

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

NETSPHERE, INC.,	§
MANILA INDUSTRIES, INC., and	§
MUNISH KRISHAN,	§
Plaintiffs.	§
	§ Civil Action No. 3-09CV0988-F
v.	§
	§
JEFFREY BARON, and	§
ONDOVA LIMITED COMPANY,	§
Defendants.	§

**MOTION FOR LEAVE TO FILE: MOTION TO STAY OR VACATE
INJUNCTION AND CIVIL LOCKDOWN OF JEFF BARON**

TO THE HONORABLE JUDGE ROYAL FURGESON:

COMES NOW JEFF BARON, and moves this Court to grant leave to file the following motion to stay or vacate the injunction and civil lockdown of Jeff Baron pending appeal because **there is no reasonable basis to keep the injunction in place for even one more day**, especially in light of the procedural posture of the case.

1. Since November 2010, Jeff has been ordered [Doc 130]: (1) not to transact any business; (2) that he may not keep any income he earns; (3) that he may not cash any checks he receives; (4) that he may not use any credit cards; (5) that he may not incur any debts; (6) that he may not remove any of his property from the Northern District of Texas; etc. **Without trial, Jeff has been held by this Court in civil lockdown for over six months.**

2. On March 2, 2011, this Court entered an Order [Doc 338], advising that the primary purpose of continuing the receivership was to “ensure that the unpaid attorneys claims against him could be resolved so that the bankruptcy action could be closed¹”. That matter was appealed on May 18, 2011.

3. On May 24, 2011, this Court entered an Order [Doc 586] advising the parties that this Court is stayed from taking further action in the matters involved in the appeals taken on May 18, 2011.

4. Accordingly, in light of the current procedural posture of this case, there is no reasonable basis to continue the lock-down injunction against Jeff.

5. For further cause, the argument of Mr. Baron’s appellate briefing is attached hereto as Exhibit “A” and incorporated herein by reference.

WHEREFORE, Jeff Baron requests the Court to immediately stay or vacate the injunctions ordered [Doc 130] against Jeff Baron pending resolution of the issues on appeal to the Fifth Circuit.

¹ The bankruptcy trustee has filed an adversary action in the bankruptcy court against Mr. Emke regarding “servers.com”. The filing of the new adversary action and the expected counterclaim will prevent the closing and resolution of the bankruptcy case for some time to come—until discovery is completed and a trial is held on that adversary action. Resolution of the attorneys fees claims will therefore not allow the immediate closing of the bankruptcy case (assuming *arguendo* the claims would otherwise have an impact on the closing of the bankruptcy case).

Notably, since November 2010 Jeff Baron has been 100% neutralized in the bankruptcy court, and the bankruptcy court recognizes no rights in that court on Mr. Baron’s behalf recognizing only the receiver as holding all of Mr. Baron’s rights in that court. Yet, in the more than 6 months that have passed, Mr. Sherman has not closed down the bankruptcy, and has instead made great pains to expand the bankruptcy and prevent it from being closed, for example by recently initiating an adversary action against Mr. Emke.

Respectfully submitted,

/s/ Gary N. Schepps

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CERTIFICATE OF SERVICE

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

CERTIFIED BY: /s/ Gary N. Schepps
Gary N. Schepps

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned conferred with counsel for: (1) Mr. Vogel by email and the receiver takes no position and does not oppose the relief requested, and (2) Mr. Sherman by email and they oppose.

CERTIFIED BY: /s/ Gary N. Schepps
Gary N. Schepps