

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 STAY ORDER TO
DISCLOSE ATTORNEY-CLIENT MATERIALS**

TO THE HONORABLE JUDGE ROYAL FURGESON:

COMES NOW JEFF BARON, Appellant, and moves this Court to grant leave to file the following emergency motion to protect the attorney-client privilege between a client and their former counsel, and to stay the district court’s order for Jeff Baron’s former tax attorney, Elizabeth Schurig, to disclose attorney-client materials. Mr. Schurig has been ordered to disclose by today, so an immediate consideration of this motion is requested.

As explained below, and established through the concrete evidence attached as exhibits hereto, the receiver below affirmatively orchestrated matters, setting up Jeff Baron by directing him to call a certain phone number at a certain time. The receiver then represented that Mr. Baron had not been provided the secret number and was “despicable” and was ‘harassing’ and ‘intimidating’ the receiver by calling that number and interfering with the call.

A. BACKGROUND

The procedural background of this motion is as follows:

- (1) Jeff Baron settled the lawsuit below, and all parties to the suit entered into a stipulated dismissal with prejudice.
- (2) A former attorney of Jeff Baron's, Elizabeth Schurig, **had been paid** a fee totaling **\$1,100,249.88**. Although no lawsuit was filed, she claims \$1,331.50 (approx. 0.1%) is still due from Jeff Baron. See Exhibit B.
- (3) Approximately 20 other attorneys claim to be in the same situation. One, for example, had filed a claim in small claims court, another (who had worked for two weeks on a flat monthly rate) filed a county court lawsuit seeking \$1,000,000.00. Most of the attorneys have no claims filed in any court.
- (4) These non-diverse, unpled claims were not part of the district court lawsuit. However, your honor has ruled that since 20 attorneys claim Jeff owes them money, it must be true and no lawsuits or trials are necessary. See e.g., Exhibit D. The this court ruled that a district judge has 'inherent authority' and pursuant to that power can control the aspects of Jeff Baron's personal life as the court finds appropriate 'in the interest of justice'.
- (5) Jeff Baron was placed in ex-parte receivership so that your honor could take possession of all of Jeff's assets. The proceedings have evolved into something akin to a 'free for all' bankruptcy conducted according to

ad hoc rules and your honor's sense of 'justice'.

- (6) For his willingness to assist Mr. Baron in appealing the receivership order, the undersigned counsel was ordered to work, without payment, as Mr. Baron's attorney for all purposes in the trial court.

B. THE IMMEDIATE ISSUE

The district court has now waived Jeff Baron's attorney client privilege with respect to Ms. Schurig and ordered her to disclose information relating to her representation of Jeff. The purpose of all that is to strip Jeff Baron of his right to file his own personal income tax returns. See Exhibit C.

Once attorney client material is released, it cannot be placed back into the bottle. If this court's order is allowed to stand, it will threaten public confidence in the attorney-client relationship, and have wide ranging impact that lowers the standing and trust in the sanctity of the attorney-client relationship generally. See *Upjohn Co. v. United States*, 449 US 383, 389 (1981).

C. FARCE AND ORCHESTRATED "SHOW", WITHOUT MUCH EFFORT TO CONCEAL THE WIRES

Here is how the receiver's false motion and order were orchestrated:

- (1) The receiver sent an email to Jeff Baron telling him to call a phone number at a certain date and time about his tax returns. A second email, directed personally to him and none other, instructed him as to a new phone number to call. Exhibit E.

- (2) When Jeff Baron's counsel called the number at the requested time, he

was announced his name and was immediately accused of ‘harassment’ and intimidation by ‘breaking in’ to a ‘private’ and secret call of the receiver.

(3) The district court's receiver immediately filed an emergency motion representing:

- (A) That no email was sent to Jeff Baron with the secret phone number, (before any response claiming this had been filed);
- (B) Jeff Baron must have received the phone number information from a 3rd party, Mr. Harbin, whom Jeff Baron controls and conspires with (as proven by the turning over by Harbin of the secret phone number); and
- (C) Jeff Baron broke into the private conversation in a pattern of harassment of the receiver and Ms. Schurig.

(4) Your honor then signed an ex-parte order before allowing a response to the substance of the motion. Jeff Baron filed a letter with the court explaining that the facts had been orchestrated by the receiver, and that a response in opposition would be filed. None of that mattered. The receiver filed the false, orchestrated motion and an order stating that the district court considered “the evidence, and pleadings on file” and finding “the Motion is well-taken and should be GRANTED in all ways” was entered the next day. Exhibit C.

D. THE EVIDENCE

Attached as Exhibit E is a copy of the smoking gun email, including the ‘bits and bytes’ showing the originating IP and source of the email: the receiver's law

office. It may come as a surprise to the receiver that the email contains this data, but the message ID numbers can be traced directly back to the receiver's email server.

The receiver's orchestrated framing of Jeff Baron has now been fully exposed. The risk to public confidence in the federal court system is substantial if such conduct— by a district judge's own officer who serves on behalf of the district judge— is permitted.

This is not a circumstance of a private party 'setting up' a fake incident and making fraudulent claims to a court. This is an agent of the court itself engaged in a 'set up' and false representations to frame a defendant to show a “pattern of threatening and intimidating”.

E. THE RELIEF REQUESTED

Jeff Baron moves jointly and in the alternative for an order to: (1) Stay the order allowing Ms. Schurig to disclosing Jeff Baron's attorney-client material. Ms. Schurig is set to take that action today. (2) Stay the receivership against Mr. Baron, or stay the receivership to the extent it is limited to property and is stayed with respect to control of Mr. Baron's person, his civil rights, his right to work, his right to hire counsel, his right to file income tax returns, and all other personal and constitutional rights of a citizen of this country.

Because of the emergency nature of the relief and the time limitations a motion to stay has also been filed in the court of appeals. If this court enters any ruling on this motion, counsel will immediately notify the court of appeals.

Respectfully submitted,

/s/ Gary N. Schepps

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FOR JEFFREY BARON

CERTIFICATE OF SERVICE

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

CERTIFICATE OF CONFERENCE

This is to certify that I called counsel for the receiver and Sherman, and was unable to conference with them. I left messages but have not yet been called back.

CERTIFIED BY: /s/ Gary N. Schepps
Gary N. Schepps
COUNSEL FOR APPELLANT JEFFREY BARON