

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

NETSPHERE, INC.,	§	
MANILA INDUSTRIES, INC., AND	§	
MUNISH KRISHAN	§	
	§	
PLAINTIFFS,	§	
	§	
V.	§	CIVIL ACTION NO. 3:09-CV-0988-F
	§	
JEFFREY BARON AND	§	
ONDOVA LIMITED COMPANY,	§	
	§	
DEFENDANTS.	§	

RECEIVER’S OBJECTION TO TRUSTEE’S FEE APPLICATION

Based on this Court’s Scheduling Order of April 5, 2013 [Docket No. 1220] Peter S. Vogel, Receiver over Jeffrey Baron and the Receivership Parties (the “Receiver”), files this Objection to the Fee Application filed by the Chapter 11 Trustee Daniel J. Sherman (the “Trustee”) on April 17, 2013 [Docket No. 1229] since the Trustee has never been hired by the Receiver as a Receivership Professional.

I. RECEIVERSHIP PROFESSIONALS

Based on the recommendation of the Honorable Stacey Jernigan, judge in the Ondova Bankruptcy (*In re Ondova Ltd. Co.*, No. 09-34784), on November 24, 2010 the Trustee in the Ondova Bankruptcy, filed an Emergency Motion of Trustee for Appointment of a Receiver Over Jeffrey Baron. On November 24, 2010 this Court issued the Order Appointing Receiver (the “Receivership Order”) [Docket No. 124] which included authority for the Receiver to “...choose, engage, and employ attorneys, accountants, appraisers, and other Independent contractors and technical specialists (collectively, “Professionals”) ... Receiver deems advisable or necessary...” Receivership Order, p. 8. As a result of the Receivership Order, from November 24, 2010 until

today the Receiver has dedicated time almost daily to the Receivership estate, which work has been extremely complex and involves a unique set of circumstances created by Mr. Baron's vexatious behavior in this Court, and many other Courts. As the Court is well-aware, the Receiver has hired many Professionals in the ensuing litigation and for the management of the Receivership estate as listed in chronological order below, **HOWEVER THE TRUSTEE IS NOT INCLUDED IN THIS LIST:**

Professionals	Purpose	Beginning Date	Ending Date
Gardere Wynne Sewell LLP	Counsel for the Receiver	November 2010	July 2012
13 law firms outside of Texas	Served as local counsel for the filing of 28 USC §754 miscellaneous actions to reach Receivership assets	December 2010	Present
Thomas Jackson	Counsel for Receivership parties Novo Point, LLC and Quantec, LLC	December 2010	March 2011
Joshua Cox	Counsel for Receivership party Quantec, LLC	December 2010	Present
James Eckels	Counsel for Receivership party Novo Point, LLC	December 2010	Present
Jeffrey Harbin	Manager of Receivership parties Novo Point, LLC and Quantec, LLC	December 2010	February 2011
Gary Lyon	Counsel for the Receiver	December 2010	Present
Grant Thornton LLP	CPAs for Receivership	December 2010	Present
Martin Thomas	Counsel for Jeffery Baron in the Ondova Bankruptcy	December 2010	September 2012
Damon Nelson	Manager of Receivership parties Novo Point, LLC and Quantec, LLC	February 2011	Present
Dykema Gossett PLLC	Counsel for the Receiver	July 2012	Present
Matt Morris	Expert Witness for Confirmation Hearing in Ondova Bankruptcy	October 2012	Present

The Receiver has contracts with the Receivership Professionals to pay their fees and expenses subject to the approval of the Court, **HOWEVER THE RECEIVER HAS NEVER HAD A CONTRACT WITH THE TRUSTEE, AND ACCORDINGLY THE TRUSTEE IS NOT A RECEIVERSHIP PROFESSIONAL.**

II. FEES AND EXPENSES OF THE RECEIVERSHIP

On April 17, 2013 the Receiver filed a Fee Application for the Receivership Professionals and the Receiver which did not include the Trustee since the Trustee has never been hired as a Receivership Professional, and accordingly the Receiver objects to the Trustee's Fee Application in its entirety.

Respectfully submitted,

By: /s/ Peter S. Vogel
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RECEIVER, PETER S. VOGEL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record on April 25, 2013.

By: /s/ Peter S. Vogel
Peter S. Vogel