

FILED

APR 21 2011

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK, U.S. DISTRICT COURT
By [Signature]
Deputy 1:54 p.m.

NETSPHERE, INC., MANILA	§	
INDUSTRIES, INC., and MUNISH	§	Case No. 3:09-CV-988-F
KRISHAN,	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
JEFFREY BARON, and ONDOVA	§	
LIMITED COMPANY,	§	
Defendant.	§	

ORDER DENYING MOTION FOR LEAVE TO FILE EXPEDITED MOTION TO COMPEL PETER VOGEL TO PRODUCE RECORDS OF TWO EMAILS

BEFORE THE COURT is Baron’s Motion for Leave to file Expedited Motion to Compel Peter Vogel to Produce Records of Two Emails (Docket No. 455). On April 4, 2011, the Receiver filed a Motion to Compel Information for Preparation of Tax Filings seeking an Order from the Court requiring one of the law firms that formerly represented Mr. Baron to provide the Receiver with whatever information he deems necessary for accurate completion of the April Tax Filings. See Docket No. 431. In this Motion to Compel, the Receiver stated that Baron and his counsel had intimidated the attorney with this tax information, Ms. Schurig, with threats of filing a grievance against her for disclosing attorney-client information without the client’s consent. The Receiver stated in the Motion that attempts to set up a conference with Ms. Schurig were obstructed because Mr. Baron and his counsel called into the confidential call without permission.

In a letter sent to the Court from Baron's counsel, and filed April 5, 2011, Baron took the position that he was invited to the conference call and that the Receiver had sent him the e-mails with instructions to call in and stated that the "staging of this 'incident' is clearly designed to discredit counsel and push the Court into angry action." *See* Docket No. 437. Out of an abundance of caution and with the intent of ensuring that all the appropriate tax filings were timely completed, the Court granted the Receiver's Motion to Compel. *See* Docket No. 435.

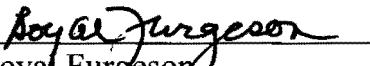
Baron now seeks leave to file a Motion to Compel the Receiver to produce (1) copies of the e-mails sent regarding the conference call that Baron and his counsel allegedly attended without authorization; (2) the Receiver's e-mail server logs for March 30, 2011 and April 1, 2011; (3) a copy of all e-mails, and all server logs containing certain e-mail thread indexes; and (4) the server logs containing the e-mail messages regarding the conference calls. It is unclear to the Court what purpose this production would serve. The Court understands that there is a fundamental disagreement between the parties as to whether Baron and his counsel were or were not invited to the conference call with Ms. Schurig, but this point now appears to be moot. At this time, the Court does not believe it is necessary or would be a good use of resources to determine whether Baron and his counsel were in fact invited to the conference call.

Accordingly, Baron's Motion for Leave to file Expedited Motion to Compel Peter Vogel to Produce Records of Two Emails is DENIED WITHOUT PREJUDICE. However,

the Court ORDERS the receiver to preserve the data being requested by Baron in the event it becomes relevant in the future.

It is so Ordered.

Signed this 21st day of April, 2011.



Royal Furgeson
Senior United States District Judge