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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 In re
12 CYTODYN OF NEW MEXICO, INC.,
13 Debtor.

USBC New Mexico
Case No. 07-11008 - s11
Adv. No. 07-01325

14 Chapter 11

15
16 MAYA, LLC, a Nevada Limited Liability
17 Company,
18 Plaintiff,

EVIDENTIARY RULINGS

DATE: July, 11, 2007
TIME: 11:00 a.m.
PLACE: Courtroom 1345

19 v.

20
21 CYTODYN OR NEW MEXICO, INC., a
22 corporation; CYTODYN, INC., a
23 corporation; ALLEN D. ALLEN; CORINNE
24 E. ALLEN; AMERIMMUNE
25 PHARMACEUTICALS, INC.;
26 AMERIMMUNE, INC.; and DOES 1
through 50, inclusive,

Defendants.

1 The following are my evidentiary rulings based on objections to written
2 declarations filed by Allen D. Allen (Allen) and Maya, LLC (Maya).

3 **1. Objections were filed by Maya to the following declarations, filed on behalf of Allen:**

4 **Brubacher declaration in support of motion to transfer, filed May 18, 2007**

5 Maya filed evidentiary objections to the May 18 Brubacher declaration on May
6 30, 2007. I am ruling on the May 30 objections as follows:

7

8 Paragraph and Line Number	Ruling
9 5:27-6	Sustained
10 6:7-13	Sustained
11 7(a):18-21	Sustained
12 7(b):22-23	Sustained
13 7(d):26-27	Sustained
14 7(e):28-3	Overruled
15 7(f):4-7	Sustained
16 7(g):8-10	Sustained
17 9:19-3	Sustained
18 10:4-11	Sustained
19 11:12-14	Sustained

20 **Brubacher declaration in opposition to motion for abstention and remand, filed**
21 **May 30, 2007**

22 Maya filed evidentiary objections to the May 30 Brubacher declaration on June
23 6, 2007. I am ruling on the June 6 objections as follows:

24

25 Paragraph and Line Number	Ruling
26 5:27-6	Sustained
6:7-8	Sustained
7(a):13-19	Sustained

1	7(b):20-21	Sustained
2	7(d):24-25	Sustained
3	7(e):26-28	Overruled
4	7(f):1-7	Sustained
5	7(g):8-15	Sustained
6	11:27-6	Sustained
7	12:8-14	Overruled
8	13:15-4	Sustained
9	14:5-11	Sustained
10	15:12-15	Sustained

11 **2.** Objections were filed by Allen on June 6, 2007 to the following declarations, filed on
12 behalf of Maya.

13 **Lorman declaration in opposition to motion to transfer, filed May 30, 2007**

14 Sustained as to objections to ¶ 3 line 10; ¶ 54 lines 13-14; ¶ 57, line 28; and ¶
15 66. Otherwise, the objections are overruled.

16 The declarant's testimony and exhibits are offered not to prove the truth of the
17 matters asserted, but to explain the history of the underlying lawsuit and the basis for
18 Maya's opposition to transfer of the lawsuit to the New Mexico bankruptcy court.
19 Lorman appears to have fairly explained this history from the standpoint of his long-
20 standing involvement in the dispute as Maya's (and Lewis') state court lawyer. The
21 declaration asserts claims that have not yet been proved in court but require, for
22 proper determination, a trial and a verdict and decision based on disputed claims
arising during four years of litigation in the Los Angeles Superior Court.

23 SO ORDERED.

24 DATED: 7/20/07

25 _____
THOMAS B. DONOVAN
United States Bankruptcy Judge

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2 NOTICE OF ENTRY OF JUDGMENT OR ORDER
3 AND CERTIFICATE OF MAILING

4 TO ALL PARTIES IN INTEREST LISTED BELOW:

5 1. You are hereby notified that a judgment or order entitled:

6 EVIDENTIARY RULINGS

7 was entered on 7-23-07.

8 2. I hereby certify that I mailed a true copy of the order or judgment to the persons

9 and entities listed below on 7-23-07.

10 Debtor/Defendant
11 Cytodyn of New Mexico, Inc.
12 227 East Palace Ave.
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14 Santa Fe, NM 87501

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13 Attorney for Debtor
14 William F. Davis, Esq.
15 William F. Davis & Associates, P.C.
16 6709 Academy NE, Suite A
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18 Albuquerque, NM 87103

Plaintiff
Maya, LLC
c/o Bruce Lorman
1416 Sixth Street
Santa Monica, CA 90401

16 Defendants
17 Allen D. Allen
18 4236 Longridge Ave. #302
19 Studio City, CA 91604

Attorney for Plaintiff
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21 Amerimmune Pharmaceuticals, Inc.
22 2325-A Renaissance Drive
23 Las Vegas, NV 89119

24 Dated: 7-23-07

25 
26 Clerk