

Fourth Interim Application for Compensation

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1 ones who actually brought the receivership motion procedure in
2 front of Judge Furgeson. In front of Judge Furgeson there were
3 14 separate emergency motions which were filed that Mr.
4 Urbanik's firm had to respond to. There's a similar number of
5 emergency motions in the Fifth Circuit that they had to respond
6 to.

7 And ultimately at one of these meetings that the court
8 required us to have, in the jury room with a court reporter
9 present, Mr. Pronske was actually at that meeting and Mr.
10 Pronske, essentially as one of these attorney's fee claimants
11 said, "I want to say something for the record, because what I
12 see going on here just seems wrong."

13 And he said, "I liken what's happening here with the
14 efforts of Mr. Schepps and Mr. Baron to fight the court over the
15 receivership order is essentially like: Look, you're being
16 arrested and you're going to end up in the squad car with your
17 hands cuffed behind your back. And you can either go quietly
18 and then argue about whether it was a wrongful arrest later or
19 you can fight the cop. And then you're going to get maced in
20 the face and you get a kicked in the ribs and you're going to
21 get hit with a billy club and you're still going to end up in
22 the police car with your hands cuffed behind your back. Please
23 stop fighting the cop. This is wrong. It's costing Mr. Baron a
24 tremendous amount of money. It's a waste of everybody's
25 resources. Please stop."

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1 Baron and protect the assets. And this is one that should be
2 protected.

3 Now in terms of my saying that there appears to be
4 impropriety, I - I'd have to look at that language again. I
5 worked real hard on it because I am in no way saying that Mr.
6 Sherman or Mr. Vogel or Mr. Baron - Golden or Mr. Urbanik are
7 doing anything inappropriate. But they have been working
8 arm-in-arm through, as you heard, many, many motions. And it
9 seems to me that it makes more sense for someone other Gardere
10 Wynne to review that fee application. If it's going to be me,
11 though, Your Honor, it's a new engagement. It's not what I ever
12 agreed to with Mr. Baron before and it would need to be funded,
13 in my opinion.

14 THE COURT: Thank you.

15 All right. Well, - oh, Mr. MacPete, very briefly.
16 We've got a crowd here.

17 MR. MacPETE: Very - very briefly, Your Honor.

18 I'm just going to speak in support of Mr. Urbanik's
19 motion. I understand that he's asking for a lot of money. But
20 I think you've already heard at least from Mr. Golden about how
21 much work has gone on. I just had a couple of other little
22 tidbits which I'd tell Your Honor, to basically inform you of
23 why Mr. Urbanik's firm had to do so much work.

24 Mr. Urbanik's firm is actually the appellant in all of
25 the proceedings before the Fifth Circuit, because they're the

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
BEFORE THE HONORABLE STACEY G. JERNIGAN, JUDGE

In Re:) Case No. 09-34784-sgj11
)
)
) FOURTH INTERIM APPLICATION
ONDOVA LIMITED COMPANY,) for COMPENSATION for
) TRUSTEE'S ATTORNEY
)
Debtor.)
)
) Monday, April 25, 2011
_____) Dallas, Texas

Appearances:

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