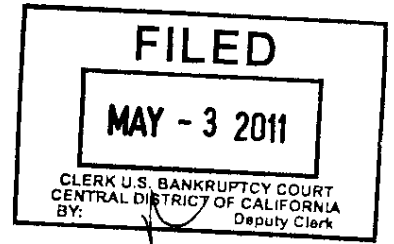


ORIGINAL



1 Don Logan
2 P.O. Box 1564
3 Costa Mesa, California 92626
4 Tel (949) 872 6806

Interested Party, Don Logan *in propria persona*

5 UNITED STATES BANKRUPTCY COURT
6 CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

| | |
|---|--|
| <p>8 In re 9 COBALIS CORP., Debtor-in-Possession.</p> | <p>Case No. 8:07:12347-TA Chapter 11</p> |
| <p>10 COBALIS CORP., a Nevada corporation, 11 12 Plaintiff, 13 14 vs. 15 YA GLOBAL INVESTMENTS, L.P., a Delaware 16 limited partnership, formerly known as 17 CORNELL CAPITAL PARTNERS, LP; and 18 YORKVILLE ADVISORS, LLC, a Delaware limited liability company, 19 20 Defendants.</p> | <p>Adversary No. 08:09-AP-01705-TA</p> <p>NOTICE OF MOTION AND REQUEST FOR AN ORDER TO SHOW CAUSE WHY ATTORNEY CHARLES LUCKEY MCDOWELL SHOULD NOT BE FOUND IN CIVIL & CRIMINAL CONTEMPT UNDER 18 U.S.C. 1621, 18 U.S.C. 1622 & 18 U.S.C. 1623, 28 U.S.C 1927, Section 1001 of title 18 & Section 1746 of title 28</p> |

21
22 **TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES**
23 **BANKRUPTCY JUDGE, COUNSEL FOR PLAINTIFF AND PARTIES IN**
24 **INTEREST:**


25 **PLEASE TAKE NOTICE** that on _____, at _____, or as soon
26 thereafter as the matter may be heard in the above-identified Court, before The
27 Honorable Theodor C. Albert in Courtroom 5B, located at 411 West Fourth Street, Santa
28 Ana, Don Logan (respondent) will and hereby do move this Court to find Charles
Luckey McDowell in criminal contempt of court for the commission of perjury.

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The conduct of this slick attorney clearly is designed to be obstructive and impede the fundamental goal of resolving this dispute, through this crafty delay in the effort to deny justice. Furthermore this slick attorney has offered, as facts information without any factual basis, this clearly shows improper motives as Mr. McDowell seeks to create a "record" that has not occurred. The sole object of tMr. McDowell is to create a burden upon a non related party, Mr. McDowell has lied over and over again ion open court and in court filed documents in a clear effort to avoid the disclosure of relevant forged and altered documents in a manner that is designed create confusion and get them additional time and in fact the courts aid to hide the existence of documents that are incriminating and provide proof of the crimes that have taken place.

This Notice is based upon the Motion, and the Declaration of Don Logan and exhibits filed concurrently herewith, the pleadings and other documents on file with this Court.

Respectfully submitted: Date: May 3th, 2011



Victim, Don Logan *in propria persona*

1 Don Logan
2 P.O. Box 1564
3 Costa Mesa, California 92626
4 Tel (949) 872 6806

Interested Party, Don Logan *in propria persona*

5 **UNITED STATES BANKRUPTCY COURT**
6 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

| | |
|--|---|
| 8 In re 9 COBALIS CORP., 10 Debtor-in-Possession. | Case No. 8:07:12347-TA Chapter 11 |
| 11 COBALIS CORP., a Nevada corporation, 12 Plaintiff, 13 vs. 14 YA GLOBAL INVESTMENTS, L.P., a Delaware 15 limited partnership, formerly known as 16 CORNELL CAPITAL PARTNERS, LP; and 17 YORKVILLE ADVISORS, LLC, a Delaware 18 limited liability company, 19 Defendants. | Adversary No. 08:09-AP-01705-TA DECELERATION BY DON LOGAN IN SUPPORT OF REQUEST FOR AN ORDER TO SHOW CAUSE WHY ATTORNEY CHARLES LUCKEY MCDOWELL SHOULD NOT BE FOUND IN CIVIL & CRIMINAL CONTEMPT UNDER 18 U.S.C. 1621, 18 U.S.C. 1622 & 18 U.S.C. 1623, 28 U.S.C 1927, Section 1001 of title 18 & Section 1746 of title 28 |

22 TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES
23 BANKRUPTCY JUDGE, COUNSEL FOR DEFENDANTS AND PARTIES IN
24 INTREST.

25 Don Ramey Logan, hereby PETITION FOR AN ORDER TO SHOW CAUSE WHY
26 ATTORNEY Charles Lucky McDowell, SHOULD NOT BE FOUND IN CIVIL & CRIMINAL
27 CONTEMPT OF COURT FOR PERJURY UNDER 18 U.S.C. 1621, 18 U.S.C. 1622 & 18
28 U.S.C. 1623, 28 U.S.C 1927, Section 1001 of title 18 & Section 1746 of title 28

1 There are three general federal perjury laws. One, 18 U.S.C. 1621, outlaws presenting material
2 false statements under oath in federal official proceedings. A second, 18 U.S.C. 1623, bars
3 presenting material false statements under oath before or ancillary to federal court or grand jury
proceedings. A third, 18 U.S.C. 1622 (subornation of perjury), prohibits inducing or procuring
another to commit perjury in violation of either Section 1621 or Section 1623.

4 Statements of interpretation of fact are not perjury because people often make inaccurate
5 statements unwittingly and not deliberately. Individuals may have honest but mistaken beliefs
6 about certain facts, or their recollection may be inaccurate. Like most other crimes in the
common law system, to be convicted of perjury one must have had the intention (mens rea) to
commit the act, and to have actually committed the act (actus reus).

7
8 Subornation of perjury, attempting to induce another person to perjure themselves, is itself a
9 crime. Offering false information in any declaration, certificate, verification, or statement under
10 penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully
11 subscribes as true any material matter which he does not believe to be true; is guilty of perjury
and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned
not more than five years, or both. This section is applicable whether the statement or
subscription is made within or without the United States.

12 1622 Subornation of perjury is a serious offence. It may be applied to an attorney who presents
13 testimony (or an affidavit) the attorney knows is materially false to a judge or jury as if it were
14 factual. Generally, the knowledge that the testimony is materially false must rise above mere
15 suspicion to what a reasonable attorney would have believed in the circumstances. For example,
16 the attorney cannot be willfully blind to the fact that their witness is giving false testimony. Mr
17 McDowell has worked in concert with his clients to fabricate issues that simply are not true. The
deceleration of Mr Gonzalez contains a number of false facts that were clearly designed to
impede the judicial process and provide a record of facts that are simply not true. An attorney
who actively encourages a witness to give false testimony as we see here in this case via the
offering of a series of fabrications from Charles McDowell (a.k.a. Luckey).

18
19 In January, 2011, Charles L McDowell devised a scheme that was based upon his proffering of
20 false information to the court in a effort to obtain jurisdiction over a non party to a case he has
21 seemingly lost control over. Mr McDowell fabricated a series of FACTS for the court. A true
and correct copy of the "Order To Show Cause for contempt of court" is herein attached as
EXHIBIT 1. Mr McDowell needed to obtain an order from the court and had NO LAWFUL
22 MANNER that allowed him to do so, so he fabricated false facts for the court and deployed his
23 scheme in a manner that is unlawful, & criminal by lying to the court and having the court SIGN
and issue orders based upon his fraud upon the court.

24 **Exhibit 2:** Docket 118 (*in camera review*) exhibit is now sealed. *Docket Text:* Transcript
25 regarding Hearing Held 04/05/11 RE: ORDER TO SHOW CAUSE RE: WHY MR. LOGAN
26 SHOULD NOT BE HELD IN CONTEMPT OF COURT AND ENJOINED FROM MAKING
27 STATEMENTS REGARDING THE ABOVE CAPTIONED CASE. Remote electronic access
28 to the transcript is restricted until 07/14/2011. The transcript may be viewed at the Bankruptcy
Court Clerk's Office.

1 18 U.S.C. 1623. False declarations before grand jury or court.

2 In most cases, the courts abbreviate their description of the elements and state that to prove
3 perjury under Section 1623 the government must establish that the defendant "(1) knowingly
4 made a (2) false (3) material declaration (4) under oath (5) in a proceeding before or ancillary to
5 any court or grand jury of the United States." The courts generally favor the encapsulation from
6 *United States v. Dunnigan* to describe the elements of Section 1621: "A witness testifying under
oath or affirmation violates this section if she gives false testimony concerning a material matter
with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or
faulty memory." Section 1622 outlaws procuring or inducing another to commit perjury:

7 "Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall
8 be fined under this title or imprisoned for not more than five years, or both", 18 U.S.C. 1622.

9 The false statement statute, 18 U.S.C. 1001, is closely akin to the perjury statutes. It outlaws
10 false statements in any matter within the jurisdiction of a federal agency or department, a kind of
perjury with oath prohibition.

11 Federal perjury laws are found principally in chapter 79 of title 18 of the United States Code.²
12 The chapter consists of three sections: Section 1623 under which perjury involving judicial
13 proceedings is most often prosecuted today; the historic perjury provision, Section 1621, now
14 used primarily for cases where Section 1623 is unavailable and in sentencing enhancement
15 cases; and Section 1622 that outlaws subornation of perjury. Section 1001 of title 18 – a statute
16 much like the perjury laws but without the requirement that the offender have taken an oath –
outlaws material false statements in any matter within the jurisdiction of any federal agency or
department, and to a limited extent within the jurisdiction of any federal court or Congressional
entity.

17 Prohibitions against misconduct very much like perjury are scattered throughout the United
18 States Code. The most widely prosecuted is probably 18 U.S.C. 1001, discussed *infra*, that
19 outlaws material false statements made with respect to a matter within the jurisdiction of a
department or agency of the United States.

20 *18 U.S.C. 1961(1), 1956(c)(7). 18 U.S.C. 2, 3, 4, 371. E.g., United States v. Atalig, 502 F.3d*
21 *1063, 1065 (9th Cir. 2007)(conspiracy to violate 18 U.S.C. 1001); cf., United States v. Dunne,*
324 F.3d 1158, 1162-163 (10th Cir. 2003).

22 Subsection 1623 permits a conviction in the case of two mutually inconsistent declarations
23 without requiring proof that one of them is false, 18 U.S.C. 1623(c); it recognizes a limited
24 recantation defense, 18 U.S.C. 1623(d); it dispenses with the so-called two-witness rule, 18
25 U.S.C. 1623(e); and it employs a "knowing" mens real standard rather than the more demanding
26 "willfully" standard used in subsection 1621. Federal perjury laws are found principally in
27 chapter 79 of title 18 of the United States Code.² The chapter consists of three sections: Section
28 1623 under which perjury involving judicial proceedings is most often prosecuted today; the
historic perjury provision, Section 1621, now used primarily for cases where Section 1623 is
unavailable and in sentencing enhancement cases; and Section 1622 that outlaws subornation of
perjury. Section 1001 of title 18 – a statute much like the perjury laws but without the

1 requirement that the offender have taken an oath – outlaws material false statements in any
2 matter within the jurisdiction of any federal agency or department, and to a limited extent within
the jurisdiction of any federal court or Congressional entity.

3 Perjury in a Judicial Context (18 U.S.C. 1623)

4 Congress enacted Section 1623 to avoid some of the common technicalities embodied in the
5 more comprehensive perjury provisions found in subsection 1621 and thus “to facilitate perjury
6 prosecutions and thereby enhance the reliability of

7 *Dunn v. United States*, 442 U.S. 100, 107 (1979), citing, *S.REP.NO. 91-617*, at 58-9 (1969).

8 “Wherever, under any law of the United States or under any rule, regulation, order, or
9 requirement made pursuant to law, any matter is required or permitted to be supported,
10 evidenced, established, or proved by the sworn declaration, verification, certificate, statement,
11 oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath
12 of office, or an oath required to be taken before a specified official other than a notary public),
such matter may, with like force and effect, be supported, evidenced, established, or proved by
the unsworn declaration, certificate, verification, or statement, in writing of such person which is
subscribed by him.

13 18 U.S.C. 1623(a) testimony before federal courts LIKE THIS ONE.

14 Parsed into elements, Section 1623 declares that: I. Whoever II. a. under oath or b. in any i.
15 declaration, ii. certificate, iii. verification, or iv. statement under penalty of perjury as permitted
under Section 1746 of title 28, United States Code III. in any proceeding before or ancillary to a.
16 any court or b. grand jury of the United States IV. knowingly V. a. makes any false material
17 declaration or b. makes or uses any other information, including any i. book, ii. paper, iii.
document, iv. record, v. recording, or vi. other material, knowing the same to contain any false
18 material declaration, shall be fined under this title or imprisoned not more than five years, or
both.

19 *United States v. Safa*, 484 F.3d 818, 821 (6th Cir. 2007)(“To convict an individual of a
20 violation of 18 U.S.C. 1623, the government must prove beyond a reasonable doubt that the
defendant: (1) knowingly made, (2) a materially false declaration (3) under oath (4) in a
21 proceeding before or ancillary to any court of the United States”); *United States v. Pagan-*
22 *Santini*, 451 F.3d 258, 266 (1st Cir. 2006)(“A statement under oath constitutes perjury if it is
false, known to be so and material to the proceeding”); *United States v. Clifton*, 406 F.3d 1173,
23 1177 (10th Cir. 2005)(“The government must prove the following elements beyond a reasonable
doubt under §1623: (1) the defendant made a declaration under oath before a grand jury; (2)
24 such declaration was false; (3) the defendant knew the declaration was false and (4) the false
declaration was material to the grand jury’s inquiry”); *United States v. Hirsch*, 360 F.3d 860,
25 864-65 (8th Cir. 2004)(the government had to prove the following four elements beyond a
reasonable doubt: (1) Hirsch gave the testimony under oath in his criminal trial; (2) such
26 testimony was false in whole or in part; (3) at the time he so testified, he knew his testimony
was false; and (4) the false testimony was material.
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1 Charles L McDowell has in fact (1) knowingly made, (2) a materially false declaration (3)
2 under oath (4) in a proceeding before or ancillary to any court of the United States”); United
3 States v. Pagan-Santini, 451 F.3d 258, 266 (1st Cir. 2006)(“A statement under oath constitutes
4 perjury if it is false, known to be so and material to the proceeding”); United States v. Clifton,
5 406 F.3d 1173, 1177 (10th Cir. 2005) as was demonstrated by his offering of e mails, in the
6 hearing April 5th 2011 in place of a genuine COURT ORDER. He is a highly trained and
7 certified attorney, that has been allowed to act as a attorney in the State of California via a
8 motion for Pro Hac Vice. Mr. McDowell took an oath to participate in the case Pro Hac Vice
9 and has a obligation to the California Bar under that oath to act honestly and truthfully, in this
10 case. Mr. McDowell knew well in advance of his issuing the court order for contempt of court,
11 that **HE HAD NO COURT ORDER**, and once confronted in open court with his material
12 fabrication he offered 2 self serving e mails designed to give the illusion that he once requested
13 a court order, demonstrating that **MR MCDOWELL WAS WELL AWARE OF HIS**
14 **CHARADE ON THE COURT.**

- 15 • The fact here is simple, Mr McDowell offered to the court that he had a court order, that
16 material FACT was the basis for the entry of a order of the court.
- 17 • Mr. McDowell knew well in advance of the request and issuance of the court order for
18 Contempt of Court that he was in fact making a materially FALSE statement before a
19 federal court proceeding.
- 20 • The simple fact that this data was entered upon the docket and is now reflected to any
21 public search of this case is material to the facts contained herein this declaration.

22 “The government must prove the following elements beyond a reasonable doubt under §1623:
23 (1) the defendant made a declaration under oath before a court of grand jury;
24 (2) such declaration was false;
25 (3) the defendant knew the declaration was false and
26 (4) the false declaration was material to the courts inquiry”;

27 United States v. Hirsch, 360 F.3d 860, 864-65 (8th Cir. 2004)the government had to prove the
28 following four elements beyond a reasonable doubt: (1) Hirsch gave the testimony under oath in
his criminal trial; (2) such testimony was false in whole or in part; (3) at the time he so testified,
he knew his testimony was false; and (4) the false testimony was material.

Under Title 28 § 1927. Counsel’s liability for excessive costs: Any attorney or other person
admitted to conduct cases in any court of the United States or any Territory thereof who so
multiplies the proceedings in any case unreasonably and vexatiously may be required by the
court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred
because of such conduct. In this matter attorney McDowell has manipulated the system and the
court in a manner that clearly falls under consideration for violations of Title 28 § 1927.

Attorney Charles Lucky McDowell fabricated lies and committed criminal perjury herein
alleged in this motion on or about January 11, 2011, (“Motion”). The Motion seeks to Issue a
order for Contempt of Court. As is described in this document herein these Mr McDowell has
fabricated facts that were offered to the court in an effort to impede the judicial process. Mr.

1 McDowell HAS NO ORDER, Mr McDowell has offered the court a E Mail, in the place of a
2 court order. An e mail is NOT A COURT ORDER his motion titled Motion for Contempt of
3 Court was designed to harass and intimidate Logan and cause the court to falsely issue a order
4 upon moving party in this motion that would effectively deny his constitutional rights.

5 Mr. McDowell clearly has LIED TO THE COURT and insisted that he had a ORDER FROM
6 THE COURT THAT SEALED ALL RECORDS, when as shown in the attached letter from the
7 actual recipient of the letter, THIS CLAIM IS A OUT RIGHT FABRICATION, AND AN
8 EFFORT TO INTRODUCE FACTS INTO THE CASE THAT SIMPLY ARE NOT TRUE.

9 This Attorney should know better then to offer lies to the court and that is what has taken place
10 herein this case. Mr. McDowell was successful in his efforts to harass and intimidate Logan, as
11 Logan was admitted into HOAG hospital only hours after the hearing with an ailment that has
12 been attributed to being caused by this stress. Logan was in the hospital for 3 days with IV
13 needles in his arm suffering from violent internal problems that were the direct result of stress
14 caused by Mr. McDowell's charade for the court.

15 The court must be clearly aware of the fact that Mr. McDowell has in fact tricked the court into
16 issuing an order that restricts Logan's rights under the US Constitution, and impedes his ability
17 to defend a case on the other side of the country. In short the court has in fact awarded Mr.
18 McDowell for his trickery and deceit by the imposition of orders upon a person whom this court
19 has no authority to issue orders upon. During the hearing on April 5th 2011, Mr McDowell
20 acknowledges that he tricked LOGAN into the courts, quoting Mr. McDowell from the hearing,
21 "Aaa haaa, we have no court order" combined with the attached **Exhibit 3** copy of a letter
22 presented in court to substantiate Mr. McDowell's lack of a real court order, is in fact an
23 admission of the fact that Mr. McDowell LIED TO THE COURT ON MATERIAL FACTS IN
24 AN EFFORT TO MANIPULATE THE JUDICIAL SYSTEM, a quest that he did in fact achieve
25 via the courts issuance of the court order regarding the use of discovery items directed ONLY at
26 LOGAN.

27 As was offered during the hearing on April 5th 2011 from Rey Olsen, the letter that Mr.
28 McDowell claims to have been sent, was never received or in any way recognized as valid by its
intended recipient, in stark contrast, the firm it was designed to ve sent to, NEVER SAW IT as
is clearly shown by the attached Exhibit 4, an e mail reciting that fact, from the firm of Levey
Filler. Mr McDowell has no proof that he did not write this letter the day before the hearing, and
it was NEVER offered in the February hearing whatsoever, as the court was still under the
impression that Mr. McDowell had a court order, so naturally the letters offered on April 5th
would have clearly hindered the courts willingness to sign and issue a Order To Show Cause for
Contempt of Court, upon Mr Logan, un witting respondent in the above captioned case and
applicant in this motion. A true and correct copy of that e mail from Rey Olsen is herein
attached as Exhibit 4.

Charles McDowell (a.k.a. Luckey McDowell) has lied to the court and comments a serious
offense that warrants further criminal proceeding as well as notification of the California Bar of
his judicial misconduct to further admonish Mr. McDowell for his judicial deceit and miss
conduct. Of continued concern to THIS court should be Mr. McDowell's willingness to conduct
his business in a manner that mirrors, collectors for loan sharks. In February of 2011 the Process
server's hired by Mr McDowell and his firm Baker Botts, were kind enough to canvas the
complex listed incorrectly in his Motion as my home address (former).

1 These men hired by Mr McDowell and his clients, upon discovery of the fact that the address
2 was no longer the home of LOGAN went door to door in a menacing and threatening manner
3 looking for information on LOGAN. Each of the people that were harassed by the process
4 servers are in fact WITNESSES in a case that LOGAN is actively pursuing in the local
5 municipal courts. Mr. McDowell's process servers were in fact **tampering with witnesses** in
6 that case, whom all now are fearful of participation, due directly to Mr. McDowell and his crew
7 of thugs. See attached declaration of M Sorochman Exhibit 5.

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10 Of continued concern is the return of these hired thugs to the current home of respondent, well
11 after the process was served. Respondent has video of these same process servers in front of my
12 home weeks after the process was served. These men have no business stalking me. A police
13 report has been filed.

14 CONCLUSION

15 Charles Luckey McDowell has lied to the court in a manner that has resulted in a gross
16 manipulation of the judicial process. His tactics have included perjury, harassment, intentional
17 inflection of emotional distress, as well as witness tampering as outlined above.

18 Had Mr. McDowell exposed the truth to the court no order to show cause upon Mr Logan would
19 have been issued. The law does not have a provision for "Contempt of E Mail"

20 , Mr McDowell drafted the order to read "Contempt of Court" a serious claim that carries the
21 implication of a jail sentence. McDowell lied to the court and had a Federal Judge sign a order
22 based upon his lies.

23 The precedence set herein this case could well challenge the US constitution, should the court
24 send a message that an attorney can lie through his teeth, in an effort to obtain any objective and
25 the public as a whole could be dragged into court, based upon these lies and judicial deceit in a
26 manner that mirrors the justice system in the former eastern block nations, and you can be
27 forced to answer to a judge and stripped of your civil rights, in a bankruptcy court, using
28 fabricated propaganda and lies. I can only hope that this is not that case.

Attorney's must be held as officers of the court to the oath and obligations to the court to abide
by the laws that each is sworn to uphold. Mr. McDowell is a J.D., from the Duke University
School of Law, 2001 and as such should know better then to simply lie and fabricate stories in
court to accomplish his client's objectives and must be held accountable for his, and his thugs
actions.

Respondent requests recovery of any and all costs related to the fraudulent "Order to Show
Cause for Contempt of Court" issued by C L McDowell, and signed by Judge Albert. Logan
also request compensation for all related costs under 28 U.S.C. 1927 as well as related medical
costs related to the admission to HOAG hospital for stress related reactions shortly after the
hearing.

This type of **Judicial misconduct MUST BE HALTED** within the legal system if the public is
expected to have any faith in our justice system what so ever, as such LOGAN herein requests

1 that the court using its authority to send a signal that this behavior can not be tolerated in the
2 court system and LOGAN requests that the court bind this matter over for criminal prosecution.

3 For the reasons set forth herein in my declaration,, Don Logan respectfully requests that the
4 court grant the issuance of a contempt of court order and further award Mr. Logan the prescribed
5 amount of 10,000 dollars for each cause as outlined above and further request sanction upon
6 attorney Charles Luckey McDowell, additionally with criminal proceeding for violations of 18
7 U.S.C. 1623 and find Charles Luckey McDowell in contempt under 18 U.S.C. 1621, 18 U.S.C.
8 1622 & 18 U.S.C. 1623. & shall be fined under this title and/or imprisoned not more than five
9 years, or both as the court deems fit. LOGAN herein requests the court sign and forwards the
10 attached: AO 91 Criminal Complaint, to the U.S. Attorneys office for further criminal
11 prosecution, as is required under Federal statutes outlined in the above brief.

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13 Respectfully submitted: Date: May 3th, 2011

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Victim, Don Logan *in propria persona*

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PROOF OF SERVICE OF DOCUMENTS

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is PO Box 1564 Costa Mesa CA 92627.

A true and correct copy of the foregoing document(s) described as:

Motion for order of Contempt of Court for the commission of Perjury on Charles Luckey McDowell & Deceleration of Don Logan in support of order will be served or was served (a) on the Judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. SERVED VIA NOTICE OF E MAIL

Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by e mail. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

Keith C. Owens
Foley & Lardner LLP
555 South Flower Street, 35th Floor
Los Angeles, CA 90071-2411
kowens@foley.com

United States Trustee (SA)
411 W Fourth St., Suite 9041
Santa Ana, CA 92701-4593
ustpreion16.sa.ecf@usdoj.gov

Robert P Goe
Goe & Forsythe, LLP
18101 Von Karman, Ste 510
Irvine, CA 92612
kmurphy@goeforlaw.com

On May 3th, 2011, I served the following persons and/or entities.

Via personal delivery
Debtor Cobalis Corporation
Attn: Chaslav Radovich, President
2030 Main Street, Suite 1300
Irvine, CA 92614

Via Personal Delivery to Chambers
The Honorable Theodor C. Albert
U.S. Bankruptcy Court – Santa Ana
411 West Fourth Street,
Santa Ana, CA 92701

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Via e mail

C. Luckey McDowell
Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980
Email: luckey.mcdowell@bakerbotts.com

Via e mail

Richard B. Harper
Kristin E. Flood
Baker Botts LLP
30 Rockefeller Plaza, 44th Floor
New York, NY 10112
Email: richard.harper@bakerbotts.com

Via Email

David Filler / John Kelso
Levey, Filler, Rodriguez, Kelso & DeBianchi
1688 Meridian Ave., Ste. 902
Miami Beach, FL 33139
Email: dfiller@leveyfiller.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

| | | |
|-----------------|------------------|----------------------|
| <u>05/03/11</u> | <u>Don Logan</u> | <u>/s/ Don Logan</u> |
| Date | Type Name | Signature |

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Central District of California

United States of America)
v.)
Charles Luckey McDowell) Case No.
a.k.a.)
Luckey McDowell)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, & April 5, 2011 in the county of Orange in the Central District of California, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Code Section: 18 U.S.C. 1621, 18 U.S.C. 1622, 18 U.S.C. 1623(a). Offense Description: Perjury. having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify Presenting material false statements under oath before or ancillary to federal court. Subornation of perjury, attempting to induce another person to perjure themselves. "(1) knowingly made a (2) false (3) material declaration (4) under oath (5) in a proceeding before or ancillary to any court or grand jury of the United States."

This criminal complaint is based on these facts:

See attached affidavit is support of Perjury declaration of D Ramey Logan. Attached exhibits: Transcripts hearings: Judge Albert, Santa Ana California Feb, 11 2011 3pm; April 5, 2011 3pm

Continued on the attached sheet.

Complainant's signature

D Ramey Logan in propria persona

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/06/2011

Judge's signature

City and state: Santa Ana, California

Printed name and title

Keith C. Owens (CA State Bar No. 184841)

FOLEY & LARDNER LLP

555 South Flower Street, Suite 3500

Los Angeles, California 90071-2411

Telephone: 213.972.4500

Facsimile: 213.486.0065

Email: kowens@foley.com

C. Luckey McDowell (TX State Bar No. 24034565)

BAKER BOTTS L.L.P.

2001 Ross Avenue

Dallas, Texas 75201-2980

Telephone: 214.953.6500

Facsimile: 214.661.6503

Email: luckey.mcdowell@bakerbotts.com

Counsel for YA Global Investments, L.P.

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

FILED & ENTERED

FEB 11 2011

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY steinber DEPUTY CLERK

In re:

COBALIS CORPORATION,

Debtor.

Cobalis Corporation

v.

**Cornell Capital Partners LP,
Yorkville Advisors LLC, and
YA Global Investments, L.P.**

Case No 8:07-bk-12347-TA

Chapter 11

Adversary No. 8:09-ap-01705-TA

ORDER TO SHOW CAUSE

Date: January 18, 2011

Time: 11:00 a.m. PST

Ctrm: 5B

OSC Hearing: April 5, 2011

Time: 2:00 p.m. PST

Courtroom: 5B

Having considered the arguments and evidence presented at the hearing held on
January 18, 2011 (the "Hearing") related to statements made on the website www.yagiscam.com
(the "Website"), the Court hereby:

Exhibit 1

1 1. **ORDERS** Don R. Logan ("Mr. Logan") to show cause why Mr. Logan should not
2 be held in contempt of court and enjoined from making statements regarding the above-
3 captioned case;

4 2. **ORDERS** Mr. Logan to appear before this Court to testify regarding the creation
5 of the Website, Mr. Logan's involvement and contacts with Cobalis Corporation (the "Debtor")
6 and the Debtor's counsel, how Mr. Logan obtained materials posted on the Website, and such
7 other matters that the Court may deem relevant.

8 3. Pursuant to Local Bankruptcy Rule 9020-1, a show cause hearing will be held on
9 April 5, 2011 at 2:00 p.m. PST in Courtroom 5B located at 411 West Fourth Street, Santa Ana,
10 California. Any responsive pleading to this show cause order must be filed and served on
11 counsel for YA Global Investments, L.P. ("YA Global") not later than 14 days prior to the
12 hearing. Any reply by YA Global shall be filed not later than 7 days prior to the hearing.
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23 DATED: February 11, 2011


United States Bankruptcy Judge

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Exhibit 1

PROOF OF SERVICE OF DOCUMENT

1 I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business
2 address is: Foley & Lardner, LLP, 555 S. Flower Street, Suite 3500, Los Angeles, CA 90071-2300.

3 A true and correct copy of the foregoing document described **ORDER TO SHOW CAUSE** will be
4 served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d);
and (b) in the manner indicated below:

5 **I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to
6 controlling General Order(s) and LBR(s), the foregoing document will be served by the court via NEF and
7 hyperlink to the document. On _____ I checked the CM/ECF
docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are
8 on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

9 **NOTE:** - Proposed orders are not docketed. Therefore, do not list any addresses in Category I.

10 **II. SERVED BY UNITED STATES MAIL OR OVERNIGHT MAIL** (indicate method for each person or
11 entity served): On January 21, 2011 I served the following person(s) and/or entity(ies) at the last known
12 address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in
a sealed envelope in the United States mail, first class, postage prepaid, and/or with an overnight mail
service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will
be completed no later than 24 hours after the document is filed.

13 Via U.S. Mail
14 Don Logan
20191 Cape Coral Ln. 107
15 Huntington Beach, CA 92646-8515

Via U.S. Mail
Gregory Grantham
Law Office of Gregory Grantham
610 Newport Center Dr, Ste 600
Newport Beach, CA 92660

16 Via U.S. Mail
17 Office of the United States Trustee
411 West Fourth Street
18 Santa Ana, CA 92701

Service information continued on attached page

19 **III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for
20 each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 21, 2011 I
21 served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in
writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here
constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after
the document is filed.

22 By hand delivery:

- 23 • The Honorable Theodor C. Albert, USBC, 411 West Fourth Street, Santa Ana, CA 92701

24 By email transmission:

- 25 • Robert P Goe rgoe@goeforlaw.com; kmurphy@goeforlaw.com
• Warren N. Nemiroff wnemiroff@yahoo.com
26 • John Saba jsbklaw@gmail.com
• Gregory Grantham granthamgreg@gmail.com
27 • Don Logan 4thecoldtruth@gmail.com

28 **Exhibit 1**

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Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

1/21/11
Date

Susan C. Vasquez
Type Name

/s/ Susan C. Vasquez
Signature

Exhibit 1

NOTE TO USERS OF THIS FORM:

- 1) Attach this form to the last page of a proposed order or judgment. Do not file as a separate document.
- 2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
- 3) **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
- 4) **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER TO SHOW CAUSE** was entered on the date indicated as Entered on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) Pursuant to controlling General Order(s) and LBR(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of 1/25/11, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

- Robert P Goe kmurphy@goeforlaw.com,
rgoe@goeforlaw.com;mforsythe@goeforlaw.com
- Luckey McDowell luckey.mcdowell@bakerbotts.com
- Keith C Owens kowens@foley.com
- John Saba jsbklaw@gmail.com
- United States Trustee (SA) ustpreion16.sa.ccf@usdoj.gov

Service information continued on attached page

II. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Warren N Nemiroff
9595 Wilshire Blvd #900
Beverly Hills, CA 90212

Gregory Grantham
Law Offices of Gregory Grantham
610 Newport Center Drive, Suite 600
Newport Beach, CA 92660

Service information continued on attached page

III. TO BE SERVED BY THE LODGING PARTY: No later than the deadline specified in paragraph 3.b.(3) of this order, the party lodging the order must serve a complete copy bearing an Entered stamp on the persons/entities identified in paragraph 3.b.(3) using the service method(s) required by paragraph 3.b.(3).

Service information continued on attached page

Exhibit 1

Exhibit 2:

Docket Entry 118 (*in camera review*) exhibit is now sealed. *Docket Text:* Transcript regarding Hearing Held 04/05/11 RE: ORDER TO SHOW CAUSE RE: WHY MR. LOGAN SHOULD NOT BE HELD IN CONTEMPT OF COURT AND ENJOINED FROM MAKING STATEMENTS REGARDING THE ABOVE CAPTIONED CASE. Remote electronic access to the transcript is restricted until 07/14/2011.

Exhibit 2

BAKER BOTTS LLP

30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK
10112-4498

TEL +1 212.408.2500
FAX +1 212.408.2501
www.bakerbotts.com

ABU DHABI
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DALLAS
DUBAI
HONG KONG
HOUSTON
LONDON
MOSCOW
NEW YORK
PAO ALTO
RIYADH
WASHINGTON

December 18, 2009

BY OVERNIGHT DELIVERY

Richard B. Harper
TEL +1 (212) 408-2675
FAX +1 (212) 259-2475
richard.harper@bakerbotts.com

David Filler, Esq.
Levey, Filler, Rodriguez, Kelso & DeBianchi, LLP.
1688 Meridian Avenue, Suite 902
Miami, FL 33139

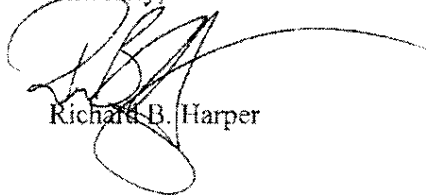
Re: *In re Cobalis Corporation v. Cornell Capital Partners, LP, Yorkville Advisors, LLC,
and YA Global Investments, LP*; Case No 8:07-bk-12347-TA

Dear David:

The purpose of this letter is to confirm that we are sending out by overnight delivery an electronic production in the above-referenced matter. More specifically, we are enclosing a computer disc with documents Bates numbered YA 000001 to YA 001030. As agreed, these documents are being produced on an "attorneys eyes only" basis pending approval by the court of a confidentiality stipulation.

Please do not hesitate to contact me if you have any questions or would like to discuss the matter further.

Sincerely,



Richard B. Harper

Copy of document that you requested from Lewis Levey is below

From: **WSGNY@aol.com** (wsgny@aol.com)
Sent: Wed 4/27/11 10:13 AM
To: logan_don@hotmail.com

Re: Representations made to Court by McDowell re: your conditional use of dep...
From: LeveyPA@aol.com
To: wsgny@aol.com
Date: Fri, Apr 1, 2011 1:01 am
Rey,

First, I do not recall ever making such an agreement in this case or any case ever. Second, I do not recall anyone asking for such an agreement in this case or any case ever. Third, if there is no agreement on the record about this, then no agreement was reached. It is standard for all agreements reached at a deposition to be placed on the record.

I miss you. Lewis

In a message dated 3/31/2011 4:47:49 P.M. Eastern Daylight Time, wsgny@aol.com writes:

Lewis,

Luckey McDowell claims that you agreed that the deposition you took of David Gonzalez was predicated on an "attorney's eyes" only basis.

I was present for the first half hour or so and do not recall any discussion about this subject. Nor does the transcript show any.

Chas gave a transcript to a journalist and it is now available on the web. McDowell is seeking to have the journalist held in contempt. There is a hearing on Tuesday, April 5th, in which I will participate by telephone.

I would like to represent to the Court that based on my personal knowledge, the deposition of Gonzalez was not subject to any special conditions.

Your thoughts, as always, are most appreciated.

Rey

-----Original Message-----

From: Don Logan <logan_don@hotmail.com>
To: Ray Olsen <wsgny@aol.com>
Sent: Wed, Apr 27, 2011 10:30 am
Subject: RE: Perjury charges upon Mc Dowell

Exhibit 4

1 Don Logan
2 P.O. Box 1564
3 Costa Mesa, California 92626
4 Tel (949) 872 6806

5 Interested Party, Don Logan *in propria persona*

6 **UNITED STATES BANKRUPTCY COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

| | |
|--|--|
| 8 In re 9 COBALIS CORP., 10 Debtor-in-Possession. | 11 Case No. 8:07:12347-TA 12 Chapter 11 |
| 13 COBALIS CORP., a Nevada corporation, 14 Plaintiff, 15 vs. 16 YA GLOBAL INVESTMENTS, L.P., a Delaware 17 limited partnership, formerly known as 18 CORNELL CAPITAL PARTNERS, LP; and 19 YORKVILLE ADVISORS, LLC, a Delaware 20 limited liability company, 21 Defendants. | 22 Adversary No. 08:09-AP-01705-TA 23 Deceleration of Mike Sorochman |

22 I, Mike Sorochman, of full age, duly sworn according to law, upon my oath hereby depose and
23 say:

- 24 1. I am the owner of 20191 Cape Coral Unit 107 Huntington Beach CA
- 25 2. The information provided herein this declaration is done so under penalty of
26 perjury. If called upon to testify in this matter I could do so competently
- 27 3. In Early 2008, I entered into a oral rental agreement with Don Logan regarding
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Exhibit 5

1 the use of 20191 Cape Coral, unit 107, HB CA. Mr Logan departed the condo in October of
2010.

- 2 4. On March 11th, 2011 I received a call from the current resident of the unit, a
3 Japanese female that was clearly in fear as, in her words "2 Thugs were at the
4 door demanding a Mr. Logan" She refused entry to the unit and tried to inform
5 the men that no Mr. Logan lived in the unit anymore.
6 5. After she refused entry to the Thugs, she was on the phone with me and
7 described how these men were going door to door and harassing the tenants near
8 my unit.
9 6. I have spoke to the people that these men harassed and each is now in fear of Mr.
10 Logan, as a result of these men and the harassment that was delivered by them.
11 7. Mr. Logan was always polite and courteous in the complex, and these thugs have
12 clearly scared the people that Mr. Logan is relying upon in his legal case as
13 witnesses. Many of them have expressed concern after the visit by the Thugs.

14 Mike Sorochman

15  5-3-11

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Exhibit 5