

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 QUASH THE BROOME
DEPOSITION AND DOCUMENT PRODUCTION NOTICE [DOC 552]**

1. Objection was made to the Broome's deposition notice. [Doc 555]. Mr. Broome has informed counsel that he is going forward with the deposition anyway, and will seek sanctions personally against counsel. Motion is made for leave to file a motion to quash Broome's deposition notice [Doc 552] on the following grounds:

- (A) Broome is not a party to this lawsuit.
- (B) Broome has not conferred as required by Rule 26(f).
- (C) The deposition notice was not served as required by the Federal Rules of Civil Procedure. Barging into an attorney's personal office when he is not present, and violating the attorney's privacy by placing a document on the

attorney's personal desk is discourteous and does not constitute service in this jurisdiction.

(D) Broome's attempt to take the deposition is retaliatory harassment by an attorney whose own affidavits have established that he is dishonest and has engaged in fraud in order to take advantage of a former client. Broome's deposition notice gives credence to the worst accusations against attorneys in society and is harmful to the profession of law generally. Broome has attempted to use his standing and power by virtue of access to the courts and the PACER filing system, to harass, threaten, and attempt to intimidate a former client who pointed out that Broome has engaged in fraud and filed a false and untrue claim. Broome's incurring of fees was capped at \$10,000.00 monthly. Broome lied about it and represented that there was no cap on incurring fees, (in fact that the contract could not in any way be interpreted to provide such a cap), but that the contract merely provided a maximum monthly invoicing amount for cash flow purposes. All of that relates to the contents of the fee contract Broome himself had previously produced, but apparently figured with the bulk of materials, counsel for Baron would not have the time to review the contract. The receiver has notably contributed to the circus by suggesting that it might be a good idea for Jeff to be deposed by tens of

attorneys all at once, while no qualified, experienced federal trial attorney is allowed to prepare for the deposition or to represent or defend Jeff. The actions of the receiver and Broome with respect to the deposition bring disrepute to the legal profession: participating with a gaggle of attorneys to gang up on a former client, seeking his money, while the Court ties the client's hands behind his back, denying the client the assistance of experienced federal trial counsel, denying the client of the assistance of paid counsel, denying the client the ability to defend himself by taking the client's money and refusing to fund legal research, assistants to organize materials, and the like.

(E) Broome's contract contains an arbitration clause by which Broome agreed and obligated himself to undertake arbitration with respect to his fee agreement prior to taking or seeking any legal action. His failure to live up to his word and legal obligations brings disrepute to lawyers generally. Broome pursuant to his contractual obligations is also not entitled to engage in litigation or discovery, but must first arbitrate his 'dispute'. Since it is clear he would lose such an arbitration, Broome has done what so hurts the reputation of lawyers generally— engage in aggressive action to harass and intimidate a former client.

(F) Broome has failed to provide any initial disclosures.

- (G) The deposition notice is not reasonable in time or scope.
- (H) Reasonable time to produce the requested documents has not been provided in the deposition notice.
- (I) The requested documents are private and privileged.
- (J) This lawsuit has been settled and a stipulated dismissal has been filed of record.
- (K) The requested discovery is outside the scope of any cause or controversy pending before the Court.
- (L) The Court has already ruled that discovery will not be allowed with respect to the receivership.
- (M) Jeff has been denied the assistance of experienced federal trial counsel and a deposition under those circumstances violates his constitutional and Due Process rights.
- (N) Jeff has been ordered into the control of a receiver, any interrogation is therefore a custodial interrogation.
- (O) The Deposition notice was filed in violation of Fed.R.Civ.P. 5(d).
- (P) The requests appear to be geared solely documents relating to the sur-reply that the Court did not grant permission to file. Accordingly, these requests are irrelevant.

- (Q) The request seeks clearly private and privileged information that will necessarily require a massive and time-intensive privilege log. The document request is accordingly unduly burdensome and harassing in nature.
- (R) Federal Rule of Civil Procedure 34(b)(2)(A) provides that absent a court order to the contrary, the party responding to document requests is permitted 30 days for his response. Thus, the document requests do not permit the compliance with the requisite time prescribed under the Federal Rules and, giving a single business day to comply is facially harassing.
- (S) The document requests appears to seek the disclosure of information or material protected from disclosure under, without limitation, the attorney-client privilege, the work product doctrine, or any other statutory or common-law privilege, prohibition, limitation, or immunity from disclosure. The requests also appear to seek documents that contain confidential, commercial, proprietary, and/or trade secret information. Objection is made to producing confidential documents.
- (T) The undersigned is appellate counsel for Mr. Baron and his reply brief is due shortly. This is an obvious attempt to harass and disrupt counsel and attempt to impair the ability to properly and fully prosecute the appeal.

Respectfully submitted,

/s/ Gary N. Schepps

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**COURT ORDERED TRIAL
COUNSEL FOR JEFFREY BARON**

CERTIFICATE OF SERVICE

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

/s/ Gary N. Schepps

Gary N. Schepps