



**A. Undisputed Facts.**

**1. Mr. Baron told the Court that he is suffering from severe mental and physical conditions.**

Prior to the January 4, 2011 hearing, Mr. Baron repeatedly told the Court that he is suffering from severe mental and physical conditions. In one of his Court filings, Mr. Baron swore under oath that:

[I have] become increasingly despondent. . . . I cannot live my life, have shortness of breath and get dizzy several times a day to the extent that I lose my balance and cannot stand upright. I feel helpless. . . . I feel distress at the loss of my control over my life and my privacy. . . . The feeling of helplessness is hard to describe but so emotionally painful that it physically hurts. I am unable to sleep at night. . . . The stress . . . is literally causing my heart to beat irregularly. . . . I see my health rapidly deteriorating as I am suffocating under the stress—I am not able to sleep and have frequent panic attacks, my blood glucose levels are jumping over 500 (normal readings are less than 100), I am suffering nausea and general ill health. I am scared. I am unable to keep my diabetes under control with all the stress . . . .

(Baron's Emergency Motion to Vacate Order Appointing Receiver [Docket No. 137].) Mr. Baron later filed additional pleadings along similar lines. (*See, e.g.*, Baron's Second Motion for Emergency Consideration [Docket No. 141] (Mr. Baron's contending that he is suffering "irreparable injury to his health and well-being"); Baron's Waiver of Reply [Docket No. 144] (Mr. Baron attaching a cardiologist report and contending that the report "is a medical diagnosis based on an EKG and requiring referral of Mr. Baron to the immediate care of a cardiologist")).

**2. Dr. Tedford told the Court that Mr. Baron is suffering from severe mental conditions.**

During the January 4, 2011 hearing, the Court heard testimony from Mr. Baron's expert-witness, Dr. William H. Tedford, who testified that after examining Mr. Baron, he concluded that Mr. Baron is severely depressed. Dr. Tedford also testified that, based on his review of Mr. Baron's medical records, Mr. Baron has previously been prescribed medications for depression

and anxiety. At one point, Dr. Tedford testified that Mr. Baron was “almost suicidal” (although Dr. Tedford later appeared to modify that testimony). Ultimately, Dr. Tedford opined that Mr. Baron’s level of depression is currently so severe, that Mr. Baron could not have possibly been maintaining such a severity of depression for very long.

**3. The Court ordered Mr. Baron to commence therapy for his depression.**

At the January 4, 2011 hearing, the Court expressed concern as to whether Mr. Baron were suicidal. Ultimately, the Court ordered that Mr. Baron immediately commence therapy with a psychiatrist or a psychologist. On January 5, 2011, counsel for Mr. Baron advised the Receiver that Mr. Baron is scheduled for his first appointment with Randy Ingram. (*See* Exhibit (“Ex.”) A to Appendix in Support of Emergency Motion for Independent Medical Examination, filed contemporaneously herewith (“Appx”), at Appx. 2-3.) According to his on-line biography, Mr. Ingram is not a psychiatrist or a psychologist; rather he is a Licensed Professional Counsel and Marriage & Family Therapist with a Masters Degree in Marriage & Family Therapy. (*See* Appx., Ex. B, at Appx. 5.) Given the level of severity of the depression as testified to by Dr. Tedford, Mr. Baron might need a more qualified professional.

**4. The Court did not order Mr. Baron to seek treatment for physical ailments.**

At the January 4, 2011 hearing, Dr. Tedford testified briefly (or was at least asked questions) about Mr. Baron’s physical ailments, including a heart condition. The Court did not order that Mr. Baron visit a cardiologist or any other doctor for the treatment of physical ailments.

**B. Authorities and Request for Relief.**

District courts maintain the discretion to order a party undergo independent medical examinations. FED R. CIV. P. 35 (stating that a Court may order a party “to submit to a physical or mental examination by a suitably licensed or certified examiner”); 18 U.S.C. § 4241(a) (stating that a court may order a party to submit to a mental examination to determine competency); *U.S. v. Messervey*, 317 F.3d 457, 463 (5th Cir. 2002) (same).

Here, the aforementioned undisputed facts (and indeed, facts provided by Mr. Baron, himself) demonstrate good cause to order an independent medical examination. Indeed, there is a reasonable concern that Mr. Baron might commit suicide or that Mr. Baron’s physical ailments might lead to severe and/or permanent injury, and perhaps even his death. And while Mr. Baron is already scheduled to see a Licensed Professional Counselor, this might not fully address Mr. Baron’s mental conditions, and certainly will not address any of his physical ailments. Accordingly, the Court should also order that Mr. Baron be examined immediately by an independent medical examiner(s) who would (a) submit to the Court opinions as to Mr. Baron’s mental and physical conditions, and (b) propose a specific treatment plan relating to Mr. Baron’s mental and physical conditions.

Respectfully submitted,

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ATTORNEYS FOR THE 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 January 6, 2010.

/s/ Peter L. Loh  
Peter L. Loh

**CERTIFICATE OF CONFERENCE**

The undersigned certifies he attempted to confer via e-mail on January 6, 2011, with regard to the foregoing motion with all counsel of record in this matter. Counsel either did not respond to the attempt to confer or stated they were unopposed to the motion.

/s/ Peter L. Loh  
Peter L. Loh

