2013 Order of this Court 1324 , Motion for Leave to File Sur-reply to Vogels Erroneous and Misleading NewArgument in Doc. 1329 1330 , the Emergency Motion to Protect the Dignity and Jurisdiction of the Court and Preserve the Rule of Law 1334 , the Emergency Motion for Mandatory Withdrawal of the Reference of the Proceedings Set for Hearing November 19, 2013 in Bankruptcy Case 12-37921-SGJ7 1337 ; resolves and moots the matters set forth in the bankruptcy courts July 29, 2013 Sua Sponte Report 1304 and Report on Motion toWithdraw Reference 1344 ; Motions 1183 , 1186 , and 1322 are therefore denied without prejudice, and the clerk of the court is directed to term thesemotions. The court vacates the Order AdoptingBankruptcy Court Recommendation 1176 , but only to the extent that it referred to thebankruptcy court for findings and recommendation applications by the Receiver for reimbursementof receivership fees and expenses. In addition, the Receiver is directed to submit any futureapplications for reimbursement of receivership fees and expenses to this court for resolution in theNetsphere action.The court construes the emergency motion 1346 as an objection to the bankruptcy courts December 11, 2013 order and it is overruled; the court denies without prejudice the Receivers Motion to Compel Payment of Settlement and for Order to Show Cause Why Plaintiff Netsphere,Inc. Should Not Be Held in Contempt 1201 and the Receivers Motion for Order to Show Cause Why WIPO and ICANN Should Not be Held in Contempt 1225 . Objections to and appeals of orders entered by the bankruptcy court must not be filed in the first instance in the Netsphereaction and any motions filed in the Netsphere action that purport to object to or appeal an order of the bankruptcy court will be stricken, and the court may impose other sanctions in this regard as it deems appropriate. (Ordered by Judge Sam A Lindsay on 12/31/2013) (gr) Modified text on 1/6/2014 (tla). (Entered: 12/31/2013)</p>
01/02/2014		<p>***Clerk's Notice of delivery: (see NEF for details) Docket No:1349. Thu Jan 2 09:11:19 CST 2014 (crt) (Entered: 01/02/2014)</p>
01/06/2014	1350	

		AMENDED ORDER: The court's 12/31/2013 memorandum opinion and order in Case No. 3:13-CV-3461- L, reversing the 6/26/2013 Order for Relief in the Chapter 7 involuntary bankruptcy proceeding, Case No. 12-37921-SGJ-7, that was initiated against Baron by his former attorneys moots a majority of the aforementioned pending matters in this case pertaining to the receivership and involuntary bankruptcy proceeding. On 1/3/2013, the court entered an Amended Memorandum Opinion and Order in Case No. 3:13-CV-3461-L, to correct certain nonsubstantive matters. In light of that Amended Memorandum Opinion and Order, the court vacates its 12/31/2013 Order in this case (Doc. 1349), issues this Amended Order, and makes the court's Amended Memorandum Opinion and Order of 1/3/2014, entered in Case No. 3:13-CV-3461-L, a part of this Amended Order as if repeated herein verbatim. (Ordered by Judge Sam A Lindsay on 1/6/2014) (tla) (Entered: 01/06/2014)
01/06/2014		***Clerk's Notice of delivery: (see NEF for details) Docket No:1350. Mon Jan 6 15:35:10 CST 2014 (crt) (Entered: 01/06/2014)
01/06/2014	1351	STATUS REPORT ORDER: The court further directs the Receiver to file with the court by 3/7/2014, a final accounting for the court's approval, an application for payment of any remaining receivership costs and expenses, and a proposed order that addresses these and any other matters necessary to close the receivership. If the receivership estate cannot be terminated by 3/7/2014, the Receiver shall file a status report by 2/28/2014, advising the court when the Receiver believes the receivership can be terminated and what additional steps will be necessary to terminate the estate. (Ordered by Judge Sam A Lindsay on 1/6/2014) (tla) (Entered: 01/06/2014)
01/06/2014		***Clerk's Notice of delivery: (see NEF for details) Docket No:1351. Mon Jan 6 16:01:31 CST 2014 (crt) (Entered: 01/06/2014)
01/24/2014	1352	STATUS REPORT <i>and Request for Scheduling Conference</i> filed by Peter S Vogel. (Attachments: # 1 Exhibit(s) A) (Schenck, David) (Entered: 01/24/2014)
02/03/2014	1353	RESPONSE filed by Novo Point LLC, Quantec LLC re: 1352 Status Report (Payne, Christopher) (Entered: 02/03/2014)
02/04/2014	1354	ORDER: Any response by Jeffrey Baron to the 1352 Receiver's Preliminary Status Report and Request for Scheduling Conference must be filed by 2/11/2014. (Ordered by Judge Sam A Lindsay on 2/4/2014) (cea) (Entered: 02/04/2014)
02/04/2014		***Clerk's Notice of delivery: (see NEF for details) Docket No:1354. Tue Feb 4 13:10:01 CST 2014 (crt) (Entered: 02/04/2014)
02/11/2014	1355	***Disregard*** See document 1356***Objections to 1352 Vogel's Status Report filed by Jeffrey Baron. (Cochell, Stephen) Modified on 2/14/2014 (svc). (Entered: 02/11/2014)
02/11/2014	1356	Corrected Response to 1352 Vogel's Status Report filed by Jeffrey Baron. (Simon, Leonard) Modified on 2/14/2014 (svc). (Entered: 02/11/2014)

02/11/2014	1357	Appendix in Support filed by Jeffrey Baron re 1356 Response/Objection to Vogel's Preliminary Status Report (Attachments: # 1 Exhibit(s) Appendix Item 1, # 2 Exhibit(s) Appendix Item 2, # 3 Exhibit(s) Appendix Item 3, # 4 Exhibit(s) Appendix Item 4) (Simon, Leonard) (Entered: 02/11/2014)
02/14/2014	1358	REPLY filed by Peter S Vogel re: 1353 Response/Objection, 1356 Response/Objection (Schenck, David) (Entered: 02/14/2014)
02/14/2014	1359	CORRECTED REPLY filed by Peter S Vogel re: 1353 Response/Objection, 1356 Response/Objection (Schenck, David) Modified on 2/18/2014 (svc). (Entered: 02/14/2014)
02/18/2014	1360	REPLY filed by Novo Point LLC, Quantec LLC re: 1355 Status Report, 1356 Response/Objection (Payne, Christopher) (Entered: 02/18/2014)
02/25/2014	1361	MOTION to Withdraw as Attorney filed by Jeffrey Baron with Brief/Memorandum in Support. (Attachments: # 1 Proposed Order Order Granting Withdrawal and Substitution of Counsel) (Cochell, Stephen) (Entered: 02/25/2014)
02/25/2014	1362	NOTICE of Attorney Appearance by Leonard H Simon on behalf of Jeffrey Baron. (Filer confirms contact info in ECF is current.) (Simon, Leonard) (Entered: 02/25/2014)
02/25/2014	1363	JEFFREY BARON'S REJOINDER REPLIES OF VOGEL AND NOVO POINT AND QUANTEC (ECF DOCUMENTS 1359 AND 1360) filed by Jeffrey Baron re: 1354 Order Setting Deadline/Hearing (Attachments: # 1 Exhibit(s) "1" Corporate Assignments and Resolutions, # 2 Exhibit(s) "2" Quit Claim Deed - Vogel, # 3 Exhibit(s) "3" Quit Claim Deed - Litzler) (Simon, Leonard) Modified on 2/26/2014 to correct text (svc). (Entered: 02/25/2014)
02/26/2014	1364	ORDER denying 1361 Motion to Withdraw as Attorney. The motion does not contain the requisite certificate of conference. (Ordered by Judge Sam A Lindsay on 2/26/2014) (ykp) (Entered: 02/26/2014)
02/27/2014		***Clerk's Notice of delivery: (see NEF for details) Docket No:1364. Thu Feb 27 07:59:48 CST 2014 (crt) (Entered: 02/27/2014)
02/27/2014	1365	MOTION to Strike 1363 Response/Objection, 'Rejoinder' filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Payne, Christopher) (Entered: 02/27/2014)
02/28/2014	1366	MOTION to Withdraw as Attorney filed by Jeffrey Baron with Brief/Memorandum in Support. (Attachments: # 1 Proposed Order) (Cochell, Stephen) (Entered: 02/28/2014)
02/28/2014	1367	STATUS REPORT Pursuant to The Court's January 6, 2014 Order filed by Peter S Vogel. (Attachments: # 1 Exhibit(s) Addendum A, # 2 Proposed Order Order, # 3 Proposed Order Order) (Schenck, David) (Entered: 02/28/2014)
02/28/2014	1368	ORDER re 1352 Status Report, denying as moot 1365 Motion to Strike. The court rejects Receiver's request to conduct a show cause hearing. The

		Receiver is directed to return by 3/7/14 receivership assets and shall take steps necessary to remove impediments to assets and accounts. The court VACATES the orders appointing Damon Nelson as manager of Novo Point & Quantec 362 473 . Receiver's request to identify and assign to Baron for resolution any potential claims under Bankruptcy Code section 303(I) arising out of the now dismissed Baron involuntary bankruptcy is denied. Request by the Receiver, Baron, Novo Point, and Quantec for order enjoining any 3rd party actions regarding the Novo Point and Quantec assets for 60 days to 12 months is denied. All other requests not expressly addressed herein are denied. (Ordered by Judge Sam A Lindsay on 2/28/2014) Note from clerk: this order was received by clerk prior to receipt of Motion to Withdraw as Attorney 1366 so that motion is open, pending review of the court. (gr) (Entered: 02/28/2014)
03/03/2014		***Clerk's Notice of delivery: (see NEF for details) Docket No:1368. Mon Mar 3 09:08:53 CST 2014 (crt) (Entered: 03/03/2014)
03/03/2014	1369	ORDER re 1367 Status Report Pursuant to the Court's January 6, 2014 Order: The court's prior order stands, except to the extent that it conflicts with the matters addressed in this order. (Ordered by Judge Sam A Lindsay on 3/3/2014) (twd) (Entered: 03/03/2014)
03/06/2014	1370	Supplemental Application to Pay Lain Faulkner re 1368 Order on Motion to Strike, 1369 Order, filed by Peter S Vogel (Fine, Jeffrey) Modified on 3/7/2014 to clean up text (svc). (Entered: 03/06/2014)
03/07/2014	1371	Brief/Memorandum in Support filed by Peter S Vogel re 1370 MOTION Supplemental Application to Pay Lain Faulkner re 1368 Order on Motion to Strike,,, 1369 Order, (Fine, Jeffrey) (Entered: 03/07/2014)
03/09/2014	1372	Supplemental MOTION to Withdraw as Attorney filed by Jeffrey Baron with Brief/Memorandum in Support. (Cochell, Stephen) (Entered: 03/09/2014)
03/10/2014	1373	Emergency MOTION for Reconsideration re 1368 Order on Motion to Strike,,, 1369 Order, , MOTION to Expedite <i>Consideration</i> () filed by Jeffrey Baron with Brief/Memorandum in Support. (Attachments: # 1 Proposed Order) (Simon, Leonard) (Entered: 03/10/2014)
03/10/2014	1374	Brief/Memorandum in Support filed by Jeffrey Baron re 1373 Emergency MOTION for Reconsideration re 1368 Order on Motion to Strike,,, 1369 Order, MOTION to Expedite <i>Consideration</i> (Simon, Leonard) (Entered: 03/10/2014)
03/10/2014	1375	Appendix in Support filed by Jeffrey Baron re 1373 Emergency MOTION for Reconsideration re 1368 Order on Motion to Strike,,, 1369 Order, MOTION to Expedite <i>Consideration</i> (Attachments: # 1 Exhibit(s) Appendix Item 1) (Simon, Leonard) (Entered: 03/10/2014)
03/11/2014	1377	RESPONSE filed by Novo Point LLC, Quantec LLC re: 1373 Emergency MOTION for Reconsideration re 1368 Order on Motion to Strike,,, 1369 Order, MOTION to Expedite <i>Consideration</i> (Payne, Christopher) (Entered: 03/11/2014)

03/11/2014	1378	RESPONSE filed by Peter S Vogel re: 1373 Emergency MOTION for Reconsideration re 1368 Order on Motion to Strike,,, 1369 Order, MOTION to Expedite <i>Consideration</i> (Fine, Jeffrey) (Entered: 03/11/2014)
03/11/2014	1379	ORDER Denying 1373 Motion for Reconsideration ; Denying 1373 Motion to Expedite; Denying as moot sealed and/or ex parte motion 1376 . (Ordered by Judge Sam A Lindsay on 3/11/2014) (cea) (Entered: 03/11/2014)
03/13/2014	1380	Unopposed MOTION to Restrain from Interfering <i>with Wind Down of the Receivership</i> filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) A and B, # 2 Proposed Order) (Payne, Christopher) Modified text on 3/14/2014 (axm). (Entered: 03/13/2014)
03/13/2014	1381	OBJECTION filed by Jeffrey Baron re: 1380 Unopposed MOTION to Restrain from Interfering <i>with Wind Down of the Receivership</i> . (Cochell, Stephen) (Entered: 03/13/2014)
03/13/2014	1382	Reply Declaration filed by Novo Point LLC, Quantec LLC re: 1380 Unopposed MOTION to Restrain from Interfering <i>with Wind Down of the Receivership</i> . (Payne, Christopher) Modified text on 3/14/2014 (axm). (Entered: 03/13/2014)
03/13/2014	1383	RESPONSE AND OBJECTION filed by Simon H Leonard re: 1380 Unopposed MOTION to Restrain from Interfering <i>with Wind Down of the Receivership</i> . (Attachments: # 1 Exhibit(s) "1", # 2 Exhibit(s) "2", # 3 Exhibit(s) "3", # 4 Exhibit(s) "4") (Simon, Leonard) (Entered: 03/13/2014)
03/13/2014	1384	RESPONSE AND OBJECTION filed by Jeffrey Baron re: 1380 Unopposed MOTION to Restrain from Interfering <i>with Wind Down of the Receivership</i> . (Cochell, Stephen) (Entered: 03/13/2014)
03/14/2014	1385	ORDER: The court directs the Receiver and any party that opposes the motion to file by 3/17/2014, a response that sets forth the basis for any opposition re: 1366 MOTION to Withdraw as Attorney . (Ordered by Judge Sam A Lindsay on 3/14/2014) (cea) (Entered: 03/14/2014)
03/17/2014	1386	RESPONSE filed by Peter S Vogel re: 1366 MOTION to Withdraw as Attorney , 1372 Supplemental MOTION to Withdraw as Attorney (Schenck, David) (Entered: 03/17/2014)
03/20/2014	1387	ORDER: Accordingly, the court denies without prejudice Stephen Cochell's Motion for Withdrawal and Substitution of Counsel (Doc. 1366). After the receivership has been wound down and the court has discharged the Receiver, Mr. Cochell may renew his request for withdrawal and substitution. (Ordered by Judge Sam A Lindsay on 3/20/2014) (ctf) (Entered: 03/20/2014)
03/27/2014	1388	ORDER granting 1370 Supplemental Application to Pay Lain Faulkner. (Ordered by Judge Sam A Lindsay on 3/27/2014) (jrr) (Entered: 03/27/2014)
03/27/2014	1389	REPLY filed by Novo Point LLC, Quantec LLC re: 1380 Unopposed MOTION to Restrain from Interfering <i>with Wind Down of the Receivership</i> (Payne, Christopher) (Entered: 03/27/2014)

04/02/2014	1390	MOTION for entry of an order for the Receiver to immediately turn over assets necessary to pay domain name renewal fees due beginning April 1, 2014 and for EXPEDITED CONSIDERATION to prevent imminent asset forfeiture due to non-payment filed by Novo Point LLC, Quantec LLC with Brief/Memorandum in Support. (Payne, Christopher) (Entered: 04/02/2014)
04/03/2014		Record on Appeal for USCA5 13-10696 (related to 1297 appeal): Record consisting of: ECF electronic record, 21 Volume(s) electronic transcript, Sealed or ex parte document(s)(circuit approval is required for access), certified to USCA. To request a copy of the record (on disk or on paper), contact the appeals deputy in advance to arrange delivery. (svc) (Entered: 04/03/2014)
04/03/2014	1391	RESPONSE AND OBJECTION filed by Peter S Vogel re: 1390 MOTION for entry of an order for the Receiver to immediately turn over assets necessary to pay domain name renewal fees due beginning April 1, 2014 and for EXPEDITED CONSIDERATION to prevent imminent asset forfeiture due to non-payment (Fine, Jeffrey) (Entered: 04/03/2014)
04/04/2014	1392	REPLY filed by Novo Point LLC, Quantec LLC re: 1390 MOTION for entry of an order for the Receiver to immediately turn over assets necessary to pay domain name renewal fees due beginning April 1, 2014 and for EXPEDITED CONSIDERATION to prevent imminent asset forfeiture due to non-payment (Payne, Christopher) (Entered: 04/04/2014)
04/04/2014	1393	Additional Attachment to Main <i>Document to be Included and Attached to Previous Filing</i> re: 1391 Response/Objection, filed by Peter S Vogel (Schenck, David) Modified docket text on 4/4/2014 (cea). (Entered: 04/04/2014)
04/08/2014	1394	Supplemental Document by Novo Point LLC, Quantec LLC as to 1380 Unopposed MOTION to Restrain from Interfering <i>with Wind Down of the Receivership</i> , 1389 Reply . (Payne, Christopher) (Entered: 04/08/2014)
04/10/2014	1395	ORDER: Before the court is the Unopposed Motion of Novo Point LLC and Quantec LLC to Restrain Baron from Interfering with the Wind Down of the Receivership (Doc. 1380), filed 3/13/2014. Also before the court is the Motion to Order Receiver to Immediately Turn Over Assets Necessary to Pay Domain Name Renewal Fees Due Beginning 4/1/2014 and for Expedited Hearing (Doc. 1390), filed 4/2/2014, by Novo Point LLC ("Novo Point") and Quantec LLC ("Quantec") (collectively, "the LLCs"). After considering the motions, briefs, evidence, and record, the court grants, to the extent set forth herein, the Motion to Order Receiver to Immediately Turn Over Assets Necessary to Pay Domain Name Renewal Fees Due Beginning 4/1/2014, and for Expedited Hearing (Doc. 1390); and denies without prejudice the Unopposed Motion of Novo Point LLC and Quantec LLC to Restrain Baron from Interfering with the Wind Down of the Receivership (Doc. 1380). (Ordered by Judge Sam A Lindsay on 4/10/2014) (ctf) (Entered: 04/10/2014)
04/14/2014		Record on Appeal for USCA5 13-10696 (related to 1297 appeal): transmitted to Mpatanishi Tayari Garrett on disk only by mail. (svc) (Entered: 04/14/2014)

04/14/2014	1396	NOTICE of <i>Receiver's Accounting Report of April 14, 2014</i> filed by Peter S Vogel (Attachments: # 1 Exhibit(s) A-D, # 2 Exhibit(s) E-01, # 3 Exhibit(s) E-02, # 4 Exhibit(s) E-03, # 5 Exhibit(s) E-04, # 6 Exhibit(s) E-05, # 7 Exhibit(s) E-06, # 8 Exhibit(s) E-07, # 9 Exhibit(s) E-08, # 10 Exhibit(s) E-09, # 11 Exhibit(s) E-10, # 12 Exhibit(s) E-11, # 13 Exhibit(s) E-12, # 14 Exhibit(s) E-13, # 15 Exhibit(s) E-14, # 16 Exhibit(s) E-15, # 17 Exhibit(s) E-16, # 18 Exhibit(s) E-17, # 19 Exhibit(s) F-01, # 20 Exhibit(s) F-02) (Schenck, David) (Entered: 04/14/2014)
04/14/2014	1397	MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge filed by Peter S Vogel with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B, # 3 Exhibit(s) C, # 4 Exhibit(s) D, # 5 Exhibit(s) E, # 6 Exhibit(s) F, # 7 Exhibit(s) G, # 8 Exhibit(s) H) (Schenck, David) (Entered: 04/14/2014)
04/15/2014	1398	MOTION Supplemental Application for Payment and Notice of Filing of Petition for Certiorari re 1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge filed by Peter S Vogel with Brief/Memorandum in Support. (Attachments: # 1 Exhibit(s) I, # 2 Exhibit(s) J) (Schenck, David) (Entered: 04/15/2014)
04/22/2014	1399	OBJECTION filed by Novo Point LLC, Quantec LLC re: 1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge (Payne, Christopher) (Entered: 04/22/2014)
04/22/2014	1400	OBJECTION filed by Jeffrey Baron re: 1398 MOTION Supplemental Application for Payment and Notice of Filing of Petition for Certiorari re 1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge, 1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge (Simon, Leonard) (Entered: 04/22/2014)
04/22/2014	1401	Appendix in Support filed by Jeffrey Baron re 1400 Response/Objection, (Attachments: # 1 Exhibit(s) "1", # 2 Exhibit(s) "2", # 3 Exhibit(s) "3", # 4 Exhibit(s) "4", # 5 Exhibit(s) "5", # 6 Exhibit(s) "6") (Simon, Leonard) (Entered: 04/23/2014)
04/25/2014	1402	OBJECTION filed by Novo Point LLC, Quantec LLC re: 1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge (Payne, Christopher) (Entered: 04/25/2014)
04/30/2014		Record on Appeal for USCA5 13-10696 (related to 1297 appeal): transmitted to Gary Schepps on disk only by hand delivery. (svc) (Entered: 04/30/2014)
05/05/2014	1403	OBJECTION filed by Dean W Ferguson, Robert Garrey, Jeffrey Hall, Gary G Lyon, David Pacione, Power Taylor LLP, Shurig Jetel Beckett Tackett, Pronske Goolsby & Kathman, PC re: 1398 MOTION Supplemental Application for Payment and Notice of Filing of Petition for Certiorari re

		1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge, 1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge (Pronske, Gerrit) (Entered: 05/05/2014)
05/05/2014	1404	OBJECTION filed by Novo Point LLC, Quantec LLC re: 1397 MOTION Request for Approval of Final Accounting, Application for Payment, and Request for Order of Final Discharge (Payne, Christopher) (Entered: 05/05/2014)
05/08/2014	1405	NOTICE of <i>Status of Certain Former Receivership Assets</i> filed by Peter S Vogel (Schenck, David) (Entered: 05/08/2014)
05/09/2014	1406	OBJECTION filed by Novo Point LLC, Quantec LLC re: 1405 Notice (Other) (Payne, Christopher) (Entered: 05/09/2014)
05/12/2014	1407	REPLY filed by Peter S Vogel re: 1405 Notice (Other) (Attachments: # 1 Exhibit(s) A) (Sikes, James) (Entered: 05/12/2014)
05/13/2014	1408	RESPONSE AND OBJECTION filed by Novo Point LLC, Quantec LLC re: 1407 Reply, 1405 Notice (Other) (Payne, Christopher) (Entered: 05/13/2014)
05/14/2014	1409	NOTICE of <i>Final Notice Regarding Quasar Services, LLC</i> re: 1405 Notice (Other) filed by Peter S Vogel (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B, # 3 Exhibit(s) C) (Sikes, James) (Entered: 05/14/2014)
05/14/2014	1410	RESPONSE filed by Novo Point LLC, Quantec LLC re: 1409 Notice (Other) (Payne, Christopher) (Entered: 05/14/2014)
05/28/2014	1411	OBJECTION filed by RPV, Ltd., as Trustee of the Village Trust re: 1405 Notice (Other) (York, Andrew) (Entered: 05/28/2014)
05/28/2014	1412	Appendix in Support filed by RPV, Ltd., as Trustee of the Village Trust re 1411 Response/Objection to Receiver's Notice of Status of Certain Former Receivership Assets and Opposition to Reply of Novo Point LLC and Quantec LLC (Attachments: # 1 Exhibit(s) Part 1, # 2 Exhibit(s) Part 2, # 3 Exhibit(s) Part 3, # 4 Exhibit(s) Part 4, # 5 Exhibit(s) Part 5, # 6 Exhibit(s) Part 6) (York, Andrew) (Entered: 05/28/2014)
05/28/2014	1413	(Document Restricted) Sealed Appendix in Support re: 1411 Response/Objection (Sealed pursuant to SO 19-1, statute, or rule) filed by RPV, Ltd., as Trustee of the Village Trust (Attachments: # 1 Exhibit(s) Pages 118-146) (York, Andrew) (Entered: 05/28/2014)

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