



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

In re
Artimm, S.r.l.,
Debtor.

Case No. LA 01-42911-SB
Section 304

**ORDER OVERRULING DRAI'S
OBJECTIONS TO DECLARATION
OF DR. SERGIO LO PRATO**

Date: June 21, 2005
Time: 10:00 a.m.
Ctrm: 1575

Creditor Victor Draï objects to the admissibility of evidence provided in the declaration of Dr. Sergio Lo Prato on two grounds: that an affidavit is not competent evidence and that the financial statement is hearsay. The court overrules both objections.

The proceeding before the court is in the nature of summary judgment. The court may approve the settlement agreement if it finds that any objection to it must be overruled.

For the purpose of summary judgment, Fed.R.Civ.P. 56(a), incorporated by reference in Fed.R.Bankr.P. 9014(c), specifically authorizes the use of an affidavit in support of summary judgment. Similarly, Rule 56(b) authorizes a defendant party to submit an affidavit in opposition. Thus, the affidavits are competent evidence before the court.

Draï objects that the financial information attached to Lo Prato's declaration is

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2 **CERTIFICATE OF MAILING**

3 I certify that a true copy of this **OVERRULING OBJECTIONS TO DECLARATION**
4 **OF DR. SERGIO LOPRATO** was mailed on 11/29/05 to the parties listed
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