
Interlocutory Appeals of
Orders in Receivership on Appeal

From the United States District Court
Northern District of Texas, Dallas Division
Civil Action No. 3-09CV0988-F
Hon. Judge William R. Furgeson Presiding

“1. My name is Gary Schepps. I am the appellate counsel for Jeff Baron, Novo Point, LLC., and Quantec, LLC. I am competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct. I have knowledge of the stated facts, which I learned in my role as appellate counsel in the above entitled appeals.

“2. The following is a true and accurate screen clip from Adobe Acrobat 9 showing the creation date of Document 123 filed in Case 3:09-cv-00988-F on 11/24/10, the “EMERGENCY MOTION OF TRUSTEE FOR APPOINTMENT OF A RECEIVER OVER JEFFREY BARON”. The file shows that it was created at 2:07 PM on 11/24/2010:

Title:	Microsoft Word - 2952343_2.DOC
Author:	lpannier
Subject:	
Keywords:	
Created:	11/24/2010 2:07:19 PM
Modified:	11/24/2010 2:07:19 PM
Application:	PScript5.dll Version 5.2.2
Advanced	
PDF Producer:	Acrobat Distiller 9.3.0 (Windows)
PDF Version:	1.5 (Acrobat 6.x)

“3. The following is an e-mail record of ICANN, the international internet registry, showing that Raymond Urbanik, counsel for Sherman, informed ICANN that the District Court appointed Vogel as receiver at 1:15 pm on 11/24/2010.

From: Urbanik, Raymond
Sent: Wednesday, November 24, 2010 3:54 PM
To: 'Samantha Eisner' <Samantha.Eisner@icann.org>
Cc: Erin Brady; Amy Stathos; 'schnabel.eric@dorsey.com';
mallard.robert@dorsey.com
Subject: RE: Approval of Termination of Accreditation and Bulk Transfer

Sam, Erin, Amy, Eric, Robert

A receiver was appointed over Mr Baron today at 1:15 pm Central time by Senior United States Federal District Court Judge Royal Ferguson.

The order also immediately suspends, enjoins and stays the transfer of the names by ICANN through the de - accredited registrar process.

The newly appointed Receiver, Peter Vogel, will be sending you a copy of the order shortly.

Please call if you would like to discuss this matter. Thank you.

-ray

Raymond J. Urbanik
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From: Samantha Eisner [mailto:Samantha.Eisner@icann.org]
Sent: Tuesday, November 23, 2010 8:10 PM
To: Urbanik, Raymond
Cc: Erin Brady; Amy Stathos
Subject: FW: Approval of Termination of Accreditation and Bulk Transfer

Hi Ray -

I'm forwarding a message sent from our Registrar Liaison Group to the Primary Contact for Compana.

I believe that the notice to the Registries will be forwarded by tomorrow.

Best regards,

Sam

----- Forwarded Message

From: Brian Peck <brian.peck@icann.org>
Date: Tue, 23 Nov 2010 17:43:06 -0800
To: "ondovalimited@gmail.com" <ondovalimited@gmail.com>
Cc: Samantha Eisner <Samantha.Eisner@icann.org>, Tim Cole <Tim.Cole@icann.org>, Mike Zupke <Mike.Zupke@icann.org>
Subject: Approval of Termination of Accreditation and Bulk Transfer

Dear Mr. Nelson,

We confirm receipt of your written notice of termination of your registrar's RAA. We have completed our internal review and in accordance with ICANN's Inter-Registrar Transfer Policy, we approve your request to designate Fabulous.com Pty Ltd. as the gaining registrar to receive the bulk transfer of all names currently under management of your registrar. We will contact the relevant registries shortly and you can coordinate the timing of the bulk transfers with the registries directly after they contact you.

The termination will be effective on 30 November 2010. As requested, ICANN waives the remainder of the 30-day notice period set forth in the RAA.

Please note that your registrar remains responsible for all outstanding fees due to ICANN which are incurred up until the effective date of termination, which is 30 November, 2010. Please let us know if you have any questions.

Sincerely,

Brian Peck
Registrar Liaison Manager
ICANN

----- End of Forwarded Message

I declare under penalty of perjury that the foregoing declaration is true and correct.

Signed this 19th day of November, 2011, in Dallas, Texas.

/s/ Gary N. Schepps
Gary N. Schepps