

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

NETSPHERE, INC., ET. AL.	§	
Plaintiffs	§	
	§	Civil Action No. 3-09CV0988-F
v.	§	
JEFFREY BARON, ET. AL.	§	
Defendants.	§	

**MOTION FOR LEAVE TO FILE MOTION TO RECONSIDER COURT’S
DENIAL [DOC 1028] OF:
BARON’S MOTION FOR CORRECTION OF THE RECORD AND
CLARIFICATION REGARDING THE SECRET *EX PARTE*
PROCEEDINGS TO INSTALL VOGEL AS RECEIVER OVER BARON
AND TO CONFIRM AND APPROVE A STATEMENT OF THE SECRET
EX PARTE PROCEEDINGS THAT WERE HELD [DOC 974]**

JEFFREY BARON respectfully moves this Court reconsider its denial of leave to file Baron’s motion for the Court to (1) confirm and clarify that an *ex parte* hearing was held to install Peter Vogel as receiver over Baron, (2) to clarify certain issues regarding the *ex parte* proceedings, and (3) to confirm and approve a statement of the secret *ex parte* proceedings which were held.

1. This Honorable Court has ordered [Doc 359] that Baron is required to file motions for leave in order to file motions.

2. As discussed below, this Honorable Court has erred in believing that an order declaring the issue moot was appropriate because the Court declined to grant Baron’s motion [Doc 974] prior to the deadline to file Baron’s principal briefing in the most recent interim appeal pending before the Fifth Circuit.

3. The necessity for the relief by correction of the record and clarifications regarding the secret *ex parte* hearing and proceedings and the confirmation and approval

of a statement of the secret *ex parte* proceedings is relevant not only to the principal briefing that has already been filed, but is also relevant to future briefings in the Fifth Circuit Court of Appeals, including (A) reply briefing in the pending appeals, and (B) briefing in appeals from orders that have not yet been briefed before the Fifth Circuit, such as from recently granted orders disposing of receivership *res.*

WHEREFORE Jeffrey Baron respectfully prays that this Honorable Court grant the relief requested.

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